

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

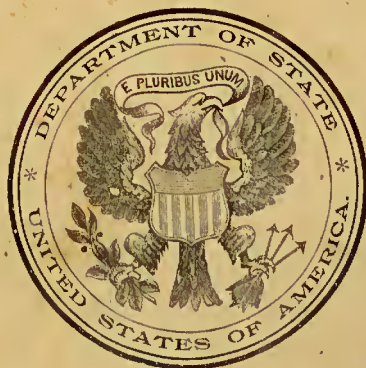
WITH

THE ANNUAL MESSAGE OF THE PRESIDENT,

TRANSMITTED TO CONGRESS

DECEMBER 2, 1895.

PART II.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1896.

30.2
E79

PR
1180

BIBLIOTECA	CONSEJO FEDERAL
Est. volumen	de - se registrado
sub número	2968
de año de	1946

LIST OF PAPERS, WITH SUBJECTS OF CORRESPONDENCE.

GREECE.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
43	Mr. Gresham to Mr. Alexander.	Feb. 21	Trade-marks.....	759
	Mr. Alexander to Mr. Gresham (telegram).	Mar. 16	do.....	759
	Mr. Uhl to Mr. Alexander (telegram).	Mar. 23	do.....	760
60	Mr. Alexander to Mr. Uhl.....	Mar. 25	do.....	760
46	Mr. Adeo to Mr. Alexander.....	Apr. 22	do.....	761
68	Mr. Alexander to Mr. Uhl.....	June 18	do.....	762
74	Mr. Alexander to Mr. Adeo.....	July 25	do.....	762
75	Mr. Olney to Mr. Alexander.....	Nov. 9	do.....	763
85	Mr. Alexander to Mr. Olney.....	Dec. 17	do.....	763
		1896.		
81	Mr. Olney to Mr. Alexander.....	Jan. 21	do.....	764

GUATEMALA.

		1894.		
	Mr. Lazo Arriaga to Mr. Gresham.	Nov. 28	Relations with Mexico.....	766
161	Mr. Young to Mr. Gresham....	Feb. 21	Arrest of W. H. Argall, Henry Thomas, and Robert Pardee.	771
2	Mr. Uhl to Mr. Lazo Arriaga...	May 11	do.....	773
172	Mr. Uhl to Mr. Young.....	May 15	do.....	773
	Mr. Lazo Arriaga to Mr. Gresham.	May 20	Relations with Mexico.....	769
3	Mr. Uhl to Mr. Lazo Arriaga...	May 25	do.....	771
179	Mr. Young to Mr. Gresham.....	do	Arrest of W. H. Argall, Henry Thomas, and Robert Pardee.	774
180	Mr. Olney to Mr. Pringle.....	June 25	do.....	774
		1896.		
263	Mr. Olney to Mr. Young.....	Jan. 30	Claim of J. H. Hollander.....	775

HAITI.

		1894.		
91	Mr. Terres to Mr. Gresham.....	Oct. 6	Expulsion of Eugene Wiener.....	800
66	Mr. Gresham to Mr. Smythe....	Nov. 5	do.....	801
104	Mr. Smythe to Mr. Gresham.....	Dec. 12	do.....	803
106	Mr. Smythe to Mr. Gresham.....	Dec. 17	do.....	803
108	Mr. Smythe to Mr. Gresham.....	Dec. 18	do.....	806
		1895.		
	Mr. Haentjens to Mr. Gresham:	Jan. 12	do.....	807
110	Mr. Smythe to Mr. Gresham.....	Jan. 14	do.....	808
1	Mr. Gresham to Mr. Haentjens.	Jan. 21	do.....	809
76	Mr. Gresham to Mr. Smythe.....	Jan. 24	do.....	811
77	Mr. Gresham to Mr. Smythe.....	Jan. 31	Claim of Bernard Campbell.....	810
118	Mr. Smythe to Mr. Gresham.....	Feb. 9	Discriminating tonnage dues in favor of sailing vessels.	810
		do	do.....	810
119	Mr. Smythe to Mr. Gresham.....	Feb. 15	do.....	812
122	Mr. Smythe to Mr. Gresham.....	Feb. 23	Claim of Bernard Campbell.....	813
82	Mr. Uhl to Mr. Smythe.....	Mar. 7	do.....	813
88	Mr. Uhl to Mr. Smythe.....	Mar. 27	do.....	814
149	Mr. Terres to Mr. Uhl.....	June 5	Attachment of indemnity due Richard Allen	816
102	Mr. Olney to Mr. Terres.....	June 21	do.....	816
153	Mr. Terres to Mr. Olney.....	July 9	do.....	817
106	Mr. Adeo to Mr. Terres.....	Aug. 2	do.....	

HAWAII.

No.	From and to whom.	Date.	Subject.	Page.
1895.				
84	Mr. Willis to Mr. Gresham	Jan. 30	Political events.....	818
85	Mr. Willis to Mr. Gresham	Feb. 2	do	823
86	Mr. Willis to Mr. Gresham	Feb. 8	do	823
	Mr. Peterson to Mr. Uhl (tele- gram).	Feb. 10	do	826
10	Mr. Peterson to Mr. Uhl	Feb. 12	do	826
	Mr. Thurston to Mr. Gresham ..	Feb. 15	Alleged violation of the United States neu- trality laws.	867
87	Mr. Willis to Mr. Gresham	Feb. 16	Political events	832
	Mr. Willis to Mr. Gresham (tele- gram).	Feb. 17	do	834
65	Mr. Gresham to Mr. Willis	Feb. 21	Recall of Minister Thurston	876
67	Mr. Gresham to Mr. Willis	Feb. 23	Political events	834
	Mr. Willis to Mr. Gresham (tele- gram).	do ..	do	835
88	Mr. Willis to Mr. Gresham	do ..	do	835
90	Mr. Willis to Mr. Gresham	do ..	do	840
	Mr. Gresham to Mr. Peterson (telegram).	Feb. 25	do	842
	Mr. Gresham to Mr. Willis (tele- gram).	do ..	do	842
66	Mr. Gresham to Mr. Willis	do ..	do	842
	Mr. Gresham to Mr. Willis (tele- gram).	Feb. 26	do	843
12	Mr. Peterson to Mr. Uhl	do ..	do	844
	Mr. Thurston to Mr. Gresham ..	do ..	Alleged violation of the United States neu- trality laws.	872
69	Mr. Gresham to Mr. Willis	Feb. 23	Political events.....	846
92	Mr. Willis to Mr. Gresham	Mar. 5	do	846
93	Mr. Willis to Mr. Gresham	Mar. 7	do	848
94	Mr. Willis to Mr. Gresham	do ..	do	850
	Mr. Thurston to Mr. Gresham ..	Mar. 15	Alleged violation of United States neutral- ity laws.	873
3	Mr. Uhl to Mr. Thurston	Mar. 16	do	873
95	Mr. Willis to Mr. Gresham	Mar. 20	Political events.....	851
	Mr. Thurston to Mr. Gresham ..	Mar. 23	do	852
97	Mr. Willis to Mr. Gresham	Mar. 28	do	852
74	Mr. Gresham to Mr. Willis	Apr. 5	do	853
104	Mr. Willis to Mr. Gresham	Apr. 25	do	854
105	Mr. Willis to Mr. Gresham	May 2	Recall of Minister Thurston	879
107	Mr. Willis to Mr. Gresham	May 7	do	879
109	Mr. Willis to Mr. Gresham	May 8	Political events	854
83	Mr. Uhl to Mr. Willis	May 14	do	854
113	Mr. Willis to Mr. Gresham	June 1	do	856
93	Mr. Uhl to Mr. Willis	do ..	Recall of Mr. Thurston	881
116	Mr. Willis to Mr. Gresham	June 3	Political events	858
	Mr. Willis to Mr. Uhl (telegram).	do ..	Recall of Mr. Thurston	881
98	Mr. Olney to Mr. Willis	June 12	Political events	859
99	Mr. Olney to Mr. Willis	do ..	do	860
122	Mr. Willis to Mr. Uhl	June 26	do	861
124	Mr. Willis to Mr. Olney	July 5	do	861
18	Mr. Peterson to Mr. Uhl	Aug. 5	do	862
120 ^{bis}	Mr. Willis to Mr. Olney	Aug. 12	do	863
130	Mr. Willis to Mr. Olney	Aug. 14	do	864
133	Mr. Willis to Mr. Adee	Sept. 4	do	864
21	Mr. Rockhill to Mr. Peterson ..	Sept. 16	do	865
140	Mr. Willis to Mr. Olney	Oct. 20	do	865
121	Mr. Olney to Mr. Willis	Nov. 13	do	867
	Mr. Castle to Mr. Olney	Nov. 19	Alleged violation of the United States neu- trality laws.	874
1	Mr. Olney to Mr. Hatch	Dec. 11 1896.	do	875
145	Mr. Willis to Mr. Olney	Jan. 6	Political events.....	867

HONDURAS.

1895.				
	Mr. Uhl to Mr. Young (tele- gram).	Mar. 19	Murder of Charles W. Renton.....	882
	Mr. Young to Mr. Uhl (tele- gram).	Mar. 23	do	882
	Mr. Uhl to Mr. Young (tele- gram).	May 24	do	882
	Mr. Young to Mr. Gresham (tel- egram).	May 26	do	882
187	Mr. Pringle to Mr. Uhl	July 15	do	883
59	Mr. Lazo Arriaga to Mr. Olney ..	June 17	do	889

LIST OF PAPERS.

V

HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
	Mr. Pringle to Mr. Olney (tele-gram).	June 25	Murder of Charles W. Renton.....	890
183	Mr. Uhl to Mr. Young.....	July 2	do.....	890
191	Mr. Pringle to Mr. Olney.....	do.....	do.....	919
186	Mr. Adeo to Mr. Pringle.....	July 9	do.....	919
190	Mr. Adeo to Mr. Pringle.....	July 16	Status in Honduras of American citizens of Honduran birth.	935
217	Mr. Olney to Mr. Young.....	Sept. 16	Murder of Charles W. Renton.....	920
220	Mr. Pringle to Mr. Olney.....	Sept. 26	do.....	920
	Mr. Young to Mr. Olney (tele-gram).	Dec. 27	do.....	934
		1896.		
	Mr. Olney to Mr. Young (tele-gram).	Feb. 6	do.....	934
265	Mr. Olney to Mr. Young.....	Feb. 12	do.....	954
5	Mr. Olney to Mr. Lazo Arriaga.	do.....	do.....	934

ITALY.

		1895.		
90	Mr. MacVeagh to Mr. Gresham.	Feb. 6	Arbitration by the President of the Cerruti claims against Colombia.	957
	Mr. Gresham to Mr. MacVeagh (telegram).	Feb. 28	do.....	960
92	Mr. Gresham to Mr. MacVeagh.	Mar. 1	do.....	960
	Baron Fava to Mr. Gresham...	Mar. 13	Killing of Italian laborers in Colorado.....	938
8	Mr. Uhl to Baron Fava.....	do.....	do.....	939
	Baron Fava to Mr. Gresham.....	Mar. 14	do.....	939
	Mr. Uhl to Baron Fava.....	do.....	do.....	939
	Mr. Uhl to Baron Fava.....	Mar. 15	do.....	940
	Mr. Uhl to Baron Fava.....	Mar. 16	do.....	941
	Mr. Uhl to Baron Fava.....	do.....	do.....	941
	Baron Fava to Mr. Gresham.....	do.....	do.....	942
	Baron Fava to Mr. Gresham.....	do.....	do.....	942
	Mr. Uhl to Baron Fava.....	Mar. 18	do.....	942
	Baron Fava to Mr. Gresham.....	do.....	do.....	943
	Mr. Uhl to Baron Fava.....	Mar. 20	do.....	943
	Baron Fava to Mr. Gresham.....	Mar. 27	do.....	944
	Mr. Gresham to Governor McIntire.	Apr. 5	do.....	946
11	Mr. Uhl to Baron Fava.....	Apr. 6	do.....	947
20	Mr. Gresham to Baron Fava.....	Apr. 18	do.....	947
102	Mr. Gresham to Mr. MacVeagh.	Apr. 25	Evidence of citizenship of persons born abroad of naturalized fathers.	968
	Baron Fava to Mr. Gresham...	May 11	Observance of the Brussels act of July 9, 1890, concerning the slave trade and the prohibition of arms and ammunition in Ethiopia.	960
	Baron Fava to Mr. Gresham.....	May 16	Louisiana inheritance tax.....	966
37	Mr. Olney to Baron Fava.....	June 13	Killing of Italian laborers in Colorado.....	948
41	Mr. Olney to Baron Fava.....	June 20	Observance of the Brussels act of July 9, 1890, concerning the slave trade and the prohibition of arms and ammunition in Ethiopia.	964
43	Mr. Olney to Baron Fava.....	June 24	Killing of Italian laborers in Colorado.....	949
44	Mr. Olney to Baron Fava.....	June 25	do.....	950
	Mr. Adeo to Baron Fava.....	July 27	Louisiana inheritance tax.....	967
	Baron Fava to Mr. Olney.....	Oct. —	Killing of Italian laborers in Colorado.....	950
	Mr. Uhl to Baron Fava.....	Oct. 23	do.....	952
	Mr. Uhl to Governor McIntire.....	do.....	do.....	952
	Baron Fava to Mr. Olney.....	Nov. 27	do.....	953
	Baron Fava to Mr. Olney.....	Nov. 29	do.....	953
88	Mr. Olney to Baron Fava.....	Dec. 2	do.....	954
	Mr. Olney to Governor McIntire.	Dec. 27	do.....	955
		1896.		
	Governor McIntire to Mr. Olney.	Jan. 7	do.....	955
	Governor McIntire to Mr. Olney.	Jan. 15	do.....	955
	Mr. Olney to Governor McIntire.	Jan. 21	do.....	956
	President's message.....	Feb. 3	do.....	938

JAPAN.

		1895.		
	Mr. Kurino to Mr. Gresham....	Mar. 23	Good relations.....	969
	Mr. Gresham to Mr. Kurino....	Mar. 27	do.....	970
	Mr. Uhl to Mr. Dun (telegram).	May 18	Bering Sea regulations.....	970
	Thanks of the Emperor.....	Nov. 1	Good offices to Japanese subjects in China...	969

KOREA.

No.	From and to whom.	Date.	Subject.	Page.
		* 1895.		
87	Mr. Adce to Mr. Sill.....	July 9	Korean independence.....	971
	Mr. Dun to Mr. Olney (telegram)	Oct. 9	Political events.....	971
	Mr. Dun to Mr. Olney (telegram)	Oct. 12	do	971
	Mr. Dun to Mr. Olney (telegram)	Oct. 14	do	972
	Mr. Sill to Mr. Olney (telegram)	Oct. 26	do	972
	Mr. Sill to Mr. Olney (telegram)	Nov. 9	do	972
	Mr. Sill to Mr. Olney (telegram)	Nov. 10	do	972
	Mr. Olney to Mr. Sill.....	Nov. 11	do	972
	Mr. Olney to Mr. Sill (telegram)	Nov. 20	do	973
125	Mr. Olney to Mr. Sill.....	Nov. 21	do	973
	Mr. Sill to Mr. Olney (telegram)	Dec. 1	do	974
	Mr. Olney to Mr. Sill (telegram)	Dec. 2	do	974
130	Mr. Olney to Mr. Sill.....	Dec. 31	do	974
		1896.		
	Mr. Olney to Mr. Sill.....	Jan. 10	do	975
132	Mr. Olney to Mr. Sill.....	Jan. 11	do	975
	Mr. Sill to Mr. Olney (telegram)	Jan. 13	do	976
189	Mr. Sill to Mr. Olney.....	Jan. 20	do	977

MEXICO.

	Mr. Mariscal to the Mexican chargé d'affaires in Guatemala.	1894. Nov. 30	Disputed boundary between Mexico and Guatemala.	979
	Mr. Gresham to Mr. Gray (telegram).	1895. Jan. 21	do	987
	Mr. Butler to Mr. Gresham (telegram).	Jan. 24	do	988
	Mr. Gresham to Mr. Gray (telegram).	Feb. 6	do	988
	Mr. Butler to Mr. Gresham (telegram).	Feb. 12	do	989
	Mr. Butler to Mr. Gresham (telegram).	Feb. 14	Death of Minister Gray.....	994
	Mr. Butler to Mr. Gresham (telegram).	Feb. 15	do	994
	Mr. Butler to Mr. Gresham (telegram).	Feb. 16	do	994
433	Mr. Butler to Mr. Gresham.....	Feb. 17	do	995
	Mr. Gresham to Mr. Butler (telegram).	Feb. 18	do	995
437	Mr. Butler to Mr. Gresham.....	Feb. 22	do	996
357	Mr. Uhl to Mr. Butler.....	Feb. 28	do	996
	Mr. Butler to Mr. Gresham (telegram).	Apr. 1	Disputed boundary between Mexico and Guatemala.	989
476	Mr. Butler to Mr. Gresham.....	Apr. 10	do	989
45	Mr. Adce to Mr. Butler.....	July 8	Assumption of Mexican citizenship to evade extradition.	997
	Mr. Butler to Mr. Olney (telegram).	July 17	do	997
	Mr. Adce to Mr. Butler (telegram).	July 18	do	997
	Mr. Adce to Mr. Butler (telegram).	July 19	do	998
	Mr. Butler to Mr. Olney (telegram).	July 20	do	998
	Mr. Butler to Mr. Olney (telegram).	July 25	do	998
38	Mr. Butler to Mr. Olney.....	do	do	998
	Mr. Butler to Mr. Olney (telegram).	July 26	do	1001
	Mr. Adce to Mr. Butler (telegram).	July 27	do	1001
40	Mr. Butler to Mr. Olney.....	July 30	do	1002
48	Mr. Butler to Mr. Olney.....	Aug. 20	Disputed boundary between Mexico and Guatemala.	991
69	Mr. Ransom to Mr. Olney.....	Sept. 21	do	993
	Mr. Olney to Mr. Ransom (telegram).	Oct. 4	do	993
75	Mr. Ransom to Mr. Olney.....	Oct. 8	do	993
82	Mr. Ransom to Mr. Olney.....	Nov. 9	Mexican laws concerning alienship and naturalization.	1011
131	Mr. Olney to Mr. Ransom.....	Dec. 13	Assumption of American citizenship to evade extradition.	1008
		1896.		
103	Mr. Butler to Mr. Olney.....	Jan. 2	do	1010
115	Mr. Butler to Mr. Olney.....	Jan. 25	do	1010

NETHERLANDS.

No.	From and to whom.	Date.	Subject.	Page.
		1894.		
	Mr. Planten to Mr. Gresham....	Aug. 31	Salt and sugar duties	1019
	Mr. Uhl to Mr. Planten	Sept. 1	do	1019
	Mr. Planten to Mr. Gresham....	Sept. 14	do	1019
	Mr. Gresham to Mr. Planten....	Sept. 17	do	1020
	Mr. Gresham to Mr. Planten....	Sept. 18	do	1021
	Mr. Planten to Mr. Gresham....	Sept. 25	do	1021
	Mr. Gresham to Mr. Planten....	Sept. 27	do	1021
	Mr. Planten to Mr. Gresham....	do	do	1022
	Mr. Planten to Mr. Gresham....	Oct. 2	do	1022
	Mr. Uhl to Mr. Planten	Oct. 4	do	1023
	Mr. Uhl to Mr. Planten	Oct. 5	do	1023
	Mr. Uhl to Mr. Planten	Oct. 11	do	1023
	Mr. Planten to Mr. Gresham....	Oct. 13	do	1024
	Mr. Uhl to Mr. deWeckherlin..	Dec. 29	do	1024

NICARAGUA.

		1895.		
490	Lord Kimberley to Dr. Barrios..	Feb. 26	British demands	1025
	Mr. Baker to Mr. Gresham	Mar. 10	Death of Catarino E. Garza	1035
	Mr. Guzman to Mr. Gresham ...	Apr. 13	British demands	1029
	Mr. Baker to Mr. Gresham	do	do	1029
503	(telegram).			
	Mr. Baker to Mr. Gresham	Apr. 15	do	1029
	Mr. Matus to Mr. Guzman	Apr. 22	do	1030
	Mr. Matus to Mr. Guzman	Apr. 23	do	1030
	Mr. Baker to Mr. Gresham	Apr. 24	do	1030
	(telegram).			
506	Mr. Baker to Mr. Gresham	do	do	1031
	Admiral Stephenson to the Nicaraguan Government.	Apr. 25	do	1032
	Mr. Baker to Mr. Gresham	Apr. 27	do	1032
	(telegram).			
	Mr. Baker to Mr. Gresham	do	do	1033
	(telegram).			
	Mr. Baker to Mr. Gresham	Apr. 29	do	1033
	(telegram).			
	Mr. Baker to Mr. Gresham	May 6	do	1033
	(telegram).			
325	Mr. Uhl to Mr. Baker	do	do	1033
528	Mr. Baker to Mr. Uhl	June 3	Incorporation of the Mosquito Territory into Nicaragua.	1034
531	Mr. Baker to Mr. Uhl	do	British demands	1034

PERU.

		1877.		
84	Mr. Evarts to Mr. Gibbs	Oct. 31	Claims of the Hydrographic Commission of the Amazon.	1036
90	Mr. Seward to Mr. Gibbs	Dec. 17	do	1037
		1878.		
245	Mr. Gibbs to Mr. Evarts	Apr. 27	do	1037
108	Mr. Seward to Mr. Gibbs	May 31	do	1038
208	Mr. Gibbs to Mr. Evarts	July 24	do	1038
		1879.		
129	Mr. Evarts to Mr. Gibbs	Jan. 13	do	1039
300	Mr. Gibbs to Mr. Evarts	Jan. 22	do	1039
136	Mr. Evarts to Mr. Gibbs	Feb. 21	do	1040
8	Mr. Evarts to Mr. Christiancy ..	Apr. 28	do	1040
40	Mr. Christiancy to Mr. Evarts ..	July 23	do	1040
		1885.		
119	Mr. Bayard to Mr. Phelps	Apr. 13	do	1041
31	Mr. Buck to Mr. Bayard	Sept. 18	do	1041
30	Mr. Bayard to Mr. Buck	Oct. 19	do	1042
		1889.		
14	Mr. Adee to Mr. Hicks	Sept. 11	do	1042
49	Mr. Hicks to Mr. Blaine	Nov. 14	do	1043
22	Mr. Blaine to Mr. Hicks	Dec. 5	do	1044
56	Mr. Hicks to Mr. Blaine	Dec. 20	do	1044
		1890.		
28	Mr. Blaine to Mr. Hicks	Jan. 15	do	1044
91	Mr. Hicks to Mr. Blaine	Feb. 21	do	1044
43	Mr. Blaine to Mr. Hicks	Mar. 27	do	1045
73	Mr. Wharton to Mr. Neill	Aug. 27	do	1045
162	Mr. Neill to Mr. Blaine	Sept. 22	do	1045
171	Mr. Neill to Mr. Blaine	Oct. 15	do	1046

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
180	Mr. Hicks to Mr. Blaine.....	1890. Nov. 3	Claims of the Hydrographic Commission of the Amazon.	1047
93	Mr. Blaine to Mr. Hicks.....	Dec. 3	do	1047
139	Mr. Wharton to Mr. Hicks.....	1891. May 11	do	1047
203	Mr. Neill to Mr. Blaine.....	Aug. 22	do	1047
304	Mr. Hicks to Mr. Blaine.....	Oct. 1	do	1048
318	Mr. Hicks to Mr. Blaine.....	Oct. 26	do	1049
182	Mr. Blaine to Mr. Hicks.....	Nov. 17	do	1049
355	Mr. Hicks to Mr. Blaine.....	1892. Apr. 1	do	1049
357	Mr. Hicks to Mr. Blaine.....	Apr. 8	do	1050
407	Mr. Neill to Mr. Blaine.....	July 27	do	1050
411	Mr. Neill to Mr. Foster.....	Aug. 3	do	1051
227	Mr. Adee to Mr. Hicks.....	Sept. 1	do	1051
421	Mr. Hicks to Mr. Foster.....	Sept. 2	do	1052
425	Mr. Hicks to Mr. Foster.....	Sept. 16	do	1052
235	Mr. Wharton to Mr. Hicks.....	Oct. 27	do	1052
115	Mr. Uhl to Mr. McKenzie.....	1895. June 7	do	1053
223	Mr. McKenzie to Mr. Olney.....	July 15	do	1053
237	Mr. Neill to Mr. Olney.....	Aug. 29	do	1053
243	Mr. Neill to Mr. Olney.....	Sept. 13	do	1054
131	Mr. Olney to Mr. Neill.....	Sept. 26	do	1054
146	Mr. Olney to Mr. McKenzie.....	Dec. 31	do	1055

RUSSIA.

6	Mr. Gresham to Prince Cantacuzène.	1895. Feb. 16	Commercial relations	1119
46	Mr. Gresham to Mr. Breckinridge.	Apr. 15	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1056
50	Mr. Uhl to Mr. Breckinridge....	May 3	Arrest of John Ginzberg	1081
54	Mr. Uhl to Mr. Breckinridge....	May 15	do	1082
57	Mr. Uhl to Mr. Breckinridge....	May 16	Asylum for missionaries on Russian territory.	1074
70	Mr. Breckinridge to Mr. Gresham	do	Russian finances.	1123
71	Mr. Breckinridge to Mr. Gresham	May 17	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1056
74	Mr. Breckinridge to Mr. Gresham	May 18	Arrest of John Ginzberg	1083
81	Mr. Peirce to Mr. Gresham.....	May 27	do	1090
85	Mr. Peirce to Mr. Uhl.....	May 30	do	1090
69	Mr. Uhl to Mr. Peirce.....	June 3	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1058
89	Mr. Peirce to Mr. Uhl.....	June 4	Asylum for missionaries on Russian territory.	1074
91	Mr. Peirce to Mr. Uhl.....	June 13	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1058
79	Mr. Olney to Mr. Peirce.....	June 15	Arrest of John Ginzberg	1091
97	Mr. Breckinridge to Mr. Olney..	June 27	Permission to leave Russia to be obtained by petition.	1122
92	Mr. Adee to Mr. Peirce.....	July 5	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1059
97	Mr. Adee to Mr. Breckinridge..	July 19	do	1060
	Mr. Somow to Mr. Olney.....	July 22	Commercial relations	1120
110	Mr. Breckinridge to Mr. Olney..	July 24	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1061
10	Mr. Adee to Mr. Somow.....	July 30	Commercial relations	1121
120	Mr. Breckinridge to Mr. Olney..	July 31	Permission to leave Russia to be obtained by petitions.	1122
	Mr. Somow to Mr. Olney.....	Aug. 7	Protection of the fur seal.	1114
	Mr. Somow to Mr. Adee.....	do	do	1115
127	Mr. Breckinridge to Mr. Olney..	Aug. 15	Asylum for missionaries on Russian territory.	1075
107	Mr. Adee to Mr. Breckinridge..	Aug. 22	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1067
130	Mr. Breckinridge to Mr. Olney..	do	Arrest of John Ginzberg	1092
	Mr. Breckinridge to Mr. Olney (telegram).	Aug. 23	Asylum for missionaries on Russian territory.	1077
132	Mr. Breckinridge to Mr. Olney..	Aug. 24	do	1077
133	Mr. Breckinridge to Mr. Olney..	Aug. 28	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1068
135	Mr. Breckinridge to Mr. Olney..	Aug. 29	Arrest of John Ginzberg	1096
	Mr. Breckinridge to Mr. Olney (telegram).	Sept. 17	Asylum for missionaries on Russian territory.	1080
140	Mr. Breckinridge to Mr. Olney..	do	do	1080
144	Mr. Breckinridge to Mr. Olney..	Sept. 28	Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government.	1096

LIST OF PAPERS.

IX

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
148	Mr. Peirce to Mr. Olney.....	Oct. 4	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1070
151	Mr. Peirce to Mr. Olney.....	Oct. 10	Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government.	1096
126	Mr. Olney to Mr. Breckinridge..	Oct. 12	do.....	1103
17	Mr. Olney to Prince Cantacuzène	Oct. 15	Protection of the fur seal.....	1115
157	Mr. Peirce to Mr. Olney.....	Oct. 16	Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government.	1103
	Prince Cantacuzène to Mr. Olney	Oct. 18	Protection of the fur seal.....	1117
130	Mr. Uhl to Mr. Peirce.....	Oct. 23	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1070
161	Mr. Peirce to Mr. Olney.....	Oct. 28	Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government.	1106
138	Mr. Olney to Mr. Peirce.....	Nov. 4	do.....	1107
	Mr. Somow to Mr. Olney.....	Nov. 18	Protection of the fur seal.....	1117
	Memorandum, Mr. Somow to Mr. Olney.	Nov. 21	do.....	1118
25	Mr. Olney to Mr. Somow.....	Nov. 22	do.....	1118
179	Mr. Breckinridge to Mr. Olney.	Nov. 29	Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government.	1108
26	Mr. Olney to Mr. Somow.....	Dec. 3	Protection of the fur seal.....	1118
181	Mr. Breckinridge to Mr. Olney.	Dec. 6	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1071
190	Mr. Breckinridge to Mr. Olney.	Dec. 21	Arrest of Anton Yablkowski for becoming a naturalized American citizen without the authority of the Russian Government.	1113
156	Mr. Olney to Mr. Breckinridge.	Dec. 27	Refusal of Russian consular officers to visé United States passports in favor of Jews.	1074

SAMOA.

		1895.		
	Baron Saurma to Mr. Gresham..	Feb. 23	Correspondence with the German embassy at Washington.	1126
23	Baron Saurma to Mr. Gresham..	Feb. 26	do.....	1128
	Mr. Gresham to Baron Saurma..	Mar. 5	do.....	1128
	Baron Saurma to Mr. Gresham..	Mar. 9	do.....	1129
	Baron Saurma to Mr. Gresham..	Mar. 13	do.....	1130
	Baron Saurma to Mr. Gresham..	Mar. 19	do.....	1130
	Sir Julian Pauncefote to Mr. Gresham.	Mar. 20	Correspondence with the British embassy at Washington.	1150
	Memorandum from British ambassador.	Mar. 26	do.....	1150
45	Mr. Gresham to Baron Saurma..	Apr. 18	Correspondence with the German embassy at Washington.	1134
81	Mr. Gresham to Sir Julian Pauncefote.	do.....	Correspondence with the British embassy at Washington.	1151
52	Mr. Gresham to Baron Saurma..	Apr. 24	Correspondence with the German embassy at Washington.	1135
86	Mr. Gresham to Sir Julian Pauncefote.	do.....	Correspondence with the British embassy at Washington.	1152
54	Mr. Gresham to Baron Saurma..	Apr. 25	Correspondence with the German embassy at Washington.	1136
55	Mr. Gresham to Baron Saurma..	do.....	do.....	1137
87	Mr. Gresham to Sir Julian Pauncefote.	Apr. 26	Correspondence with the British embassy at Washington.	1152
88	Mr. Gresham to Sir Julian Pauncefote.	do.....	do.....	1152
	Baron von Ketteler to Mr. Gresham.	May 13	Correspondence with the German embassy at Washington.	1138
77	Baron von Ketteler to Mr. Olney.	May 14	do.....	1139
	Mr. Olney to Baron von Ketteler.	June 17	do.....	1141
	Baron von Thielmann.....	July 22	do.....	1141
	Lord Gough to Mr. Olney.....	July 24	Correspondence with the British embassy at Washington.	1153
13	Mr. Adce to Baron Von Thielmann.	July 25	Correspondence with the German embassy at Washington.	1142
160	Mr. Adce to Lord Gough.....	July 30	Correspondence with the British embassy at Washington.	1153
	Baron Von Thielmann to Mr. Olney.	Aug. 11	Correspondence with the German embassy at Washington.	1142
	Lord Gough to Mr. Adce.....	Sept. 17	Correspondence with the British embassy at Washington.	1154
	Baron Von Thielmann to Mr. Olney.	Sept. 19	Correspondence with the German embassy at Washington.	1143

SAMOA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
160	Sir Julian Pauncefote to Mr. Olney.	Sept. 27	Correspondence with the British embassy at Washington.	1155
	Baron Von Thielmann to Mr. Olney.	Sept. 30	Correspondence with the German embassy at Washington.	1144
53	Mr. Olney to Baron Von Thielmann.	Oct. 7	do.....	1144
215	Mr. Olney to Sir Julian Pauncefote.	do...	Correspondence with the British embassy at Washington.	1155
	Sir Julian Pauncefote to Mr. Olney.	Oct. 30	do.....	1157
	Baron Von Thielmann to Mr. Olney.	Oct. 31	Correspondence with the German embassy at Washington.	1146
63	Mr. Olney to Baron Von Thielmann.	Nov. 7	do.....	1147
242	Mr. Olney to Sir Julian Pauncefote.	do...	Correspondence with the British embassy at Washington.	1158
65	Mr. Olney to Baron Von Thielmann.	Nov. 8	Correspondence with the German embassy at Washington.	1148
243	Mr. Olney to Sir Julian Pauncefote.	do...	Correspondence with the British embassy at Washington.	1159
	Baron Von Ketteler to Mr. Olney.	Dec. 2	Correspondence with the German embassy at Washington.	1148
75	Mr. Olney to Mr. Von Ketteler.	Dec. 6	do.....	1149
	Sir Julian Pauncefote to Mr. Olney.	Dec. 12	Correspondence with the British embassy at Washington.	1159

SPAIN.

		1895.		
282	Mr. Taylor to Mr. Gresham.....	Jan. 4	Claim of Antonio Maximo Mora.....	1160
	Mr. Muruaga to Mr. Gresham....	Jan. 22	Enforcement of the neutrality laws of the United States.	1187
301	Mr. Taylor to Mr. Gresham.....	Feb. 9	Commercial arrangement—Cuba and Puerto Rico.	1185
5	Mr. Gresham to Mr. Muruaga...	Feb. 12	Enforcement of the neutrality laws of the United States.	1187
	Mr. Muruaga to Mr. Gresham...	Mar. 11	do.....	1188
	Mr. Gresham to Mr. Taylor.....	Mar. 14	Firing upon the United States mail steamship Alliança.	1177
	Mr. Muruaga to Mr. Gresham...	Mar. 15	Enforcement of the neutrality laws of the United States.	1189
	Mr. Taylor to Mr. Gresham.....	Mar. 15	Firing upon the United States mail steamship Alliança.	1178
318	Mr. Taylor to Mr. Gresham.....	Mar. 16	do.....	1178
	Mr. Muruaga to Mr. Uhl.....	Mar. 19	do.....	1179
	Mr. Muruaga to Mr. Gresham...	Mar. 20	Enforcement of the neutrality laws of the United States.	1190
9	Mr. Gresham to Mr. Muruaga...	Mar. 21	do.....	1191
	Mr. Taylor to Mr. Gresham (telegram).	Mar. 25	Firing upon the United States mail steamship Alliança.	1179
	Mr. Gresham to Mr. Taylor (telegram).	do...	do.....	1180
	Mr. Muruaga to Mr. Gresham...	Mar. 30	Enforcement of the neutrality laws of the United States.	1191
10	Mr. Gresham to Mr. Muruaga.....	do...	do.....	1191
11	Mr. Gresham to Mr. Muruaga.....	Apr. 1	do.....	1192
12	Mr. Gresham to Mr. Muruaga.....	do...	do.....	1193
13	Mr. Gresham to Mr. Muruaga.....	Apr. 3	Firing upon the United States mail steamship Alliança.	1180
	Mr. Muruaga to Mr. Gresham...	Apr. 4	Enforcement of the neutrality laws of the United States.	1193
16	Mr. Uhl to Mr. Muruaga.....	Apr. 6	do.....	1193
	Mr. Taylor to Mr. Gresham (telegram).	Apr. 11	Firing upon the United States mail steamship Alliança.	1180
336	Mr. Taylor to Mr. Gresham.....	Apr. 13	do.....	1181
	Mr. Gresham to Mr. Taylor (telegram).	Apr. 16	do.....	1182
	Mr. Taylor to Mr. Gresham (telegram).	Apr. 19	do.....	1182
344	Mr. Taylor to Mr. Gresham.....	Apr. 20	do.....	1182
	Mr. Uhl to Mr. Taylor (telegram).	May 4	do.....	1183
	Mr. Uhl to Mr. Taylor (telegram).	May 17	Arrest of Francisco Carrillo.....	1220
	Mr. Uhl to Mr. Taylor (telegram).	May 18	Firing upon the United States mail steamship Alliança.	1184
357	Mr. Taylor to Mr. Gresham.....	May 20	do.....	1184
	Mr. Taylor to Mr. Gresham (telegram).	do...	Arrest of Francisco Carrillo.....	1221
363	Mr. Taylor to Mr. Uhl.....	May 31	do.....	1221

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895,		
338	Mr. Uhl to Mr. Taylor	June 5	Firing upon the United States mail steam-ship Alliança.	1185
341	Mr. Uhl to Mr. Taylor	June 6	Claim of Antonio Maximo Mora	1162
	Mr. Olney to Mr. Taylor (tele-gram).	June 11	do	1163
17	Mr. Uhl to Mr. Muruaga	Apr. 6	Enforcement of the neutrality laws of the United States.	1194
349	Mr. Olney to Mr. Taylor	June 17	do	1194
350	Mr. Olney to Mr. Taylor	June 18	Arrest of Francisco Carrillo	1222
	Mr. Taylor to Mr. Olney (tele-gram).	June 19	Claim of Antonio Maximo Mora	1164
377	Mr. Taylor to Mr. Olney	June 20	do	1164
	Mr. Olney to Mr. Dupuy de Lôme.	June 22	do	1166
11	Mr. Olney to Mr. Dupuy de Lôme.	June 24	do	1167
378	Mr. Taylor to Mr. Olney	do	Firing upon the United States mail steam-ship Alliança.	1185
	Mr. Dupuy de Lôme to Mr. Olney.	do	Enforcement of the neutrality laws of the United States.	1195
	Mr. Dupuy de Lôme to Mr. Olney.	June 25	Claim of Antonio Maximo Mora	1167
13	Mr. Olney to Mr. Dupuy de Lôme.	June 27	Enforcement of the neutrality laws of the United States.	1196
	Mr. Dupuy de Lôme to Mr. Olney.	June 29	do	1196
14	Mr. Uhl to Mr. Dupuy de Lôme.	do	do	1196
	Mr. Uhl to Mr. Dupuy de Lôme.	July 2	do	1197
	Mr. Taylor to Mr. Olney (tele-gram).	July 4	Claim of Antonio Maximo Mora	1167
17	Mr. Adeo to Mr. Dupuy de Lôme	July 5	Enforcement of the neutrality laws of the United States.	1197
363	Mr. Adeo to Mr. Taylor	do	Protection of American property in Cuba.	1214
	Mr. Adeo to Mr. Taylor (tele-gram).	July 9	Claim of Antonio Maximo Mora	1168
364	Mr. Adeo to Mr. Taylor	do	do	1168
	Mr. Adeo to Mr. Dupuy de Lôme	July 10	do	1169
	Mr. Dupuy de Lôme to Mr. Olney.	July 13	do	1169
	Mr. Taylor to Mr. Olney (tele-gram).	July 16	do	1169
	Mr. Dupuy de Lôme to Mr. Olney.	July 17	do	1169
	Order in council.	do	do	1170
	Mr. Taylor to Mr. Olney (tele-gram).	do	do	1170
	Mr. Taylor to Mr. Olney (tele-gram).	July 20	do	1171
	Mr. Adeo to Mr. Taylor (tele-gram).	do	do	1171
	Memorandum	Aug. 10	do	1171
	Mr. Adeo to Mr. Taylor (tele-gram).	Aug. 12	do	1171
	Mr. Dupuy de Lôme to Mr. Olney.	Aug. 13	do	1172
	Mr. Olney to Mr. Dupuy de Lôme.	Aug. 19	do	1172
	Mr. Olney to Mr. Dupuy de Lôme.	Aug. 24	do	1172
	Mr. Adeo to Mr. Taylor (tele-gram).	do	do	1173
	Mr. Dupuy de Lôme to Mr. Adeo (telegram).	Aug. 31	Enforcement of the neutrality laws of the United States.	1198
	Mr. Adeo to Mr. Dupuy de Lôme (telegram).	do	do	1198
	Mr. Adeo to Mr. Taylor (tele-gram).	Sept. 4	Claim of Antonio Maximo Mora	1173
	Mr. Armstrong to Mr. Olney (telegram).	Sept. 5	do	1173
27	Mr. Adeo to Mr. Dupuy de Lôme.	do	Enforcement of the neutrality laws of the United States.	1198
	Mr. Adeo to Mr. Armstrong (telegram).	Sept. 6	Claim of Antonio Maximo Mora	1173
	Mr. Armstrong to Mr. Olney (telegram).	Sept. 7	do	1174
	Mr. Adeo to Mr. Armstrong (telegram).	do	do	1174
	Mr. Dupuy de Lôme to Mr. Adeo.	Sept. 8	Enforcement of the neutrality laws of the United States.	1198
	Mr. Armstrong to Mr. Olney (telegram).	Sept. 9	Claim of Antonio Maximo Mora	1174

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
	Mr. Dupuy de Lôme to Mr. Adée.	Sept. 9	Enforcement of the neutrality laws of the United States.	1199
	Agreement	Sept. 10	Claim of Antonio Maximo Mora	1174
	Mr. Dupuy de Lôme to Mr. Olney.	Sept. 13	do	1175
	Acknowledgment of settlement of claim.	Sept. 14	do	1176
	Mr. Olney to Mr. Taylor (telegram).	Sept. 17	do	1177
	Mr. Dupuy de Lôme to Mr. Olney (telegram).	do ..	Enforcement of the neutrality laws of the United States.	1199
31	Mr. Olney to Mr. Dupuy de Lôme.	Sept. 18	do	1199
32	Mr. Olney to Mr. Dupuy de Lôme.	do ..	do	1200
	Mr. Dupuy de Lôme to Mr. Olney (telegram).	Sept. 19	do	1200
	Mr. Dupuy de Lôme to Mr. Olney.	do ..	do	1200
	Mr. Armstrong to Mr. Olney.	Sept. 20	Claim of Antonio Maximo Mora	1177
33	Mr. Olney to Mr. Dupuy de Lôme.	do ..	Enforcement of the neutrality laws of the United States.	1201
34	Mr. Olney to Mr. Dupuy de Lôme.	Sept. 21	do	1201
36	Mr. Olney to Mr. Dupuy de Lôme.	Sept. 23	do	1202
	Mr. Dupuy de Lôme to Mr. Olney.	Sept. 25	do	1202
37	Mr. Olney to Mr. Dupuy de Lôme.	Sept. 26	Right of consul-general to present remonstrances.	1209
408	Mr. Olney to Mr. Taylor.	do ..	do	1211
39	Mr. Olney to Mr. Dupuy de Lôme.	Sept. 27	Enforcement of the neutrality laws of the United States.	1202
38	Mr. Olney to Mr. Dupuy de Lôme.	do ..	Expulsion of John A. Sowers, Joseph A. Ansley, Aurelio A. Ansley, and Maria Luis Ansley from Cuba.	1229
41	Mr. Olney to Mr. Dupuy de Lôme.	Oct. 1	Enforcement of the neutrality laws of the United States.	1203
	Mr. Dupuy de Lôme to Mr. Olney.	do ..	Right of consul-general to present remonstrances.	1212
	Mr. Dupuy de Lôme to Mr. Olney.	Oct. 2	Expulsion of John A. Sowers, Joseph A. Ansley, Aurelio A. Ansley, and Maria Luis Ansley from Cuba.	1230
42	Mr. Olney to Mr. Dupuy de Lôme.	Oct. 5	do	1231
	Mr. Dupuy de Lôme to Mr. Olney (telegram).	Oct. 7	Enforcement of the neutrality laws of the United States.	1203
43	Dr. Gaytan to Mr. Adée.	Oct. 8	do	1203
	Mr. Olney to Mr. Dupuy de Lôme.	do ..	do	1204
45	Mr. Olney to Mr. Dupuy de Lôme.	Oct. 11	do	1204
44	Mr. Olney to Mr. Dupuy de Lôme.	do ..	Right of consul-general to present remonstrances.	1213
46	Mr. Olney to Mr. Dupuy de Lôme.	Oct. 12	Enforcement of the neutrality laws of the United States.	1204
47	Mr. Olney to Mr. Dupuy de Lôme.	do ..	do	1205
	Mr. Taylor to Mr. Olney (telegram).	Oct. 21	Right of consul-general to present remonstrances.	1214
419	Mr. Uhl to Mr. Taylor.	Oct. 23	do	1214
	Mr. Dupuy de Lôme to Mr. Olney.	Nov. 14	Enforcement of the neutrality laws of the United States.	1205
	Mr. Dupuy de Lôme to Mr. Olney.	Nov. 23	do	1206
	Mr. Dupuy de Lôme to Mr. Olney.	Nov. 28	do	1206
	Mr. Dupuy de Lôme to Mr. Olney.	Dec. 7	do	1207
	Mr. Olney to Mr. Dupuy de Lôme.	Dec. 12	Destruction of American property in Cuba.	1216
	Mr. Olney to Mr. Dupuy de Lôme.	Dec. 28	do	1218
	Mr. Dupuy de Lôme to Mr. Olney.	Dec. 31	do	1218
		1896.		
63	Mr. Olney to Mr. Dupuy de Lôme.	Jan. 2	do	1219
	Mr. Dupuy de Lôme to Mr. Olney.	Jan. 3	do	1219

LIST OF PAPERS.

XIII

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
65	Mr. Olney to Mr. Dupuy de Lôme.	1896. Jan. 7	Destruction of American property in Cuba..	1220
70	Mr. Olney to Mr. Dupuy de Lôme.	Jan. 22	do	1220
	Mr. Olney to Mr. Dupuy de Lôme.	Jan. 26	Enforcement of the neutrality laws of the United States.	1209
	Mr. Olney to Mr. Dupuy de Lôme.	do ..	do	1209

TURKEY.

296	Mr. Uhl to Mr. Terrell.....	1894. Dec. 29	Irade for American college for girls at Scutari.	1232
376	Mr. Terrell to Mr. Gresham....	1895. Jan. 7	Violation of the domiciliary rights of Rev. L. O. Lee.	1252
386	Mr. Terrell to Mr. Gresham.....	Jan. 10	do	1253
396	Mr. Terrell to Mr. Gresham.....	Jan. 16	Irade for American college for girls at Scutari.	1232
319	Mr. Uhl to Mr. Terrell.....	Jan. 22	do	1232
328	Mr. Uhl to Mr. Terrell.....	Jan. 26	Violation of the domiciliary rights of Rev. L. O. Lee.	1254
340	Mr. Gresham to Mr. Terrell.....	Jan. 31	do	1254
	Mr. Gresham to Mr. Terrell (telegram).	Feb. 11	Protection to American missionaries.....	1237
	Mr. Terrell to Mr. Gresham (telegram).	Feb. 23	do	1237
451	Mr. Terrell to Mr. Gresham.....	Mar. 2	do	1238
	Mr. Terrell to Mr. Gresham (telegram).	Mar. 13	do	1238
460	Mr. Terrell to Mr. Gresham.....	do ..	do	1238
	Mr. Terrell to Mr. Gresham (telegram).	Mar. 14	do	1240
462	Mr. Terrell to Mr. Gresham.....	Mar. 15	do	1240
479	Mr. Terrell to Mr. Olney.....	Mar. 29	Murder of Mr. Stupe.....	1292
402	Mr. Gresham to Mr. Terrell.....	Mar. 30	Protection to American missionaries.....	1241
	Mr. Gresham to Mr. Terrell (telegram).	Apr. 2	Irade for Marsovan College.....	1236
	Mr. Terrell to Mr. Gresham (telegram).	Apr. 4	do	1236
409	Mr. Uhl to Mr. Terrell.....	do ..	Protection to American missionaries.....	1242
	Mavroyeni Bey to Mr. Gresham.	Apr. 5	Visit of United States naval vessels to Turkish waters.	1248
9	Mr. Gresham to Mavroyeni Bey.	do ..	do	1248
	Mavroyeni Bey to Mr. Gresham.	Apr. 6	do	1249
	Mavroyeni Bey to Mr. Gresham.	Apr. 7	do	1249
	Mr. Uhl to Mr. Terrell (telegram).	Apr. 8	Protection to American missionaries.....	1242
414	Mr. Uhl to Mr. Terrell.....	do ..	do	1242
10	Mr. Uhl to Mavroyeni Bey.....	do ..	Visit of United States naval vessels to Turkish waters.	1250
	Mr. Terrell to Mr. Gresham (telegram).	Apr. 14	Protection to American missionaries.....	1243
501	Mr. Terrell to Mr. Gresham.....	Apr. 15	do	1243
435	Mr. Gresham to Mr. Terrell.....	Apr. 19	Murder of Mr. Stupe.....	1293
511	Mr. Terrell to Mr. Gresham.....	Apr. 21	Protection to American missionaries.....	1244
512	Mr. Terrell to Mr. Gresham.....	do ..	do	1244
526	Mr. Terrell to Mr. Gresham.....	Apr. 27	Irade for American college for girls at Scutari.	1233
	Mavroyeni Bey to Mr. Gresham.	Apr. 30	Visit of United States naval vessels to Turkish waters.	1250
	Mr. Terrell to Mr. Gresham (telegram).	May 2	Irade for Marsovan College.....	1236
530	Mr. Terrell to Mr. Gresham.....	May 3	Death in prison of George Webber.....	1266
529	Mr. Terrell to Mr. Gresham.....	do ..	Murder of Mr. Stupe.....	1294
537	Mr. Terrell to Mr. Gresham.....	May 5	do	1295
546	Mr. Terrell to Mr. Gresham.....	May 8	Death in prison of George Webber.....	1267
461	Mr. Uhl to Mr. Terrell.....	May 10	Irade for Marsovan College.....	1236
471	Mr. Uhl to Mr. Terrell.....	May 16	Protection to American missionaries.....	1244
476	Mr. Uhl to Mr. Terrell.....	May 18	do	1245
	Mr. Uhl to Mr. Terrell (telegram).	May 20	Death in prison of George Webber.....	1268
486	Mr. Uhl to Mr. Terrell.....	May 27	do	1268
17	Mr. Uhl to Mavroyeni Bey.....	June 6	Visit of United States naval vessels to Turkish waters.	1251
	Mavroyeni Bey to Mr. Olney....	June 8	do	1252
552	Mr. Terrell to Mr. Uhl.....	June 11	Death in prison of George Webber.....	1269
	Mavroyeni Bey to Mr. Olney....	June 12	Irade for American college for girls at Scutari.	1294
21	Mr. Olney to Mavroyeni Bey.....	June 27	do	1234

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
	Mavroyeni Bey to Mr. Olney....	June 29	Trade for American college for girls at Scutari.	1234
522	Mr. Adee to Mr. Terrell.....	July 5	Death in prison of George Webber.....	1270
568	Mr. Terrell to Mr. Olney.....	July 10	Trade for American college for girls at Scutari.	1235
574	Mr. Terrell to Mr. Olney.....	July 19	Imprisonment of Creecor or Krekor Arakelian.	1295
585	Mr. Terrell to Mr. Olney.....	Aug. 4	do.....	1296
588	Mr. Terrell to Mr. Olney.....	Aug. 7	Attack on the premises of Dr. Christie at Tarsus.	1271
556	Mr. Adee to Mr. Terrell.....	Aug. 13	do.....	1272
592	Mr. Terrell to Mr. Olney.....	do.....	do.....	1273
	Mavroyeni Bey to Mr. Olney....	Aug. 17	do.....	1275
	Mavroyeni Bey to Mr. Olney....	Aug. 18	do.....	1275
	Mr. Terrell to Mr. Olney (telegram).	Aug. 21	Imprisonment of Creecor or Krekor Arakelian.	1298
31	Mr. Adee to Mavroyeni Bey....	Aug. 22	Attack on the premises of Dr. Christie at Tarsus.	1275
	Mr. Terrell to Mr. Olney (telegram).	Aug. 26	do.....	1276
603	Mr. Terrell to Mr. Olney.....	do.....	Murder of Mr. Stupe.....	1295
577	Mr. Adee to Mr. Terrell.....	Aug. 27	Attack on the premises of Dr. Christie at Tarsus.	1276
605	Mr. Terrell to Mr. Olney.....	Aug. 28	do.....	1276
615	Mr. Terrell to Mr. Olney.....	Sept. 5	do.....	1277
586	Mr. Adee to Mr. Terrell.....	Sept. 6	do.....	1281
	Mr. Terrell to Mr. Olney (telegram).	do.....	Arrest of Mardiros Mooradian.....	1300
617	Mr. Terrell to Mr. Olney.....	do.....	do.....	1301
	Mavroyeni Bey to Mr. Olney....	Sept. 9	Trade for American college for girls at Scutari.	1235
	Mr. Terrell to Mr. Olney (telegram).	do.....	Arrest of Mardiros Mooradian.....	1301
619	Mr. Terrell to Mr. Olney.....	do.....	do.....	1301
	Mr. Adee to Mr. Terrell (telegram).	Sept. 10	do.....	1303
	Mr. Terrell to Mr. Olney (telegram).	Sept. 12	do.....	1303
	Mavroyeni Bey to Mr. Olney....	Sept. 13	Attack on the premises of Dr. Christie at Tarsus.	1282
623	Mr. Terrell to Mr. Olney.....	Sept. 15	Imprisonment of Creecor or Krekor Arakelian.	1298
33	Mr. Olney to Mavroyeni Bey....	Sept. 17	Attack on the premises of Dr. Christie at Tarsus.	1283
626	Mr. Terrell to Mr. Olney.....	Sept. 18	do.....	1283
	Mr. Terrell to Mr. Olney (telegram).	Sept. 19	do.....	1283
34	Mr. Olney to Mavroyeni Bey....	Sept. 21	do.....	1284
607	Mr. Olney to Mr. Terrell.....	do.....	Arrest of Mardiros Mooradian.....	1303
610	Mr. Olney to Mr. Terrell.....	do.....	Attack on the premises of Dr. Christie at Tarsus.	1284
	Mr. Terrell to Mr. Olney (telegram).	Sept. 23	Arrest of Melcoun Guedjian.....	1304
630	Mr. Terrell to Mr. Olney.....	Sept. 24	do.....	1304
	Mr. Olney to Mr. Terrell (telegram).	Sept. 26	do.....	1308
	Mr. Terrell to Turkhan Pasha..	Sept. 28	do.....	1308
	Mr. Terrell to Mr. Olney (telegram).	Oct. 2	Riots and protection of Americans.....	1318
634	Mr. Terrell to Mr. Olney.....	Oct. 3	Trade for American college for girls at Scutari.	1235
635	Mr. Terrell to Mr. Olney.....	do.....	Riots and protection of Americans.....	1318
	Mr. Terrell to Mr. Olney (telegram).	Oct. 4	do.....	1320
625	Mr. Olney to Mr. Terrell.....	Oct. 8	Arrest of Mardiros Mooradian.....	1303
	Mr. Terrell to Mr. Olney (telegram).	do.....	Riots and protection of Americans.....	1320
638	Mr. Terrell to Mr. Olney.....	do.....	do.....	1320
639	Mr. Terrell to Mr. Olney.....	do.....	do.....	1321
	Mr. Olney to Mr. Terrell (telegram).	Oct. 9	do.....	1323
	Mr. Terrell to Mr. Olney (telegram).	Oct. 10	do.....	1323
	Mr. Olney to Mr. Terrell (telegram).	Oct. 11	do.....	1323
	Mavroyeni Bey to Mr. Olney....	Oct. 12	do.....	1324
	Mavroyeni Bey to Mr. Olney....	Oct. 14	Attack on the premises of Dr. Christie at Tarsus.	1285
632	Mr. Olney to Mr. Terrell.....	do.....	Arrest of Melcoun Guedjian.....	1309
644	Mr. Terrell to Mr. Olney.....	do.....	Imprisonment of Creecor or Krekor Arakelian.	1298
643	Mr. Terrell to Mr. Olney.....	do.....	Arrest of Melcoun Guedjian.....	1309
40	Mr. Olney to Mavroyeni Bey....	Oct. 15	Riots and protection of Americans.....	1324

LIST OF PAPERS.

XV

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1894.		
	Mr. Terrell to Mr. Olney (telegram).	Oct. 16	Riots and protection of Americans	1325
	Mr. Terrell to Mr. Olney (telegram).	Oct. 18	do	1325
650	Mr. Terrell to Mr. Olney	Oct. 22	do	1325
43	Mr. Uhl to Mavroyeni Bey	Oct. 23	Attack on the premises of Dr. Christie at Tarsus.	1286
651	Mr. Terrell to Mr. Olney	Oct. 24	Riots and protection of Americans	1325
652	Mr. Terrell to Mr. Olney	do	Arrest of Melcoun Guedjian	1310
646	Mr. Olney to Mr. Terrell	Oct. 26	Attack on the premises of Dr. Christie at Tarsus.	1287
	Mr. Terrell to Mr. Olney (telegram).	do	Riots and protection of Americans	1328
653	Mr. Terrell to Mr. Olney	Oct. 27	do	1329
654	Mr. Terrell to Mr. Olney	Oct. 28	Arrest of Melcoun Guedjian	1311
655	Mr. Terrell to Mr. Olney	Oct. 29	Riots and protection of Americans	1330
	Mr. Terrell to Mr. Olney (telegram).	Oct. 30	Arrest of Melcoun Guedjian	1314
656	Mr. Terrell to Mr. Olney	do	Riots and protection of Americans	1331
657	Mr. Terrell to Mr. Olney	do	Arrest of Melcoun Guedjian	1314
	Mr. Terrell to Mr. Olney (telegram).	do	Riots and protection of Americans	1332
	Mr. Olney to Mr. Terrell (telegram).	Oct. 31	Arrest of Melcoun Guedjian	1315
	Mr. Olney to Mr. Terrell (telegram).	do	Riots and protection of Americans	1332
	Mr. Terrell to Mr. Olney (telegram).	do	do	1332
659	Mr. Terrell to Mr. Olney	do	do	1332
	Mavroyeni Bey to Mr. Olney	Nov. 1	do	1334
	Mr. Terrell to Mr. Olney (telegram).	Nov. 2	do	1334
650	Mr. Olney to Mr. Terrell	do	do	1334
660	Mr. Terrell to Mr. Olney	Nov. 3	Arrest of Melcoun Guedjian	1315
45	Mr. Olney to Mavroyeni Bey	Nov. 5	Riots and protection of Americans	1335
	Mr. Terrell to Mr. Olney (telegram).	Nov. 7	do	1335
664	Mr. Terrell to Mr. Olney	Nov. 8	Attack on the premises of Dr. Christie at Tarsus.	1288
	Mr. Olney to Mr. Terrell (telegram).	do	Riots and protection of Americans	1336
	Mr. Terrell to Mr. Olney (telegram).	Nov. 9	do	1336
	Mr. Olney to Mr. Terrell (telegram).	Nov. 11	do	1336
667	Mr. Terrell to Mr. Olney	do	do	1336
669	Mr. Terrell to Mr. Olney	Nov. 12	Imprisonment of Creecor or Krekor Arakelian.	1299
663	Mr. Olney to Mr. Terrell	do	Arrest of Melcoun Guedjian	1317
	Mr. Terrell to Mr. Olney (telegram).	do	Riots and protection of Americans	1337
670	Mr. Terrell to Mr. Olney	do	do	1337
	Mr. Terrell to Mr. Olney (telegram).	Nov. 13	do	1339
	Mr. Terrell to Mr. Olney (telegram).	do	do	1339
674	Mr. Terrell to Mr. Olney	Nov. 14	do	1339
	Mr. Terrell to Mr. Olney	Nov. 15	do	1340
	Mr. Olney to Mr. Terrell (telegram).	do	do	1340
	Mr. Olney to Mr. Terrell (telegram).	do	do	1340
	Mr. Terrell to Mr. Olney (telegram).	Nov. 16	do	1341
	Mr. Terrell to Mr. Olney (telegram).	Nov. 17	do	1341
	Mavroyeni Bey to Mr. Olney	do	do	1341
	Mr. Terrell to Mr. Olney (telegram).	Nov. 18	do	1341
	Mr. Olney to Mr. Terrell (telegram).	do	do	1342
680	Mr. Terrell to Mr. Olney	do	do	1342
667	Mr. Olney to Mr. Terrell	Nov. 19	do	1343
	Mr. Terrell to Mr. Olney (telegram).	do	do	1344
52	Mr. Olney to Mavroyeni Bey	Nov. 21	do	1344
685	Mr. Terrell to Mr. Olney	do	do	1344
674	Mr. Olney to Mr. Terrell	Nov. 22	Arrest of Melcoun Guedjian	1317
675	Mr. Olney to Mr. Terrell	do	Riots and protection of Americans	1345

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
686	Mavroyeni Bey to Mr. Olney.....	Nov. 22	Riots and protection of Americans.....	1346
	Mr. Terrell to Mr. Olney.....	do	do	1346
	Mr. Terrell to Mr. Olney (tele-gram).	Nov. 23	do	1348
	Mr. Terrell to Mr. Olney (tele-gram).	Nov. 24	do	1349
	Mr. Olney to Mr. Terrell (tele-gram).	Nov. 25	do	1349
677	Mr. Olney to Mr. Terrell.....	do	do	1349
679	Mr. Olney to Mr. Terrell.....	Nov. 26	do	1351
680	Mr. Olney to Mr. Terrell.....	do	Attack on the premises of Dr. Christie at Tarsus.	1290
	Mr. Terrell to Mr. Olney (tele-gram).	do	Riots and protection of Americans	1351
691	Mr. Terrell to Mr. Olney.....	do	do	1351
	Mr. Olney to Mr. Terrell (tele-gram).	Nov. 27	Arrest of Meleoun Guedjian.....	1317
684	Mr. Olney to Mr. Terrell.....	do	Riots and protection of Americans.....	1352
685	Mr. Olney to Mr. Terrell.....	do	do	1355
	Mr. Terrell to Mr. Olney (tele-gram).	do	do	1356
695	Mr. Terrell to Mr. Olney.....	Nov. 28	do	1356
697	Mr. Terrell to Mr. Olney.....	Nov. 29	do	1358
698	Mr. Terrell to Mr. Olney.....	Nov. 30	do	1359
	Admiral Selfridge to the vali of Aleppo.	do	do	1386
	Mavroyeni Bey to Mr. Olney.....	Dec. 2	do	1360
	Mr. Terrell to Mr. Olney (tele-gram).	Dec. 3	Arrest of Meleoun Guedjian.....	1317
55	Mr. Olney to Mavroyeni Bey.....	do	Riots and protection of Americans.....	1360
700	Mr. Terrell to Mr. Olney.....	do	do	1360
701	Mr. Terrell to Mr. Olney.....	do	do	1361
703	Mr. Terrell to Mr. Olney.....	do	do	1366
695	Mr. Olney to Mr. Terrell.....	Dec. 4	do	1363
698	Mr. Olney to Mr. Terrell.....	do	Attack on the premises of Dr. Christie at Tarsus.	1290
	Mr. Terrell to Mr. Olney (tele-gram).	do	Riots and protection of Americans.....	1365
702	Mr. Terrell to Mr. Olney.....	do	do	1365
704	Mr. Terrell to Mr. Olney.....	do	do	1368
705	Mr. Terrell to Mr. Olney.....	do	do	1370
708	Mr. Terrell to Mr. Olney.....	do	do	1379
	Mr. Olney to Mr. Terrell (tele-gram).	Dec. 5	do	1380
709	Mr. Terrell to Mr. Olney.....	do	do	1380
710	Mr. Terrell to Mr. Olney.....	do	do	1382
	Mr. Terrell to Mr. Olney (tele-gram).	Dec. 6	do	1382
	Mr. Terrell to Mr. Olney.....	do	do	1383
713	Mr. Terrell to Mr. Olney.....	Dec. 10	do	1384
714	Mr. Terrell to Mr. Olney.....	do	do	1384
716	Mr. Terrell to Mr. Olney.....	Dec. 10	do	1385
717	Mr. Terrell to Mr. Olney.....	Dec. 11	do	1387
719	Mr. Terrell to Mr. Olney.....	Dec. 12	do	1387
720	Mr. Terrell to Mr. Olney.....	do	do	1390
	Mr. Olney to Mr. Terrell (tele-gram).	Dec. 13	do	1391
	Mr. Olney to Mr. Terrell (tele-gram).	do	do	1391
	Mr. Terrell to Mr. Olney (tele-gram).	Dec. 15	do	1391
722	Mr. Terrell to Mr. Olney.....	do	do	1392
723	Mr. Terrell to Mr. Olney.....	do	do	1395
	Mr. Olney to Mr. Terrell (tele-gram).	Dec. 16	do	1397
	Mr. Terrell to Mr. Olney (tele-gram).	do	do	1397
724	Mr. Terrell to Mr. Olney.....	do	do	1398
725	Mr. Terrell to Mr. Olney.....	do	do	1400
721	Mr. Olney to Mr. Terrell.....	Dec. 17	do	1402
	Mr. Terrell to Mr. Olney (tele-gram).	do	do	1403
728	Mr. Terrell to Mr. Olney.....	do	do	1403
729	Mr. Terrell to Mr. Olney.....	do	do	1403
	Mavroyeni Bey to Mr. Olney.....	do	do	1405
730	Mr. Terrell to Mr. Olney.....	Dec. 18	do	1405
	President's message.....	Dec. 19	Condition of affairs in Asiatic Turkey	1255
	Mr. Olney to Mr. Terrell (tele-gram).	do	Riots and protection of Americans.....	1407
731	Mr. Terrell to Mr. Olney.....	do	do	1408
732	Mr. Terrell to Mr. Olney.....	do	do	1408

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
733	Mr. Terrell to Mr. Olney.....	Dec. 19	Riots and protection of Americans.....	1410
737	Mr. Terrell to Mr. Olney.....	do	do	1410
	Mr. Olney to Mr. Terrell (tele- gram).	Dec. 21	do	1413
	Mavroyeni Bey to Mr. Olney.....	do	do	1413
	Mr. Terrell to Mr. Olney (tele- gram).	Dec. 22	do	1416
61	Mr. Olney to Mavroyeni Bey.....	Dec. 26	do	1417
735	Mr. Olney to Mr. Terrell.....	do	do	1417
	Mavroyeni Bey to Mr. Olney.....	Dec. 27	do	1418
739	Mr. Terrell to Mr. Olney.....	do	do	1420
740	Mr. Olney to Mr. Terrell.....	do	do	1422
740	Mr. Terrell to Mr. Olney.....	Dec. 29	do	1422
741	Mr. Terrell to Mr. Olney.....	do	do	1423
742	Mr. Terrell to Mr. Olney.....	do	do	1427
743	Mr. Terrell to Mr. Olney.....	do	do	1434
62	Mr. Olney to Mavroyeni Bey.....	Dec. 30	do	1437
749	Mr. Olney to Mr. Terrell.....	do	do	1438
	President's message.....	do	Refusal to issue exequaturs to United States vice-consuls at Erzeroom and Harpoot.	1470
	Mr. Terrell to Mr. Olney (tele- gram.)	Dec. 31	Riots and protection of Americans.....	1438
		1896.		
751	Mr. Terrell to Mr. Olney.....	Jan. 1	do	1438
	Mr. Olney to Mr. Terrell (tele- gram).	Jan. 2	do	1438
751	Mr. Olney to Mr. Terrell.....	do	do	1439
755	Mr. Olney to Mr. Terrell.....	do	do	1439
	Mr. Olney to Mr. Herbert.....	do	do	1440
	Mr. Terrell to Mr. Olney (tele- gram).	do	do	1441
755	Mr. Terrell to Mr. Olney.....	do	do	1442
	Mr. Terrell to Mr. Olney (tele- gram).	Jan. 3	do	1443
756	Mr. Terrell to Mr. Olney.....	Jan. 4	do	1444
762	Mr. Olney to Mr. Terrell.....	do	do	1446
758	Mr. Terrell to Mr. Olney.....	Jan. 6	do	1445
757	Mr. Terrell to Mr. Olney.....	do	do	1446
761	Mr. Terrell to Mr. Olney.....	do	do	1447
	Mavroyeni Bey to Mr. Olney.....	Jan. 8	do	1449
776	Mr. Olney to Mr. Terrell.....	Jan. 10	do	1449
764	Mr. Terrell to Mr. Olney.....	do	do	1452
66	Mr. Olney to Mavroyeni Bey.....	Jan. 14	do	1455
783	Mr. Olney to Mr. Terrell.....	do	do	1455
	Mr. Herbert to Mr. Olney.....	do	do	1459
790	Mr. Olney to Mr. Terrell.....	Jan. 15	do	1459
772	Mr. Terrell to Mr. Olney.....	do	do	1459
	Mavroyeni Bey to Mr. Olney.....	Jan. 16	do	1461
794	Mr. Olney to Mr. Terrell.....	do	do	1461
804	Mr. Olney to Mr. Terrell.....	Jan. 20	do	1463
773	Mr. Terrell to Mr. Olney.....	do	do	1463
806	Mr. Olney to Mr. Terrell.....	do	do	1464
774	Mr. Terrell to Mr. Olney.....	do	do	1465
810	Mr. Olney to Mr. Terrell.....	Jan. 21	do	1466
812	Mr. Olney to Mr. Terrell.....	do	do	1467
779	Mr. Terrell to Mr. Olney.....	Jan. 23	do	1467
	President's message.....	do	Treatment of American citizens of Arme- nian origin.	1471
782	Mr. Terrell to Mr. Olney.....	Jan. 25	Riots and protection of Americans.....	1467
	Mr. Olney to Mr. Terrell (tele- gram).	Jan. 28	do	1468
	Mr. Olney to Mr. Terrell (tele- gram).	Jan. 29	do	1469
790	Mr. Terrell to Mr. Olney.....	do	do	1469

VENEZUELA.

	Mr. Rojas to Mr. Andrade.....	1895. Mar. 7	Rupture of relations between Venezuela and France and Belgium.	1474
3	Mr. Andrade to Mr. Gresham...	Mar. 12	Protection of Venezuelan interests in France.	1474
	Mr. Uhl to Mr. Andrade.....	do	do	1474
	Mr. Rojas to Mr. Andrade.....	Mar. 29	Venezuela-Guiana boundary controversy...	1480
	Mr. Gresham to the minister of foreign affairs of Venezuela.	Apr. 15	do	1481
	Mr. Pulido to Mr. Andrade.....	Apr. 17	do	1482
	Mr. Pulido to Mr. Andrade.....	Apr. 18	do	1483
	Mr. Andrade to the Secretary of State.	Apr. 22	do	1484

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1895.		
6	Mr. Uhl to Mr. Andrade.....	Apr. 26	Venezuela-Guiana boundary controversy....	1485
	Mr. Andrade to Mr. Gresham...	May 11	Rupture of relations between Venezuela and France and Belgium.	1476
8	Mr. Uhl to Mr. Andrade.....	May 25	Venezuela-Guiana boundary controversy....	1485
10	Mr. Uhl to Mr. Andrade.....	June 5	Rupture of relations between Venezuela and France and Belgium.	1478
13	Mr. Olney to Mr. Andrade.....	June 20	do	1479
15	Mr. Uhl to Mr. Andrade.....	July 3	do	1479
	Mr. Pulido to Mr. Andrade.....	July 10	Venezuela-Guiana boundary controversy....	1486
	Mr. Andrade to Mr. Olney.....	Aug. 12	Rupture of relations between Venezuela and France and Belgium.	1480
	Mr. Andrade to Mr. Olney.....	Oct. 21	Venezuela-Guiana boundary controversy....	1487
	Mr. Palacio to Mr. Andrade.....	Nov. 5	do	1488
		1896.		
31	Mr. Olney to Mr. Andrade.....	Jan. 18	do	1489
	Mr. Andrade to Mr. Olney.....	Feb. 1	do	1489
	Mr. Rojas to Mr. Olney.....	Feb. 5	do	1490

CONTENTS.

[Full index at end of volume.]

	Page.
Greece.....	759-765
Trade-marks.....	759
Guatemala.....	766-799
Relations with Mexico.....	766
Arrest of W. H. Argall, Henry Thomas, and Robert Pardee.....	771
Claim of J. H. Hollander.....	775
Haiti.....	800-817
Expulsion of Eugene Wiener.....	800
Discriminating tonnage dues in favor of sailing vessels.....	810
Claim of Bernard Campbell.....	811
Attachment of indemnity due Richard Allen.....	814
Hawaii.....	818-881
Political events.....	818
Alleged violation of the United States neutrality laws.....	867
Recall of Minister Thurston.....	876
Honduras.....	882-937
Murder of Charles W. Renton.....	882
Status in Honduras of American citizens of Honduran birth.....	935
Italy.....	938-968
Killing of Italian laborers in Colorado.....	938
Arbitration by the President of the Cerruti claims against Colorado.....	957
Observance of the Brussels act of July 9, 1890, concerning the slave trade and the prohibition of arms and ammunition in Ethiopia.....	960
Louisiana inheritance tax.....	966
Evidence of citizenship of persons born abroad of naturalized fathers....	968
Japan.....	969-970
Good offices to Japanese subjects in China.....	969
Good relations.....	969
Bering Sea regulations.....	970
Korea.....	971-978
Korean independence.....	971
Political events.....	971
Mexico.....	979-1018
Disputed boundary between Mexico and Guatemala.....	979
Death of Minister Gray.....	994
Assumption of Mexican citizenship to evade extradition.....	997
Mexican laws concerning alienship and naturalization.....	1011
Netherlands.....	1019-1024
Salt and sugar duties.....	1019

	Page.
Nicaragua	1025-1035
British demands	1025
Incorporation of the Mosquito Territory into Nicaragua	1034
Death of Catarino E. Garza	1035
Peru	1036-1055
Claims of the hydrographic commission of the Amazon	1036
Russia	1056-1125
Refusal of Russian consular officers to visé United States passports in favor of Jews	1056
Asylum for missionaries on Russian territory	1074
Arrest of John Ginzberg	1081
Arrest of Anton Yablkowski for becoming a naturalized American citizen without permission of the Russian Government	1096
Protection of the fur seal	1114
Commercial relations	1119
Permission to leave Russia to be obtained by petition	1122
Russian finances	1123
Samoa	1126-1159
Correspondence with German embassy at Washington	1126
Correspondence with the British embassy at Washington	1150
Spain	1160-1231
Claim of Antonio Maximo Mora	1160
Firing upon the United States mail steamship <i>Allianza</i>	1177
Commercial arrangement—Cuba and Puerto Rico	1185
Enforcement of the neutrality laws of the United States	1187
Right of consul-general to present remonstrances	1209
Protection of American property in Cuba	1214
Destruction of American property in Cuba	1216
Arrest of Francisco Carrillo	1220
Expulsion of John A. Sowers, Joseph A. Ansley, Aurelio A. Ansley, and Maria Luis Ansley from Cuba	1229
Turkey	1232-1473
Trade for American College for Girls at Scutari	1232
Trade for Marsovan College	1236
Protection to American missionaries	1237
Visit of United States naval vessels to Turkish waters	1248
Violation of the domiciliary rights of Rev. L. O. Lee	1252
Condition of affairs in Asiatic Turkey	1255
Death in prison of George Webber	1266
Attack on the premises of Dr. Christie at Tarsus	1271
Murder of Mr. Stupe	1292
Imprisonment of Creecor, or Krikor, Arakelian	1295
Arrest of Mardiros Mooradian	1300
Arrest of Melcoun Guedjian	1304
Riots and protection of Americans	1318
Refusal to issue exequaturs to United States vice consuls at Erzeroum and Harpoot	1470
Treatment of American citizens of Armenian origin	1471
Venezuela	1474-1491
Protection of Venezuelan interests in France	1474
Rupture of relations between Venezuela and France and Belgium	1474
Venezuela-Guiana boundary controversy	1480

GREECE.

TRADE-MARKS.¹

Mr. Gresham to Mr. Alexander.

No. 43.]

DEPARTMENT OF STATE,
Washington, February 21, 1895.

SIR: This Department has given careful consideration to the declaration signed by yourself and Mr. Stephanos on the 19th day of July last, to the effect that the treaty of December 10/22, 1837, between this country and Greece, confers upon the citizens or subjects of either country in the dominions of the other the same rights as respects trade-marks, industrial designs, and patterns as such citizens or subjects enjoy in their own country.

An examination of the treaty of 1837 has failed to satisfy the Department that it is susceptible of this interpretation. The "declaration" is therefore deemed to be practically a new treaty, and as such could only be ratified by the President of the United States by and with the advice and consent of the Senate. Since the concurrence of the Senate is necessary for the accomplishment of the object in view, it is deemed best that this object should be set forth in a regular and formal convention, instead of in a mere declaration.

You have already been furnished with a draft for a convention and with full powers to sign the same. You will therefore explain to the Greek minister of foreign affairs the difficulty in the way of this Government adopting the "declaration," and suggest to him the advisability of executing the more formal instrument. This, after being signed, should of course receive such further ratification and assent as by the constitutions of the respective countries may be necessary to the completion of treaties.

I am, etc.,

W. Q. GRESHAM.

Mr. Alexander to Mr. Gresham.

[Telegram.]

ATHENS, March 16, 1895.

Trade-mark declaration considered valid here. Can reopen question, but we and other nations probably lose present advantages. Shall I reopen?

ALEXANDER.

¹ See Foreign Relations, 1894, pp. 293-295.

Mr. Uhl to Mr. Alexander.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 23, 1895.

Reopen trade-mark matter as explained instruction 21st ultimo.

UHL, Acting.

Mr. Alexander to Mr. Uhl.

No. 60.]

LEGATION OF THE UNITED STATES,
Athens, March 25, 1895. (Received April 15.)

SIR: I have the honor to confirm my telegram of the 16th instant and to acknowledge yours of the 23d.

Before sending you my telegram of the 16th instant, following the instructions of your dispatch No. 43, I had explained to Mr. Delyanni, the Greek minister of foreign affairs, your reasons for preferring a formal convention on the reciprocal protection of trade-marks, instead of the declaration signed by his predecessor, Mr. Stephanos, and myself on the 19th day of July, 1894. At the same time I handed him the draft for such a convention, which accompanied your dispatch No. 21, of May 16, 1894. Mr. Delyanni fully understood the grounds of your doubt as to whether the declaration followed, as a necessary consequence, from the treaty of 1837. Since our first conversation on the subject he has told me that the Greek department of the interior, to which he referred the matter for its opinion, considers the declaration valid and a natural interpretation of the treaty. Mr. Tricoupi (then prime minister), Mr. Stephanos, and myself discussed the matter in all its bearings last summer, and I was convinced that the Greek department, while thinking that the declaration did not follow, as necessary consequence, from the treaty of 1837, believed that it was a natural interpretation of the spirit of that treaty. For that reason, and because of the delay and uncertainty in connection with the ratification of a formal convention by the Chamber of Deputies, it seemed to me advisable to sign a declaration. And I am still sure that its validity, "as determining in a more explicit manner the text" and interpreting the spirit of our treaty, would never have been questioned in Greece.

Several of the other countries represented here succeeded in arranging the matter in the same way. I inclose the English text of a declaration, identical with ours, signed by the British minister eight days later. His Government preferred a convention, but finding it impracticable, accepted the declaration as the best and probably the only arrangement possible.

I fear that the ratification of a formal convention will meet with serious opposition in the Chamber of Deputies. Greek ministries rarely have a majority of more than eight or ten deputies, and they find it difficult to control that majority in measures which are strongly assailed by the opposition, as the ratification of such a convention certainly will be assailed.

The probable result, then, will be the failure of ratification, and, when once doubt has been cast by a foreign power upon the validity of such declarations, our own and the other Governments which have succeeded in making them will probably lose the advantages which we have already obtained, and gain nothing in their stead. It was for

these reasons that I sent to the Department of State my telegram of March 16.

A new Chamber of Deputies will be elected on the 28th day of April, and will meet on the 27th day of May. I shall in the meantime do all in my power to carry out the instructions of your dispatch No. 43 and of your telegram of the 23d instant, and afterwards to secure the ratification of a trade-mark convention by the Chamber of Deputies during its coming session. I am to have another conference with Mr. Del-yanni in a few days. As the present ministry will be in power for a short time, it is probable that he will suggest the advisability of postponing definite action until after the appointment of a new ministry.

I have, etc.,

E. ALEXANDER.

[Inclosure in No. 60.]

Declaration between Great Britain and Greece respecting trade-marks, industrial designs, and patterns.

[English text.]

The Government of Her Britannic Majesty and the Government of His Hellenic Majesty being desirous to determine in a more explicit manner the text of the treaty of commerce and navigation of the 10th November (29th October), 1886, concluded in Athens between Great Britain and Greece, the undersigned have proceeded, by mutual consent, to the following declaration:

The Government of Her Britannic Majesty declare that under the terms of the treaty of commerce and navigation between Great Britain and Greece of the 10th November (29th October), 1886, the subjects of His Hellenic Majesty have in the United Kingdom of Great Britain and Ireland the same rights as are now granted, or may hereafter be granted, to British subjects or to subjects of the most favored nation in all that relates to trade-marks, industrial designs, and patterns, and on their side the Government of His Hellenic Majesty declare that the subjects of Her Britannic Majesty have in the Kingdom of Greece the same rights as are now granted, or may hereafter be granted, to Hellenic subjects or to subjects of the most favored nation in all that relates to trade-marks, industrial designs, and patterns, it being understood that in order that such rights may be obtained the formalities required by the laws of the respective countries must be observed.

In witness whereof Mr. Edwin Egerton, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to His Majesty the King of the Hellenes, and M. Denis Stephanos, His Hellenic Majesty's minister charged with the direction of foreign affairs, have signed the present declaration, and thereto affix their respective seals.

Done in duplicate at Athens on the 27th day of July, in the year 1894.

[L. s.]

[L. s.]

EDWIN H. EGERTON.

DEN. STEPHANOS.

Mr. Adee to Mr. Alexander.

No. 46.]

DEPARTMENT OF STATE,
Washington, April 22, 1895.

SIR: I have received your No. 60, of the 25th ultimo, in which you explain very clearly the circumstances which led you to sign the "declaration" instead of insisting upon a formal convention.

No censure upon your action in this respect is intended, but the Department remains of opinion that the result desired can, under its interpretation of the existing treaty, be accomplished only by a new convention. It is regretted that difficulty is anticipated in securing the ratification of such a convention by the Greek Chamber of Deputies,

but that opposition can not, of course, affect the question of the proper method of contracting an international obligation under our Constitution.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Alexander to Mr. Uhl.

No. 68.]

LEGATION OF THE UNITED STATES,
Athens, June 18, 1895. (Received July 5.)

SIR: * * * I should like to conclude at once a convention for the reciprocal protection of trade-marks, in accordance with your instructions, and to secure its ratification during this session of the Chamber; but I fear that this will be impossible. The Chamber will probably adjourn as soon as the budget is voted and other matters long pending are settled. And, for reasons already stated in these dispatches, such a convention would probably fail of ratification now. I may add that the Greek foreign office hesitates, chiefly from the feeling that it might be treating unfairly other nations with which such declarations have already been concluded, to admit that trade-mark declarations are less valid than formal conventions. This was the opinion of Mr. Nicholas Delyanni, late prime minister and minister of foreign affairs, with whom I had several conferences on the subject. His successor in the foreign office, Mr. Skonzes, was appointed so recently that I have had no opportunity of discussing the matter with him. I shall speak to him about it as soon as possible, and do whatever I can to bring about the desired result.

I have, etc.,

E. ALEXANDER.

Mr. Alexander to Mr. Adee.

No. 74.]

LEGATION OF THE UNITED STATES,
Athens, July 25, 1895. (Received Aug. 10.)

SIR: I have the honor to state that, as the Department of State was advised in my dispatch No. 68, of the 18th ultimo, I took advantage of the earliest opportunity to confer with Mr. Skonzes, the present minister of foreign affairs, in regard to a convention for the reciprocal protection of trade-marks.

I endeavored to state to him as fully as possible the reasons why a formal convention is preferred instead of the declaration signed July 9/21, 1894. Mr. Skonzes said to me:

By our law enacted February 16, 1893, protection of trade-marks in Greece was allowed, on reciprocity, to citizens or subjects of those nations which, in their treaties with Greece, had made provision for such protection. Since other nations, also, which had concluded commercial treaties with Greece claimed the right of securing the same protection for the trade-marks of their citizens or subjects, it was decided, after long and careful deliberation, to grant the same privilege to all nations requesting it on terms of reciprocity. On the basis of this interpretation of the aforesaid law, we proceeded to sign declarations with those nations to which Greece had not granted protection of their trade-marks by special articles in treaties made with them.

The conclusion of special conventions to this effect was unnecessary, because the law mentioned gives us the general right of assuming such obligations on reciprocity, and of making such concessions to foreign nations. Therefore the submission to the Boulé of any special convention for the reciprocal protection of trade-marks

was thought by us to be useless. On this principle a declaration for the reciprocal protection of trade-marks was signed July 9/21, 1894, by Mr. Stephanos and the American minister.

For us it is perfectly valid. American citizens can, without hindrance, demand protection here for their trade-marks, and it seems to us that, in accordance with the provisions of the act of Congress approved August 5, 1882, it should be possible for a Greek subject, after this declaration of reciprocity, to be allowed similar protection for his trade-mark in the United States. If, however, your Government thinks that such protection can not under your Constitution be accorded to Greek subjects without special legislation, that, of course, is a matter which your Government must decide for itself. The declaration mentioned may be submitted to the Senate of the United States for approval if your Government considers such action necessary. For us it is already binding, and we think it quite unnecessary that a special convention should be submitted to our *Boulé* for ratification. At the same time, we feel that if we should comply with your request for a special convention we should be dealing unfairly with the other nations with whose representatives we have united in signing similar declarations.

In view of the position taken by Mr. Skonzes, from which I fear that he can not be moved, I must await further instructions from you in regard to this matter.

I have, etc.,

E. ALEXANDER.

Mr. Olney to Mr. Alexander.

No. 75.]

DEPARTMENT OF STATE,
Washington, November 9, 1895.

SIR: I have now to acknowledge the receipt of your No. 74, of July 25, 1895, in the matter of the declaration signed by Mr. Stephanos and, yourself July 9, 1894, to the effect that the treaty of December 10/22, 1837, between the United States and Greece conferred upon the citizens or subjects of either country in the dominions of the other the same rights as respects trade-marks, industrial designs, and patterns as such citizens or subjects enjoy in their own country.

After a careful consideration of the statements of Mr. Skonzes quoted in your dispatch and of the previous correspondence upon the whole question, I am obliged to adhere to the conclusions announced in Mr. Gresham's instruction to you, No. 43, of February 21, 1895, in which he expressed the preference for a regular and formal trade-mark convention, a draft of which and a full power to sign the same were sent to you with instruction No. 21, of May 16, 1894.

You will therefore use your best efforts to effect the consummation of said convention.

I am, etc.,

RICHARD OLNEY.

Mr. Alexander to Mr. Olney.

No. 85.]

LEGATION OF THE UNITED STATES,
Athens, December 17, 1895. (Received Jan. 4, 1896.)

SIR: I have the honor to state that I should be very glad if I could inform you that there are reasonable grounds for hoping that I shall be able to carry out the instructions of your dispatch, No. 75, of the 9th ultimo, relative to a trade-mark convention.

I shall continue to use every effort to induce the Greek Government to agree to a regular and formal convention instead of the declaration for the reciprocal protection of trade-marks which was signed July 9/21, 1894; but I am convinced that the reasons which have hitherto

influenced that Government in declining conventions with any nation on this subject will still have the same influence. Those reasons are, in brief, the conviction that declarations, several of which have been signed and have proved satisfactory in practice, are valid and sufficient; reasonable certainty that any ministry would fail in an attempt to secure the necessary ratification by the Chamber of Deputies; hesitation to act in what might seem an unfair manner toward other nations by thus questioning the validity of similar declarations.

These considerations have had so much weight with the Greek Government that, even when the treaty between Greece and Belgium was recently concluded, the former would not consent to include in the body of the treaty articles on the protection of trade-marks, but insisted on appending a declaration to that effect.

Nearly all of the other Governments, whose representatives here have signed declarations for the reciprocal protection of trade-marks, preferred formal conventions, thinking, as we thought, that these declarations did not necessarily follow as interpretations of their treaties with Greece; but, understanding that in no other way was it possible to secure protection in Greece for foreign inventions, and that, in accordance with the Greek law on trade-marks, such declarations have complete validity here, they have decided to make the best terms possible, and their trade-marks have for some time been registered and protected in this country.

I frequently receive from Americans inquiries concerning the registration of their inventions in Greece. I hardly know how to answer these inquiries, because, although the Greek Government holds that American trade-marks can now be registered in Greece, we think that the declaration already signed does not guarantee protection to American inventions in Greece, nor to Greek inventions in the United States.

I therefore beg that you will inform me whether, in the event of failure to consummate a convention, it is your wish that we should avail ourselves of the advantages afforded by the existing declaration, or should notify the Greek Government of our desire to withdraw from that declaration.

In the meantime I shall do everything in my power to carry out your instructions.

I have, etc.,

E. ALEXANDER.

Mr. Olney to Mr. Alexander.

No. 81.]

DEPARTMENT OF STATE,
Washington, January 21, 1896.

SIR: I have received your No. 85, of the 17th ultimo. It relates to the question of a formal trade-mark convention with Greece, instead of the declaration signed July 9, 1894, to the effect that the treaty of December 10/22, 1837, between the United States and Greece, conferred upon the citizens or subjects of either country in the dominions of the other the same rights as respects trade-marks, industrial designs, and patterns as such citizens or subjects may enjoy in their own.

You present no argument not heretofore found in your previous dispatches, tending to show the position of the Greek Government in the matter and to confirm your opinion as to the impossibility of concluding a formal convention on the lines of the draft heretofore sent you. Were it not, therefore, for a specific inquiry on your part, your present dis-

patch might be filed to await the definite decision of that Government, in view of my No. 75, of November 9, 1895, expressing, after mature consideration of the whole subject, the preference and the necessity for a formal convention.

You inquire, after repeating the grounds of your belief that such a convention is impossible of conclusion, "whether in the event of failure to consummate a convention, it is your (my) wish that we should avail ourselves of the advantages afforded by the existing declaration, or should notify the Greek Government of our desire to withdraw from that declaration."

Mr. Gresham's instruction, No. 43, of February 21, 1895, and my own, No. 75, of November 9, 1895, are conclusive of the inability of your Government to accept the validity of the signed declaration and of its desire to conclude in its stead a formal convention for the registration of trade-marks. It is presumed you have unreservedly made known this situation to the Greek Government. Indeed, no other deduction is inferable from the desire of your Government to negotiate such a convention.

This being the case, the necessity is not perceived of formally notifying, as you propose, the Greek Government of our desire to withdraw from the declaration.

Even though, as you have heretofore stated and now repeat, that Government maintains that the declaration is valid in that country, it is seriously questioned whether, unless we shall extend to Greek subjects reciprocal treatment here, it would accord our citizens in Greece the privilege of registering their trade-marks in that Kingdom; in other words, grant them the "same rights as are now granted or may hereafter be granted to Hellenic subjects of the most favored nation in all that relates to trade-marks," etc., as the declaration contemplates.

Under these circumstances the interpretation to be placed upon the matter is exclusively within the competency of the Greek Government, the case arising. Our position is not an ambiguous one, and with its presentation to the Greek Government, as I understand it, and our expressed wish to conclude a formal trade-mark convention, it may be permitted to rest, except so far as you may find it practicable to carry out the wishes of the Department's previous instructions looking to the conclusion of a formal convention.

I am, etc.,

RICHARD OLNEY.

GUATEMALA.

RELATIONS WITH MEXICO.¹

Mr. Lazo Arriaga to Mr. Gresham.

[Translation.]

LEGATION OF GUATEMALA,
Washington, November 28, 1894.

MR. SECRETARY: In compliance with the instructions of my Government I had the honor, in some of our interviews, to lay before your excellency the various incidents having a bearing on the present threatening attitude of the Government of Mexico toward Guatemala; and following the suggestion of your excellency, I consign my views to writing herein.

In 1881 the relations between Guatemala and Mexico became very delicate by reason of the old and troublesome boundary question between the two countries.

Thanks to the good offices of the Government of the United States a war was then avoided, and there was signed in New York by the plenipotentiaries of both Republics, on the 12th of August, 1882, the preliminary basis of a final boundary treaty.

This basis embraced the waiver by Guatemala of its rights to the State of Chiapas and its district of Soconusco, which at the date of the declaration of independence (September 15, 1821) were an integral part of Central America. It was stipulated further that:

ARTICLE IV. In the event of the two contracting parties not being able to agree with respect to the fixing of the boundary either in whole or in part between the State of Chiapas and its department of Soconusco, on the part of Mexico on the one hand and on that of the Republic of Guatemala on the other, or in case the commissioners who shall be appointed by each Government to draw, conjointly, the dividing line, shall differ on any point or points relative to such drawing, and in case it shall be necessary to appoint an arbitrator to settle such differences as may arise on this account, both Governments agree to do so, and to request the President of the United States of America to act as such arbitrator.

ARTICLE V. Actual possession shall serve as a basis in the drawing line. This, however, shall not prevent both parties from abandoning this basis by common consent, for the purpose of following natural lines, or for any other reason, and in such case the system of mutual compensations shall be adopted.

Until the dividing line shall have been drawn, each contracting party shall respect the actual possession of the other. (House of Representatives, Forty-eighth Congress, Ex. Doc. No. 154.)

On the 27th of September of the same year the final boundary treaty, to which the aforesaid convention refers, was signed in Mexico, which, in defining the boundary, among other things, says (clause 4, Article III), that one of the lines shall be "the parallel of latitude which crosses the last-named point (4 kilometers from the Ixbul line) eastward until it reaches the deepest point of the River Usunacinta; or the Chixoy, in case said parallel does not cross the first-named river."

¹ See also under Mexico.

The Guatemalan and Mexican commission of engineers, although working separately, found no difficulty in running the first part of the dividing line; but when they reached the Chixoy River the Mexican engineers desired to prolong the parallel to the Cancuen or La Pasion River, to which the Guatemalan engineers objected, inasmuch as the Usumacinta River, not being in that direction but lying to the north of said parallel, the latter should end, according to the provisions of the boundary treaty, at the said Chixoy River.

The carrying of such parallel beyond the Chixoy River, attempted by the Mexican engineers under the mistaken impression that the Cancuen or La Pasion River is the Usumacinta, would deprive Guatemala of an extent of territory of more than a thousand square miles to which Mexico had never laid claim, and what is worse, would cut off communication between the Guatemalan district of Peten and the rest of the Republic, which would imply the loss to the latter of that vast region.

The Government of Guatemala protested emphatically against the prolongation of said parallel beyond the Chixoy, and that of Mexico, through an agreement known as the "Dieguez-Mariscal," concluded in 1890, concurred in not carrying said parallel beyond the Chixoy River, albeit under condition that no subsequent difficulties should present themselves in the running of the line.

Difficulties could not present themselves, for the rest of the boundary line is formed by the Chixoy and Usumacinta rivers, which are natural boundaries, and because the two farthest parallels to the north of Peten, having to be run in accordance with the principles of science, can offer no impediment.

As a fact, both commissions of engineers, on running the rest of the line, only found small differences, which are easily remediable, consisting, first, in the astronomical determination of the geographical location of the rivers, which, in accordance with the treaty, the Guatemalan commission desired to do and to which the Mexican objected; and secondly, in that, as nearly always happens in such cases, owing to the different instruments used by engineers, the results obtained by both commissions do not agree entirely.

The Guatemalan commission of engineers always worked one or two years ahead of the Mexican, and the Government of Guatemala, in the desire to at once settle the troublesome boundary question, proposed to that of Mexico, under date of April 13, 1893, that, to avoid objections, the average of the astronomical results obtained by both commissions in the parallels to the north of Peten be adopted; that the geographical location of the rivers be immediately determined, and that Mexico unconditionally cease her attempt to prolong the Chixoy parallel to the east of the river of that name.

Although this proposition was nothing more than equitable, and in harmony with what the most eminent engineers recommend to overcome the differences resulting in astronomical work, the Government of Mexico abstained for a long time from giving a categorical reply to the proposition of the Government of Guatemala.

In the meantime both countries, pursuant to the stipulations in force, have retained the right of possession over those regions which previous to concluding the treaty were under their jurisdiction, although a part thereof, after the determining of the boundary line, should pass from one to the other.

By the exercise of their right Mexican authorities have been granting concessions of lumber camps in territory which will go to Guatemala, and, with equal right, Guatemalan authorities have granted

concessions on lands which will pass to Mexico whenever the boundary line shall be legally established.

There is a region, comprised between the frontier, always recognized as the boundary between Guatemala and the State of Chiapas on one side and the Lacantuum and Usumacinta rivers on the other, over which Guatemala has exercised jurisdiction from time immemorial.

Several times during the past twenty years parties protected by Mexican authorities have invaded that territory and illegally established thereon lumber camps; but the Guatemalan authorities have resisted the invasion, not only without protest, but with the assent of the Mexican Government, as may be demonstrated by several official acts.

A few months since, however, Mexican citizens invaded this territory anew at points called Egipto, Agua Azul, etc., and they were again opposed by Guatemalan authorities, the Government of Guatemala immediately addressing to that of Mexico a protest against the trespass and requesting necessary explanations; but the Government of Mexico, instead of giving due explanations, now claims that it is the owner of that territory, and that Guatemala is the trespasser. Under this pretext Mexico began to make military preparations, and, it is said, has continued to send troops to the frontier, even when she knows that there are no Guatemalan forces in the territory she now claims belongs to her.

While the Government of Guatemala was hastening to send a special commissioner to Mexico for the purpose of settling pending difficulties, of which fact the Government of Mexico was informed, the latter has notified that of Guatemala that it will not abide by the obligation it contracted through the "Dieguez-Mariscál" arrangement to not insist upon prolonging the parallel above referred to beyond the Chixoy River. This evidently means that the Government of Mexico is again attempting to take from Guatemala the territory comprised between the Chixoy and the Cancuen or La Pasion rivers, thus justifying the assumption that the difficulties which it has brought about through the lumber camps in Egipto and Agua Azul had as an object ulterior purposes.

As may be seen from the preceding recital of facts, prior to the recent ignoring by the Government of Mexico of the Dieguez-Mariscál arrangement there were no serious difficulties existing between it and that of my country. For this reason the Government of Guatemala saw with surprise the message which President Diaz sent on the 16th of September last to the Congress of the United Mexican States, especially the part referring to the relations of the two Republics, with which document my Government only became acquainted at the end of the month of October, since communication between the two countries is slow.

For this very reason, Señor Dn. Emilio de León, special envoy of Guatemala, although he took passage at our port of San José in the middle of the present month, can not reach the City of Mexico until the beginning of December, and when he shall fully set forth to the Government of the United Mexican States the grounds, founded on reason and justice, upon which Guatemala's case in this particular rests, the hope is entertained that the settlement of pending difficulties will be easy and the threatening attitude which the Government of the neighboring Republic has assumed with respect to Guatemala will be changed.

The map which I took the liberty to leave in your excellency's hands and the copy I have the honor to transmit now will contribute to a clearer idea of the present status of the case.

The preliminary basis of New York as well as the final Boundary

treaty, mentioned herein, are published in the pamphlet entitled "Boundary between Mexico and Guatemala" (Forty-eighth Congress, first session, Ex. Doc. No. 154), where there may also be found a great part of the official correspondence relating to this subject.

Guatemala, as she has always manifested, highly appreciates and is deeply grateful for the good offices and friendly attitude of the United States, which on several occasions, and especially in 1881, 1885, and 1887, prevented a conflict between the two countries, and which, in 1882, contributed to the bringing about of an agreement for the concluding of the preliminary basis and the final boundary treaty; and it is for this reason that my Government, which recognizes in that of the United States the natural protector of the peace of the continent, instructs me to lay before your excellency the latest phases of this troublesome question.

Guatemala, Mr. Secretary, still entertains the hope that the Government of Mexico will not oppose a settlement of the pending differences, and that, in case a direct agreement can not be reached, Mexico will embrace the idea of appealing, for the final settlement of the boundary question, to the reasonable and civilized medium of arbitration; but if the efforts which my Government will continue to make in this direction should unhappily prove fruitless, and the Government of Mexico shall be set upon appealing to the violent and disastrous medium of war, which would embody views of conquest, the Guatemalan people and Government, whatever the outcome of so unequal a struggle, which would be a new scandal in America, will know how to go to the extent of sacrifice against a foreign aggression which would be also a menace to the integrity and the independence of all the Republics of Central America.

I improve this opportunity to renew, etc.,

ANTONIO LAZO ARRIAGA.

Mr. Lazo Arriaga to Mr. Gresham.

[Translation.]

LEGATION OF GUATEMALA,
Washington, May 20, 1895.

MR. SECRETARY: I have the honor to transmit to your excellency a copy and translation of the convention of the 1st of April last, which put an end to the recent difficulties between Guatemala and Mexico, and which has just received the legislative sanction of both Republics.

The friendly interest of which the United States gave proof upon interposing their good offices for the purpose of preventing the continuation of a serious conflict between two neighboring nations is highly appreciated by the people and Government of Guatemala, and it is for that reason, in obedience to special instructions, that I express to your excellency, and, through your worthy medium, to His Excellency President Cleveland, the sincere acknowledgment of my country for the part which, for so noble an end, you were pleased to undertake.

I have, etc.,

ANTONIO LAZO ARRIAGA.

[Inclosure.—Translation.]

Convention between Guatemala and Mexico.

The undersigned, thereunto duly authorized, after the correspondence exchanged and the conferences held between them to the end of settling in a peaceful manner, honorable alike to Guatemala and Mexico, the difficulties which have arisen between the two countries through the exercise of acts of sovereignty within the territory lying west of the Lacantun River, have agreed upon the articles following:

ARTICLE I.

Guatemala declares, as she has heretofore, that, believing it to be her right, she has exercised acts of sovereignty within the territory lying west of the Lacantun River, and therefore she has had no intention of offending Mexico in the premises.

ARTICLE II.

Notwithstanding this, in the interest of good harmony the Government of Guatemala agrees, as a matter of equity, to indemnify the parties injured by its agents for the value of properties occupied or destroyed, and for the damages directly done to such occupation or destruction. An arbitrator mutually agreed upon shall determine the amount of such indemnity.

ARTICLE III.

The Government of Mexico waives its claim to reimbursement for the expense incurred in mobilizing troops and other warlike preparations growing out of the occupation of the lumber camps situated west of the Lacantun River by agents of the Guatemalan Government, as well as the demand made in paragraph 4 of the note of November 30, of last year, inasmuch as reason therefor no longer exists.

ARTICLE IV.

Guatemala consents to the immediate occupation by Mexico of the territory lying west of the Chixoy and Usumasinta rivers, and Mexico in turn, in the light of better data, agrees that the true intent of the boundary treaty of September 27, 1892, is that there be established definitely as the boundary line between the two countries (in so far as regards the territory comprised between the Chixoy and Pasión rivers), the parallel of latitude which, as laid down in said treaty, intersects a point 4 kilometers beyond Ixbul Hill, running thence eastwardly until it reaches the Chixoy River, where it will end, as has been maintained by Guatemala; following the middle line of the deepest channel of said river, and then that of the Usumasinta until it strikes the parallel situated 25 kilometers south of Tenosique, in Tabasco, measured from the plaza of said town.

ARTICLE V.

Both parties accept the average of the differences in the remainder of the surveys made by the respective boundary commissions; that is, from the intersection of the Usumasinta with the second of said parallels forward, as the boundary line is described in the treaty, provided such differences shall not exceed 200 meters. Otherwise, the surveys shall be corrected by mutual agreement by the scientific commissions appointed pursuant to Article IV of said treaty; and should these commissions fail to agree, the disagreement shall be submitted to an expert arbitrator.

ARTICLE VI.

The geographical position of the Chixoy and Usumasinta rivers shall be established as follows: That of the Chixoy, from its intersection with the first parallel, referred to in Article IV of this convention, to the point where it joins the Pasión River to form the Usumasinta; and that of this last river, from such point to its meeting with the second of said parallels; erecting, besides, the monuments that may be wanting, all in accordance with the protocol of the arrangement concluded between Messrs. Jose Fernandez and Manuel Herrera on the 14th of September, 1883.

ARTICLE VII.

This convention shall be submitted to the approval of the senate of the United Mexican States and the National Legislative Assembly of Guatemala without prejudice to its being published at once in the official organs of both Governments. The exchange of ratifications shall take place in the City of Mexico before 31st of May next.

Done and signed in duplicate, in the City of Mexico, this first day of April of eighteen hundred and ninety-five.

EMILIO DE LEON. [SEAL.]
IGNACIO MARISCAL. [SEAL.]

Mr. Uhl to Mr. Lazo Arriaga.

No. 3.]

DEPARTMENT OF STATE,
Washington, May 25, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, accompanied by a copy of the treaty concluded at the City of Mexico on April 1, 1895, between the Governments of Guatemala and Mexico in settlement of their recent boundary dispute, and in which, by direction of your Government, you convey an expression of its thanks for the friendly interest manifested by the Government of the United States with a view of preventing the continuation of a serious conflict between two neighboring nations.

I am happy, in reply, to express the gratification of the President, to whom I have made known the contents of your note, that a peaceable settlement of the differences that existed between the two Governments, alike honorable to both, has thus been assured.

Thanking you for the copy of the treaty, I take this occasion to renew, etc.,

EDWIN F. UHL, *Acting Secretary.*

ARREST OF W. H. ARGALL, HENRY THOMAS, AND ROBERT
PARDEE.¹

Mr. Young to Mr. Gresham.

No. 161.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, February 21, 1895. (Received March 7.)

SIR: I have the honor to inclose herewith the partial answer from the minister of foreign relations of Guatemala to my note to him of November 30, 1894.

It will be seen that there is no mention in this reply of the lashing that was given to Argall while in custody of the officers of the prison, and no mention is made of the refusal of the Government of Guatemala to permit a messenger from the minister of the United States to see the prisoners, that means might be taken for their proper defense. And no mention is made and no explanation is given why bond tendered by the minister of the United States could not be accepted for these innocent men.

I have, etc.,

P. M. B. YOUNG.

¹ See Foreign Relations, 1894, p. 312.

[Inclosure in No. 161.]

Mr. Young to Mr. Munoz.

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, November 30, 1894.

SIR: I have the honor to call your excellency's attention to the fact that on the 25th day of August last three citizens of the United States working on the farm of Herbert Van de Putte, near this city, were arrested and placed in the penitentiary. Their names are W. H. Argall, Henry Thomas, and Robert Pardee.

In their complaint to the United States they alleged that they were arrested and taken from their families, placed in the penitentiary, and for twelve days kept in prison without having knowingly violated any law, or having the intention of doing so.

Argall states that he was struck four blows with a rawhide across the back, placing this disgrace upon him as well as inflicting great pain and raising welts upon his back.

These men alleged that they were furnished with no charges, and no warrant was served upon them.

At the time they were arrested they made complaint to me, and I repeatedly offered to the authorities any bond that might be required to insure their appearance at any court, and at any time they might be required, and on the 27th of August I sent a messenger to consult with the prisoners in order to arrange for their defense. This messenger was refused admittance to the interior of the prison, and not permitted to see the prisoners.

Again on the 28th of August I sent the vice-consul-general of the United States with a written request to the minister of foreign relations that I might be allowed to send this officer to converse with the prisoners to arrange for their defense. I have never yet had a reply to this communication.

By the direction of my Government, I have now to ask that your excellency will give me an explanation of the causes of the arrest and imprisonment of the three citizens of the United States on the 25th of August last, and the reason for the castigation of Argall while in the custody of the officers of the prison.

With the renewed assurance of my most distinguished consideration, I am, etc.,

P. M. B. YOUNG.

[Inclosure 2 in No. 161.—Translation.]

Mr. Munoz to Mr. Young.

NATIONAL PALACE,
Guatemala, February 9, 1895.

EXCELLENT SIR: From the department of the interior I have received the following dispatch:

Mr. Secretary of State (foreign relations), present.

SIR: I have the honor to communicate to you that on the 11th of the present month the president of the supreme court of justice directed to me the following dispatch:

"Acting upon your esteemed dispatch of the 7th of December last, relative to the complaint made by the American citizens W. H. Argall, Henry Thomas, and Robert

Pardee, information was asked for from the third judge of the lower court of this department, who answered in the following terms:

"Mr. PRESIDENT: In compliance with the original judicial sentence, I have the honor to inform you that on the 25th of August last the jefe político and governor gave notice to this court that Mr. Humberts Vandeputte, Henry Argall, Albert Padillo, Henry Thomas, John de Leon, Abraham Satoj, Gerald Cornado, Dolores Cerrado, Max Diaz, Benito Escoba, and Pioginto Setaj were destroying some buildings belonging to the National Lime Kiln, situated on the road which leads from this city to Chinantla.

"Having the charge against them just, they were sent to prison the 28th of the same month. On the same day they were notified of the decision before indicated, and as they appealed the same, the sentence was sent to the second hall of the court of appeals the 30th, the day appointed for the hearing of the case in reference.

"From the above it is to be inferred that the prisoners were notified of the sentence by which they were sent to prison and of further providences; moreover, as the case of Vandeputte reached the court of appeals, that tribunal confirmed the sentence dictated by this court only with respect to Vandeputte (certification of folios, 61). Both the formal sentence of imprisonment and that of liberty of the companions of Vandeputte were communicated to the director of the penitentiary and the depository of the civil register. Vandeputte was let out on bail since the 5th of September, 1894. At the present time the lawsuit is found complete.

"S. P. J., Guatemala, 12th of December, 1894.

"JOSÉ M. ESCOBA."

"And in having the honor to transcribe to you the preceding information, with distinguished consideration and esteem,

"I am, yours, most truly,

"ANTONIO BATRES."

It is grateful for me to repeat myself,

Yours, most truly,

MANUEL ESTADE.

And upon transcribing this to your excellency I have the honor to refer to your dispatch of the 30th of November last. Accept, your excellency, the protestations of my high esteem.

JORGE MUNOZ.

Mr. Uhl to Mr. Iazo Arriaga.

No. 2.]

DEPARTMENT OF STATE,
Washington, May 11, 1895.

SIR: You will doubtless recall a conversation had by you with the Secretary of State toward the end of March or about the 1st of April last, in which Mr. Gresham spoke of the complaint of three American citizens, named Argall, Pardee, and Thomas, by reason of their imprisonment in the penitentiary of Guatemala City, and referred in particular to the allegation by Mr. Argall that while in prison he was scourged with a rawhide whip. You then offered to communicate with the Guatemalan minister for foreign affairs on the subject and to inform the Secretary of State of the result.

I have the honor to request to be informed whether you have yet received the promised details, and are in a position to communicate the intentions of your Government in regard to this alleged unlawful treatment of American citizens by the authorities of Guatemala.

Accept, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Uhl to Mr. Young.

No. 172.]

DEPARTMENT OF STATE,
Washington, May 15, 1895.

SIR: I have received your No. 161, of February 21, 1895, in relation to the cases of W. H. Argall, Henry Thomas, and Robert Pardee, American citizens in prison at Guatemala City.

Shortly after the receipt of your dispatch Mr. Gresham orally called the matter to the attention of the Guatemalan minister, and referred particularly to the fact that Mr. Argall, while so imprisoned, was scourged with a rawhide whip. Mr. Lazo Arriaga then promised to communicate with his Government and to inform us of the result.

No reply having been received from that gentleman, I addressed him a note upon the subject on the 11th instant,¹ a copy of which I inclose for your information.

The minister replied on the 12th instant, stating that he had promptly requested his Government to furnish him with the necessary information, and that he had been advised that it intended doing so at an early date.

You will ascertain and report such additional facts in relation to the case of these American citizens as you may be able to obtain.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Young to Mr. Gresham.

No. 179.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, May 25, 1895. (Received June 24.)

SIR: I have the honor to inform you that on the 24th day of this month I settled with the Guatemalan Government for the claim of Argall, Pardee, and Thomas, the Government agreeing to pay Argall \$1,000, Thomas \$100, and Pardee \$100, in all \$1,200, in Guatemalan currency. Under the circumstances this seems to be a tolerably fair settlement for the damages done, and it is fully satisfactory to all the parties interested. There seems to be a difference in the statements of Argall and the authorities of Guatemala as to the facts concerning the castigation of Argall, the Guatemalan authorities alleging and agreeing to furnish proof that Argall had struck the subofficer who gave him the blows with the lash, and Argall declaring under oath that he did not strike him, his evidence being confirmed by the two negroes, Pardee and Thomas. The imprisonment lasted only twelve days, and under all the circumstances, the parties being entirely satisfied, I thought it best to settle the matter finally, which I have done, and which, I hope, will meet the approval of the Department.

I herewith inclose copies of the receipts of the claimants, the originals of which are in the possession of the Guatemalan Government.

I am, etc.,

P. M. B. YOUNG.

Mr. Olney to Mr. Pringle.

No. 180.]

DEPARTMENT OF STATE,
Washington, June 25, 1895.

SIR: I have to acknowledge the receipt of Mr. Young's dispatch, No. 179, of the 25th ultimo, in which he reports the settlement with the Guatemalan Government of the claims of Argall, Thomas, and Pardee, on a basis of the payment of \$1,000 to Argall, \$100 to Thomas, and

¹ See page 773.

\$100 to Pardee. It appears from Mr. Young's dispatch that there was a discrepancy in the accounts of the trouble given by the Guatemalan authorities and by the claimants, the former alleging and agreeing to furnish proof that Argall had struck the subofficer who gave him the blows with the lash, and the claimants declaring under oath that such was not the case. The imprisonment lasted only twelve days.

Under these circumstances, and in view of the fact that the parties are all satisfied, the action of Mr. Young in thus settling the case is approved.

I am, etc.,

RICHARD OLNEY.

CLAIM OF J. H. HOLLANDER.

Mr. Olney to Mr. Young.

No. 263.]

DEPARTMENT OF STATE,
Washington, January 30, 1896.

SIR: The Department has carefully gone over the claim of J. H. Hollander against the Republic of Guatemala with intent to dismiss it or press it to a settlement, according to its merits.

The admitted facts are, as outlined in the instruction to you of May 6, 1893, as follows:

In the year 1888 Mr. Hall was the minister of the United States at Guatemala. Mr. Hosmer was the United States consul-general there, and Hollander, an American citizen, was residing there publishing a newspaper by license of the Government of Guatemala. During that year Mr. Hollander made affidavit before Mr. Hosmer that Mr. Hall and certain high officials of Guatemala had been beneficiaries of a fraudulent overissue of bonds of that Government; that Mr. Hall's participation therein was shown by the books of certain bankers there, and that a certificate of a prominent citizen, Mr. Herrera, showed the complicity of the Guatemalan officials. Hollander filed the alleged certificate with Mr. Hosmer. Mr. Hall, hearing of these charges, asked Mr. Hosmer for Hollander's affidavits, the alleged certificate of Herrera, etc. These were refused, but copies were given him, and he (Mr. Hall) brought the matter to the attention of the Guatemalan Government, asking an investigation. The investigation was held and resulted in Hollander's arrest and imprisonment on February 8, 1889, on a charge of calumny and forgery. Before Hollander's trial came on and while he was in prison, he was, on May 14, 1889, expelled from the country by an Executive decree. The expulsion followed immediately on the decree, and he was not even allowed to see his family, or to make any business arrangements whatever.

Upon this state of facts this Government demanded a reasonable indemnity for Hollander, upon the ground that the harsh and hasty manner of his expulsion was in violation of international law. In its reply of December 22, 1893, the Guatemalan Government said:

It is impossible to lay aside the right which the Government had to expel Mr. Hollander at the hour and in the conditions that, according to its judgment, were convenient. The Government was not under obligation to allow him more or less time to get out of the country, nor to accommodate him in any way. All the practices of international jurisprudence, supposing them to be certain and indisputable, fall down before a law clear that comes immediately from the sovereignty of a nation. The stranger who lands on our shore knows, or ought to know, that he is exposed to those eventualities, if he does not observe a convenient behavior, and he who puts in practice a right, as the Government of Guatemala has done, does not cause

injury nor violate other people's rights. Whatever may be the consequences of Mr. Hollander's expulsion he must blame himself only, and lament them as the result of his want of prudence. This is an argument that, in my opinion, can never be answered satisfactorily. I shall say no more about it, because it seems unnecessary to explain a point in itself so clear. It is contradictory not to allow that the Government had the right to expel Mr. Hollander, and to want indemnity for a legal act.

"The practices of international law * * * fall down before a law clear that comes immediately from the sovereignty of a nation." The logical result of that proposition is that whatever a State by legal formula wills to do, it may do; and that international obligations are annulled, not infringed, by legalized administrative action in contravention of those obligations. The United States is unwilling to accept that proposition as seriously presented by Guatemala. I construe the language used to mean that as a rule of international law the right of expulsion is absolute and inherent in the sovereignty of a State; and that no other State can question the exercise of this right nor the manner of exercising it. It is possible some authority may be found in support of that view, and that it obtained in the earlier practice of nations; but the modern theory and the practice of Christian nations is believed to be founded on the principle that the expulsion of a foreigner is justifiable only when his presence is detrimental to the welfare of the State, and that when expulsion is resorted to as an extreme police measure it is to be accomplished with due regard to the convenience and the personal and property interests of the person expelled.

In 1888 Rolin-Jacquemyns, the secretary-general of the Institute of International Law, made a report to that body on the "Right of expulsion of foreigners," which is published in the *Revue de Droit International* (Vol. XX, p. 498, and following). The report was in answer to a call by the association for an examination of the question "In what manner and within what limits governments may exercise the right of expulsion of foreigners?" This jurist says:

The first condition of the existence of a state is not only the existence of a group of citizens who recognize its sovereignty, but also the existence of a territory on which this sovereignty is exercised, as a matter of fact and of right, to the exclusion of any other sovereign authority. But this sovereignty would be compromised if it were possible for persons under no political obligation to the state which they enter, who contribute nothing in the way of personal service, and whose country, in short, is elsewhere, to install themselves there and defy the local authorities, by whom their presence is regarded as dangerous or injurious to the community.

Upon this principle of territorial sovereignty he formulates the fundamental rule that—

Every state may limit the admission and the residence of foreigners upon its territory by such conditions as it deems necessary. But [he adds] there is another consideration which tends, not to annul, but to restrain this exercise of territorial sovereignty. The individual expelled has the double quality of being a man and a citizen of another state. As a human being, he has the right to be exempt from needless harsh treatment and from unjust detriment to his interests; in his quality of citizen of another state, he has a right to invoke the protection of his country against unduly rigorous treatment and against spoliation of his property. The act of expulsion ought to conform to its direct, essential object, which is to relieve the soil of an obnoxious guest. The right of national sovereignty does not require nor permit more. Generally an official order to leave the country within a specified time is sufficient. If not, force may be employed. But forcible eviction should never assume a gratuitously vexatious character.

This author makes a practical distinction, furthermore, between the treatment of a transient visitor and that due a resident foreigner who has established a business or acquired property interests which would be ruined by sudden expulsion.

In the latter case it is especially important [he says] that the government which expels should exercise every indulgence, and accord all delay consistent with the public interests, if it would escape the charge of cruelty and masked persecution.

In closing his report, Mr. Rolin-Jacquemyns offers the following as one of five "conclusions:"

Even in the absence of treaty, the state to which the expelled person belongs has a right to know the reason for the expulsion, and the communication of the reason can not be refused. Moreover, the expulsion should be accomplished with special regard for humanity and respect for acquired rights. Except in cases of special urgency, a reasonable time should be allowed to the expelled person to adjust his affairs to the new conditions. Lastly, except in cases of extradition, the expelled person ought to be allowed to depart by the route which he prefers.

Professor Bar (*Journal Dr. Int. Privé*, 1886, vol. 13, p. 5) quotes with approval Bluntschli's opinion that "the right to expel foreigners should not be considered as an unqualified right; if so, international relations would be impossible," and adds that, without denying the right of a state in certain contingencies to refuse foreigners access to its territory and to expel them from it, he confines himself to affirming "that the exercise of such a power should be limited to exceptional cases rigorously justified, and should not be at variance with the principles of international law and of the necessities of the case, nor in contravention of the practice of nations. * * * Any other course finds its condemnation in Vattel (*Dr. Int.*, II, 8, 104) who says: 'The sovereign has no right to grant an entrance into his state for the purpose of drawing foreigners into a snare.'"

At a later meeting of the Institute of International Law (1891), in which a set of rules was formulated for the regulation of expulsion, Professor Bar said, in criticising one of the proposed rules which provided for diplomatic reclamation in favor of the expelled foreigner:

I do not doubt that the government of the expelled person may sometimes demand an indemnity in his behalf; but this is only an application of the general and unquestioned principle of the law of nations which prohibits the unjust treatment of foreigners, a principle that needs not the sanction of an express regulation. (*Inst. Dr. Int. Annuaire*, Vol. XI, p. 310.)

Calvo (*Dictionnaire de Droit International*, title Expulsion) says:

But when a Government expels a foreigner without cause, and in a harsh, inconsiderate manner (*avec des formes blessantes*), the State of which the foreigner is a citizen has the right to base a claim upon this violation of international law and to demand adequate satisfaction.

To the same effect is Bluntschli (*Droit Int. Codifié*, art. 384.)

Some investigation has been made of the laws and practice of other powers touching the expulsion of foreigners, and they have been found to comport generally with the principles advocated by the jurists above quoted. These writers, Bar, Bluntschli, Calvo, and Rolin-Jacquemyns, are specialists in the science of international law, and the opinions of no modern jurists are entitled to greater respect. Their utterances were made as statements of principle and without reference to any controversy in which their sympathies were engaged or by which their judgment might be biased.

In certain countries, of which Belgium is an example, the law relating to expulsion provides safeguards against abuse and injurious consequences, by requiring previous notice, by conceding the right of choice of the way out of the country, etc. In others, as in France, the law permits immediate expulsion, but the administration of it is tempered by executive regulation. In an Executive order of December 17, 1885, the French minister of the interior deprecated and forbade harsh execution of the law by subordinate functionaries. "Whatever may be the

necessities," he said, "which in the interest of public order are imposed on the superior authorities, I believe that the Government of the Republic should be actuated in matters of this nature only by considerations of impartial humanity consistent with the wholesome enforcement of the law." Referring to certain instances of harsh execution of the law by the police authorities near the frontiers, he says:

This is, in my opinion, a misconception of the sentiment of humanity to which I alluded above, and an application of the letter of the law with a rigor which a free republican government like France can not afford to exercise toward foreigners of any nationality. (*Journal de Dr. Int. Privé*, vol. 13, 16, and 497.)

Expulsion is a police measure, having for its object the purging of the State of obnoxious foreigners. It is a preventive, not a penal process, and it can not be substituted for criminal prosecution and punishment by judicial procedure. (See *Inst. Dr. Int. Ann.*, 286, 300.)

In no instance has an example been found of treatment such as that to which Hollander was subjected. Hollander had been admitted to residence in the Republic of Guatemala and encouraged to engage in business there. He lived for a long time in amity and intimacy with the high officers of the Republic, and those relations continued until he made the charge reflecting upon the integrity of certain of these officials. With the aid and support of the ruling powers he had built up a thriving newspaper and job-printing enterprise, which was in full operation at the time of his expulsion. The judicial powers of the Government of Guatemala at once took cognizance of Hollander's attack on the officials of the Government, and he was arrested upon the criminal charge of calumny and forgery. A trial and conviction upon that charge would have vindicated the Government and its officers and resulted in the punishment of Hollander if he was guilty of malicious libel and forgery. His acquittal would have been conclusive of his innocence. The circumstances of his expulsion give it the appearance of executive intervention to take the matter out of the hands of the court, and, assuming the fact of his guilt, to administer punishment by way of instant and forcible expulsion. The fact that Hollander was expelled while awaiting trial, and in a manner that defeated the ends of justice judicially administered, is one of the most aggravating of the incidents which make the manner of his expulsion a flagrant violation of Guatemala's obligations to the United States respecting the treatment of our citizens. This high-handed treatment of Hollander carried also the appearance of discourtesy and unfriendliness toward the United States; and if not so intended, the action of the Executive implied disregard of an unmistakable character for the rights and sensibilities of a neighbor Republic which feels as a wound every injury to its citizens.

The treaty of 1849 between the United States and Guatemala (Art. XII) provides as follows:

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in (all) cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

This treaty was terminable in all its parts relating to commerce and navigation, but in all those parts which relate to peace and friendship

Article XXXIII declares that it shall be "perpetually binding on both powers." Notice of the determination of the treaty was given by Guatemala in 1874, but July 9, 1888, that Government declared in a note to Mr. Hosmer, *chargé d'affaires* of the United States, that Article XII and some other provisions, being parts of the treaty which relate to peace and friendship and are based on the general principles of popular rights, "are to be completely observed, although no treaty exists which would establish them." The letter closes with the declaration that "the convention (treaty), except as regards the stipulations of a terminable character which it contains, can not be considered as having terminated." (*Foreign Relations*, 1886, pp. 149, 159.)

Without contending that the Guatemalan law of expulsion is in derogation of Article XII of the treaty, and without taking exception to that law as a piece of domestic legislation, but having regard to the manner and circumstances only of Hollander's expulsion, it was effected in disregard of the rights guaranteed to citizens of the United States by that treaty, and of "the prescription which," quoting from the Guatemalan letter of June 9, 1888, "can not be denied in any civilized country of the earth."

Returning to a consideration of the facts, Hollander was held in prison on bail for more than three months, in the power of the Guatemalan authorities, awaiting trial. Then, suddenly and without notice, the judicial proceeding was abandoned and the accused was taken from prison, carried under guard to the coast, and put upon an outgoing vessel under a executive decree of expulsion, leaving his family, his business, and his property unprovided for. He was literally hurled out of the country, leaving behind wife and children, business, property, everything dear to him and dependent upon him. Why that abandonment of the judicial investigation and resort to summary expulsion by administrative decree, I do not inquire. But the United States takes this ground: The Government of Guatemala, whatever its laws may permit, had not the right in time of peace and domestic tranquillity to expel Hollander without notice or opportunity to make arrangements for his family and business, on account of an alleged offense committed more than three months before, Hollander having during the entire interval been in the power of the Government, subject to the proper enforcement of any of its laws, and at the time awaiting trial in the criminal court upon the identical charge upon which he was expelled. If expulsion was lawful and proper on the 14th of May, it was lawful and proper on the 8th of February preceding, when Hollander had already committed the offending act and had been held to answer for it in the courts of the country. After deliberating three months and more, with Hollander absolutely in its power, the executive authority expelled him in a manner that defeated the course of justice in the courts of the country; that violated the rules of international law and the existing provisions of the treaty, and was contrary to the practice of civilized nations. In so doing Guatemala did Hollander, and through him the United States, a grievous injury, which can not be allowed to go without protest. He is entitled, upon the undisputed facts, to a reasonable indemnity, and you are directed to inform the Government of Guatemala that the United States expects it to be paid.

CLAIM FOR PRINTING AND FOR COFFEE LANDS.

Besides the claim for indemnity above considered, the United States has demanded the payment of certain indebtedness to Hollander by the Government of Guatemala for printing, and the value of certain public

lands (coffee lands) which he claims to have paid for and preempted according to law.

These two items have been the subject of previous correspondence. They are explained in the instruction of May 6, 1893. Guatemala denies that Hollander did any printing for the Government, and denies that he preempted or paid for any land. It is fair to say that Hollander's proofs are not perfect. His memorial is explicit and circumstantial throughout, and his previous statement has been supplemented by an affidavit, which is now inclosed. (It was sent here in a letter from his counsel, Mr. R. D. Benedict, dated November 8, 1895.)

Mr. Hollander has in his possession, and has exhibited, public documents (mentioned by title in his affidavit) printed for the Government of Guatemala, which bear the imprint of Hollander's printing establishment, "La Estrella." There is no question that Hollander printed public documents for the Government of Guatemala. The defect in his proof lies in his inability to establish the amount and value of the work he did and the fact of nonpayment of the price of it. This defect is due largely to the fact and manner of his expulsion and of his enforced absence from Guatemala. His statement disproves the last reply from Guatemala, that all the Government printing had been done at another establishment, and consequently none by Hollander; and in the absence of a more specific and satisfactory answer than has up to now been given, this Government must continue to press this item of the claim. Hollander has made, on oath, an itemized statement of his work for the Government of Guatemala, and produced specimens of that work. He declares that each item was worth a stated amount and that he has not been paid. Circumstances, of which he is the victim and the Government of Guatemala the cause, prevent production by him of corroborative documentary proof. I have no disposition to call on Guatemala to prove Hollander's claim, but if nothing is due Hollander for printing, that Government must have at hand accounts and records which will prove conclusively that it owes nothing, and it is not unreasonable to request that it rebut, if it can, his *prima facie* case.

In regard to the coffee lands, the conditions are practically the same. Mr. Hollander's sworn statement (inclosed) sets forth in detail what he paid and each step in the proceeding by which the lands became his, giving the names of half a dozen men, now supposed to be in Guatemala, who have personal knowledge of the facts which he alleges. These facts, being all official acts of the Government, must, if they exist, be matter of official record and easily ascertainable. Hollander declares that he surrendered to the land office, in accordance with the land laws and regulations, all the papers connected with the proceeding, expecting to get in lieu thereof the Government's patent or grant of title; that his expulsion intervened, and when he returned more than a year later, under special permission limiting his stay to sixty days, he was informed that his right to the land was forfeited.

The Guatemalan minister has said that the official files contain no evidence of the facts alleged by Hollander; that he paid nothing and took up no public land. This is a general denial in response to a specific and detailed claim naming persons who may be called upon to say whether the specifications are true or false. In the circumstances this Government is of the opinion that the Government of Guatemala should at least take the evidence of the persons named.

These items of Mr. Hollander's claim for printing and coffee lands would be withdrawn upon a showing that casts a reasonable doubt upon their validity. There is no disposition to force on Guatemala an unproven

claim; but the circumstances are peculiar. Hollander has been deprived by Guatemala of the means of perfecting his proof; Guatemala has all the facts in reach, and the United States is simply acting on the principle which would obtain in a court of justice in litigation between men where evidence in favor of the claimant is alleged to be in the possession of the defendant. If the defendant, having the power, refuses to produce the evidence or fails to show that it does not exist or is not in his possession, a presumption is raised that the evidence is unfavorable to the defendant's contention. Unless Hollander's land claim is an entire fabrication, there must be some record of the proceeding; and if it is an entire fabrication the five or six gentlemen named by him in his affidavit as having personal knowledge of the facts can easily refute it by denying his statement.

It must be apparent that the second and third items of Hollander's claim are a fit matter for arbitration, with power in the arbitrator to take testimony and call for documentary evidence. This Government would be glad to leave the matter to that form of adjustment, and it would have no objection to the inclusion of the first item—indemnity for expulsion—in the arrangement, although no doubt is entertained as to the liability of Guatemala upon the first item.

Accompanying Hollander's supplemental affidavit inclosed are other letters and sworn statements pertinent to the claim. Copies of all of these may be left with the Guatemalan minister for foreign affairs with a copy of this instruction, which you are directed to read to the minister, with an earnest request for early and serious consideration. The United States wishes to close this matter, and will not insist upon anything beyond simple justice to Mr. Hollander in accordance with the facts as they are ascertained or ascertainable, and with the principles of law which obtain and govern the relations of the two countries.

I am, etc.,

RICHARD OLNEY.

[Inclosure 1 in No. 263.]

Mr. Hollander to Mr. Olney.

NEW YORK, November 8, 1895.

The Department of State has desired me to furnish evidence in reference to my claim against Guatemala for the coffee lands, to prove that I "actually did purchase them," and also to furnish proof with reference to the printing bill which constitutes another part of my claim against Guatemala. I beg leave now to furnish to the State Department such evidence as I can give in reference to each of the said items of my claim:

First. In reference to the claim for the coffee lands. The following is a detailed statement of the facts in relation to my application to the Government of Guatemala for those lands and my payment for them. And I solemnly swear that the facts as herein stated are true:

In the month of November, 1887, I made application for a tract of land situated in the department of Alta Vera Paz, district of Coban, and more particularly described in the said application, which was in writing. I addressed my application to the jefe politico, or governor, of the department of Coban, who was then Col. Juan Francisco Rubio.

My application was drawn up by a lawyer, Jose Maria Marroquin, residing then in the city of Guatemala. It was drawn on stamped paper, in accordance with the law, and it specified the locality of the

land, together with the names of the witnesses to the facts required by section 598 of the fiscal code, and showed that the property was national land (*terrenos baldios*). This application was forwarded by me, through one Luis Estrany, a resident of Guatemala, to Colonel Rubio, the governor of Coban, and I received from Colonel Rubio an acknowledgment of the receipt of the same, stating that the proper steps would have to be taken in conformity with the fiscal code of the Republic.

That application should be recorded in the office of the jefe político of Coban. I have no copy of it, but I have no doubt that if I were not excluded from the country by the Government of Guatemala I could obtain a copy of it.

Section 599 of the fiscal code requires that in such matters a notice of the application must be published for thirty days in the departmental newspaper, if there is one. At that time there was such a paper published in the department of Coban, and the legal notice of my application was published in such paper. If I were not excluded from Guatemala by order of the Government, I could obtain from the files of such paper copies of the notice so published, of which I have no copy.

A survey of the land was made, by order of the governor of the department, by one Mr. Samayoa, his charge therefor being \$183.50, which was paid him, and for which he gave a receipt in October, 1888.

Mr. Estrany, together with the agent of my newspaper at Coban, Mr. Mejia, attended to various matters connected with the business in the department, such as paying for the advertisement and the survey, and sundry other expenses which I can not at this moment recall, amounting in all to \$428.50.

After these requirements had been fulfilled, Governor Rubio, in accordance with article 614 of the fiscal code, had the property appraised and put up at public auction, the upset price being \$50 per caballeria, at which price 60 caballerias were bought for me, the sale and the purchase being recorded at Coban in the office of the jefe político.

I received official notification from Colonel Rubio that the land had been sold to me for \$3,000, or \$50 for each caballeria. The money was paid over by me through Mr. Estrany to the jefe político of Coban. This amount was paid, \$1,900 in silver and the rest in "pagares," or bills against the Government for printing which I had done for it, for which orders on the treasury for payment had been duly countersigned thereon by the proper officers, which "pagares" were accepted as cash. The proper receipt, bearing the seals of the governor of Coban and the collector of revenue, was given for that money when paid over. There were four other parties who had also made denouncements of land in the Coban district, one of whom was Louis Estrany, above named.

On July 23, 1888, I addressed a letter to Colonel Rubio, requesting him to hasten the dispatch of those five denouncements of land which had been made, including my own. I have in my letter book a press copy of that letter, which I will exhibit to the Department with this affidavit, which letter was written in Spanish and a translation of which is as follows:

CITY OF GUATEMALA, July 23, 1888.

Señor CORONEL DON JUAN FRANCISCO RUBIO,
Jefe Político de la Alta Verapaz, Coban.

MY DEAR SIR AND ESTEEMED FRIEND: It is now many months that I have not seen you; owing to your many occupations in Coban, you have not the time to rest for recreation in the capital. God grant it that you may be able to send me some data from Coban and from your *jefatura*, in order to publish the same in *La Estrella*.

The principal object of this my letter, after having affectionately saluted you, is to solicit the quick dispatch of the five denouncements of lands for Messrs. José Ma.

Bustamente, Augusto Mulet Chambo, Luis Estrany, Federico Lanzer, and the undersigned, because we desire to cultivate cacao (cocoa), rubber, and sarsaparilla on our lands; and besides, we have written to the United States in order to bring several head of cattle, in order to propagate the race in this country, and we shall have the answer from that place within a very few days, awaiting solely your expeditious dispatch of the matter.

Giving you thanks in anticipation for all, and with a thousand salutations, I am,
Your affectionate friend and servant,

J. H. HOLLANDER.

Thereafter, but after long delay, a communication was addressed to the Government by Colonel Rubio, stating that all the requirements of law, as far as his department was concerned and the specifications of the general laws of the country were concerned, had been complied with, and that the Government could extend title to me for the lands. I saw such communication.

All the receipts and necessary documents, together with the official notice of my having legally acquired the land, were sent to me from Colonel Rubio, the jefe político at Coban, through Messrs. Estrany and Mejia. As soon as I had them all, accompanied by Mr. Estrany, I went to the office of the under secretary of the interior and to the land office in March, 1889, in order to comply with the law and to satisfy the Guatemalan Government that the proper title could be extended to me for the lands that I had purchased. Mr. Mandujano, the assistant secretary of the interior, went with us to the land office, and there all of the documents relating to the land, including the receipts for moneys expended, surveys of the land, letters from the governor, application, and all other documents, were handed over to Mr. Flavio Galvez, who was then chief of the land office.

It is absolutely necessary that every document relating to the negotiation for the purchase of Government lands be deposited with the Government in order that a proper deed and title should be extended to the interested party. I was compelled to comply with said law and hand over everything I had in order that the Guatemalan Government might give me the proper title. I did this in the same manner that our own people here in the United States would deposit with the registrar of deeds and mortgages a deed or mortgage for recording purposes, merely having the recording officer note on the back where and to whom the mortgage or deed is to be returned. No receipt or memorandum of any kind is ever given for such papers when deposited, and no receipt or memorandum showing their deposit was given to me; and I had no more thought of there being any necessity of my asking for a receipt or taking copies of such papers than I would think it necessary to take a receipt for or copy of a mortgage which I should have left in a recording office in the United States.

In anticipation of delivery of the title deeds to me, I had, with the permission of the jefe político, had a portion of the land cleared and planted with coffee trees. This was done under the direction of Mr. Estrany, and I contributed money to pay the laborers who did the agricultural work. Mr. Estrany supplied me with a number of young trees, which were there set out. Owing to this expenditure, the land in question became enhanced in value, and in view of the fact that about that time the price of coffee rose nearly 200 per cent in Guatemala, coffee lands were eagerly sought for, so that the value of \$4.75 per acre placed on the land at the time of my expulsion is in no way excessive.

My previous relations with the Government of Guatemala had been very friendly. In the fall of 1887 I had been sent by President Barillas on a special mission to Salvador, and I had free access to visit him at

the executive palace at all times. I filed with the Department of State on or about May 5, 1890, the affidavit of Dr. Charles W. Fitch, who was chief of staff of President Barillas at Guatemala, to which I refer, from which will be seen how close had been my relations with the Government officials. Those relations continued, although not so close, nearly up to the time of my expulsion. It is true that the criminal charge had been made against me in February, 1889, but bail in \$1,000 had been given for me, and I was attending to my regular business of publishing my paper and attending to my printing office during February, March, and April, 1889, and I had repeated interviews during those months with President Barillas in reference to different matters of business.

And I had not the slightest idea when I deposited my papers in March, 1889, to obtain the title to the coffee lands, that there would ever be any difficulty about it, or that I should ever need a copy of one of the papers which I so deposited, all the more, as I was assured by Señor Galvez at the time that the office would dispatch the matter and that the title would be furnished me as quick as possible.

And I further aver that when I went to the land office on my temporary return to Guatemala in November and December, 1890, and demanded of Señor Mandujano, the under secretary of the interior, that the title should be given to me for the land in question, the answer that was given to me by Señor Mandujano was not a denial of my having denounced the land, but a statement that, as I had been expelled from Guatemala, the Government would not allow the title to the land to be given to me. I demanded of him that my papers which I had deposited should be returned to me or a receipt given me, but this was refused. I reported this demand of mine and this refusal to Mr. Mizner, the American minister.

I have a memorandum, which I made in a small memorandum book, as to the papers which I deposited for the purpose of obtaining title to the lands in question. I can not, after this lapse of time, tell when I made it, except that it was made while I was in Guatemala and before I was expelled from that country. That memorandum gives a list of such papers as follows, in Spanish:

[Coban terrenos—Memo. Marzo, 1889.]

Documentos dados al Sr. Estrany para la expedicion de los títulos.

1. Suplica al Sr. Rubio.
 2. Reconocimiento y aviso al público en periódico oficial de Coban.
 3. Medida por el Ing. Samayoa, Octubre 1888, con su correspondiente recibo, \$183.50.
 4. Recibos, varios gastos de testigos, y viajes á la capital, 8 recibos, \$428.50.
 5. Recibo por \$3,000 del Sr. Rubio á razon de \$50 por cada caballería.
- Entregados al Sr. Mandujano quien se les entregó al Sr. Galvez encargado de la seccion de tierras.

Translated it is as follows:

[Coban lands—Memorandum, March, 1889.]

Documents given to Sr. Estrany for the procuring of the titles.

1. Application to Sr. Rubio.
 2. Acknowledgment and notice to the public in the official paper of Coban.
 3. Measurement by the surveyor Samayoa, October, 1888, with his corresponding receipt.
 4. Receipts, various expenses of witnesses, and travel to the capitol; 8 receipts, \$428.50.
 5. Receipt for \$3,000 from Sr. Rubio at the rate of \$50 for each caballería.
- Delivered to Sr. Mandujano that they might be delivered to Sr. Galvez, in charge of the land office.

I have not been able to find among the papers in my possession any copy of any of the above papers, or any other papers in reference to the said coffee lands. But I solemnly swear that I paid, as above stated, \$3,000 at the office of the jefe politico of Coban for that land, besides the expenses, and that I did deposit the papers in said memorandum mentioned for the purpose of procuring the land to which I was entitled. The written evidence of my right still exists in Guatemala in the records of the Government, unless it has been destroyed. And the destruction of the same, if it has been destroyed, or the suppression of the same, if it still exist, is only a continuation of the oppression from which I have been so long suffering at the hands of the Government of Guatemala.

The Government of Guatemala has taken my money for land. It has aken my papers which I deposited with it for the purpose of procuring the title which I was entitled to have, relying as I did on the duty and honor of the officers of that Government. It now refuses to give me the land or return me the money or return the papers. Such an act by an individual would be an act of dishonesty, if not a robbery. I am powerless to help myself. And if the Government of the United States, of which I have always been a faithful subject, will do nothing to aid me against such oppression—if it will take the word of the spoliator against mine, if it will allow the fact of my having no written evidence, which the Government of Guatemala by force prevents me from procuring, to avail to overthrow my solemn oath as to the truth of the facts which I aver—I shall have only to submit to the oppression and injustice, but under solemn protest. I shall not believe until I am compelled to that the Government of the United States will suffer such injustice to be successfully perpetrated.

Second. I now speak of my bill for printing done by me for the Government of Guatemala.

I understand the minister of foreign affairs of Guatemala, in his letter of January 10, 1895, to intend to be understood as denying that I did any printing whatever for the Government of Guatemala, and alleging that a printing office called La Union was the only one which did any printing for the Government.

I think it proper, therefore, to give a somewhat full statement of my relations with the Government of Guatemala, out of which arose the various works of printing which I did for that Government.

In the month of June, 1885, I published the first number of my newspaper, *La Estrella*, in the city of Guatemala, under a special permission from the Government of that Republic, a copy of which has been already submitted to the Department. The paper is a weekly one, printed in both Spanish and English, and printed in a local printing office of the capital. The success of my paper was assured, and within less than a year I had transformed it into a daily, with an English edition once a week. I had obtained a sufficient outfit wherewith to publish the paper myself, besides having a job printing office. Toward the beginning of 1887 I had further enlarged my plant into a first-class printing office. Toward the middle of 1887 a complete change in the Government of the country and its political views brought into the cabinet of President Barrillas many men whom I had personally befriended through my paper, and it rose in the favor of the President himself. And thereafter I began to do considerable work for the Government of Guatemala through orders given by the President and by members of the cabinet who were personal friends of mine.

A special instance of really important work done by me for the Government was on or about the 6th day of September, 1887, at a time when opposition was made by the archbishop, Cassanova, regarding the civil marriage act, which resulted in the expulsion of the said archbishop from the country. A secret cabinet council was held, lasting until close upon midnight, as a result of which special executive decrees were issued in writing for the expulsion of the archbishop, and which, in order to be thoroughly legal, would have to be printed before 6 o'clock on the following morning. The Government applied at the printing office of La Union, formerly El Progreso, to have these decrees printed and to have a special edition of El Guatemalteco (the official newspaper) printed in time for distribution at 6 a. m. The aforesaid printing office flatly refused, on religious scruples, to have anything to do with the printing of any matter connected with the archbishop's expulsion. President Barrillas sent for me that night at 11 o'clock, and I appeared there before him and his cabinet. He asked me if I could publish the decree and the special edition of El Guatemalteco, referring to the archbishop's expulsion, and could have the paper and decrees ready before 6 o'clock in the morning, as the archbishop was to leave the country, escorted by General José Maria Reina Barrios, of the Guatemalan army, who is now the President of Guatemala, leaving the capital city for the seacoast that night. I agreed to the President's request, got my employees together, and was able to hand to the Government corrected proof sheets of the decree before 1.30 a. m., so that a certified copy of the same could be placed in the archbishop's hands before he left for the seacoast. The balance of the work was completed, printed, and distributed by me at the Government's request, to the extent of 6,000 copies, before 6 o'clock in the morning. My own paper, La Estrella, also devoted several columns to the matter, at the request of the Government. I was complimented by the President for the quick work and the annoyance that it saved him and the Government through my prompt action.

This action of mine, with others, put me on still more friendly relations with the President and members of his cabinet, such as are set forth in the affidavit of Dr. Fitch, before referred to, of which I attach a copy marked Exhibit 1, which led not only to my being sent as a confidential agent to Salvador by the President of Guatemala, but as a matter of course led to the giving to me of considerable printing to be done for the various departments.

As to the statement, incorporated in the letter of the Guatemalan minister of foreign affairs, by Señor Mandujano, that at some time (the dates he does not state) "a contract with the owners of the printing establishment, La Union, was in force, according to which the establishment was to do the official printing for all the Government departments of the capital, and neither Mr. Hollander nor any other person, except the owners of the aforesaid establishment, was to do any work of this kind," I have this to say: The alleged contract is not set forth, and in view of the amount of the printing which I actually did for the Government, I do not believe that any such exclusive contract ever existed. I know that the establishment, La Union, did printing work for the Government; but I also know that my own establishment also did work for it.

And whether the work which my establishment did for the Government should be paid for by the Government in no way depends upon any contract between the Government and La Union. Notwithstanding that contract, if it existed, a large amount of Government printing was done at my establishment, La Estrella; for some of which work I

have been paid by the Government of Guatemala, and for the rest of which I ought to be paid.

Before going into the details of the printing work done by me for the Government for which I claim to be paid, I pause to refer to a part of the statement of Señor Mandujano, embodied in the letter of the foreign minister, as to an alleged gift to me of "several presses with their appurtenances," in return for which he states that I agreed "to write in favor of the Government of Guatemala in the *Estrella de Guatemala*."

Señor Mandujano has forgotten or misstated the facts. I beg leave to give herewith a correct statement of them, and the Department of State will find in them strong corroboration of my statements as to my friendly relations with the Government and as to the fact of my doing printing work for its departments.

In the year 1887 I began the printing for the Government of a paper called *La Democracia*, which was of a semiofficial character. For the work of printing and publishing this paper the Government agreed to give me the sum of \$600 per month. This paper was published until the 1st of January, 1888, when the name of the publication was changed to *El Dia*, under a new editor. The same arrangement was made with me for the printing and publication of *El Dia*, which continued up to the time of my expulsion.

During the year 1887 the Government had in its possession a press which was not in use, and this press was furnished to me by the Government, not with reference to my paper *La Estrella*, but for the purpose of facilitating the printing of the papers in question. In order to use it I was compelled to put repairs on it to a considerable amount. And it was used as well for the printing of *La Democracia* as for the printing of *El Dia*.

In the spring of 1888 one Dr. Juan Padilla, with others, was planning the starting of another paper, and in pursuance of that proposition they obtained from the minister of the interior (*gobernacion y justicia*), Señor Anguiano, an order that I should deliver that press to Dr. Padilla. I annex a translation of that order (marked Exhibit 2), dated May 24, 1888, of which I have the original, written on department paper, and signed by Minister Anguiano himself. On receipt of it I wrote a letter to the minister, stating the circumstances, and that the press was in use in the printing of *El Dia*; moreover, that it was not just to take the press from me without the repayment to me of the sums which I had expended to put it in condition. I annex a copy of that letter, taken from my press copy letter book, marked Exhibit 3.

I thereupon received a second letter from the minister, under date of 28th of May, 1888, a translation of which I also attach (marked Exhibit 4), and the original of which, on department paper, and signed by the minister himself, is in my possession, by which the minister withdrew the previous order and stated that I might retain the press until further orders. And thereafter the press remained in use in my printing office until the time of my expulsion from Guatemala.

The Department will easily see that here is proof over the signature of the minister of the interior himself that I was printing for the Government. The printing of *La Democracia* and *El Dia* are items on account of which the Government of Guatemala is still indebted to me, and if my relations with the Government had not been more than usually friendly it would certainly never have allowed me the use of that press, as it did, for about a year and a half.

I have already stated that I did considerable printing for the Government of Guatemala for which I have been paid. I do not take time to

specify it. A considerable amount of it was schoolbooks printed for the department of public instruction, and a considerable part of that for which I have not been paid was of a similar character. The following is a list of the various publications printed by me for the Guatemalan Government for which I have not been paid and for which I claim payment:

1. Act of Independence, printed in black and gold, size 27 by 36 inches, 14,000 copies, at 10 cents.....		\$1,400.00
This was ordered by Señor Anguiano, the secretary of the interior (gobernacion y justicia), in accordance with instructions from President Barillas himself, as the President himself informed me. It was ordered about January 1, 1889, to be ready about March 1, at the opening of the annual session of the Legislative Congress. The copies were delivered at the office of the secretary of the interior.		
2. Four schoolbooks for the department of public instruction:		
Eclectic Sillabary, 40,000 copies, at 15 cents.....	\$6,000.00	
First Reader, 20,000 copies, at 22 cents.....	4,400.00	
Second Reader, 10,000 copies, at 37½ cents.....	3,750.00	
	14,150.00	
Less royalty to José M. Vela, the author, deducted by Government order.....	2,000.00	
		12,150.00
Compendium of Universal History—this was to be in two volumes; only one of them was completed—5,000 copies, at \$1.20.....	6,000.00	
On account of this I have been paid.....	2,800.00	
		3,200.00
Leaving due a balance of.....		3,200.00
3. Message of President Barillas of October 1, 1887, with a translation, to be submitted to the Legislative Assembly on March 1, 1888:		
1,000 copies, in gold.....	250.00	
4,000 copies, plain.....	600.00	
	850.00	
Less paid on account.....	250.00	
		600.00
4. Special ordinances and programmes for the Government polytechnic or military school, 5,000 copies, at 40 cents.....		2,000.00
5. Monthly circular of the minister of foreign affairs, addressed to the consuls and others, with translation, at \$60 per month for ten months, beginning with July, 1888.....		600.00
6. Tratado Sobre Derecho Internacional Privado, 3,000 copies.....		25.00
7. Fortnightly memorial for the polytechnic school from November 30, 1887, to May 1, 1889, afterwards changed to a monthly edition. The Government was to pay me \$300 a month for 5,000 copies, making.....	\$5,100.00	
On which they paid.....	700.00	
		4,400.00
Leaving a balance due me of.....		4,400.00
8. Reprint of the decree No. 394, regarding the settlement of national debt, with translation, in March, 1888, 10,000 copies.....		500.00
9. Report of the Guatemala School of Arts and Sciences, July 13 to September 18, 1887, 500 copies.....		80.00
10. In March, 1889, amendment to the penal code, 10,000 copies, ordered by the minister of the interior (gobernacion y justicia).....		300.00
11. Collection of Government circulars, from July, 1887, for presentation to assembly on March 1, 1888, based on decree No. 380, wherein President Barillas declared himself dictator of the country and ordered by the President himself, 7,000 copies, at 60 cents.....	\$4,200.00	
From which is to be deducted.....	2,200.00	
		2,000.00

Besides the works above mentioned there was also newspaper printing done by me for the Government, as follows:

12. The Government gave to my own paper, <i>La Estrella</i> (The Star), a subscription at the rate of \$200, which was afterwards increased to \$300 a month; at the time of my expulsion there was due me from the Government of this account.....	\$400.00
13. <i>La Democracia</i> , a daily semi-official newspaper, printed for the Government from July, 1887, to the end of the year. I was to receive for this \$600 a month, and there still remains due on this account..	100.00
14. At the end of the year 1887 the title of the paper was changed to <i>El Dia</i> , and I continued to publish it from January, 1888, to May, 1889, under a similar arrangement at \$600 a month. Of this amount there remains due the sum of.....	2,344.00
15. There was also on my books at the time of my expulsion several small bills for various work done for various departments, as follows:	
January 1, 1889. School of Arts	\$32.00
January, 1888. Police department	75.00
August and October, 1889. Polytechnic school	70.00
October 3, 1888. National treasury	10.00
February 8, 1888. Commandancia de armas	4.00
April and May, 1889. National Assembly	58.75
January 1, 1889. Ministry of foreign affairs	40.00
January 22, 1889. Ministry of fomento (public works)	37.50
January 11, 1888. <i>El Dia</i> jobs.....	10.00
	337.25

I had no written contract for any of the above work. The orders for it came to me from the various departments and from the President himself.

It will easily be imagined that I could not obtain so large an amount of printing as this, and that which I had previously done, for which I was paid, without being compelled to share the profits of it.

I have no wish to specify the persons to whom I was compelled to pay over part of the profits which I received, although I can do so if it is insisted upon by the Department.

By reason of this fact it was necessary to keep the details of that Government business out of the general books of my business, which must, of course, be open to the inspection of my employees; and I kept the details of that business, therefore, in a separate book, in which I made the entries myself. I regret to say that I am unable to produce that book. I was compelled, of course, to leave it behind when I was expelled; but on my return to Guatemala in the fall of 1890 I had it and used it in making up the account of the printing done for the Government, which I gave to our minister, Mr. Mizner, and I supposed that it was brought away in the confused mass of books and papers which I hastily gathered together, boxed up, and brought away from Guatemala. Whether in some way it got into the mass of refuse books and papers which I sold as waste paper there, or whether it has in some way been mislaid during the various changes of my habitation and movings of my furniture since my return, I am unable to say. I have made diligent search for it and for other papers, in corroboration of my statements, but I have not been able to find it.

I have, however, been able to find and I am ready to produce the following original papers and documents in reference to the foregoing items of work, which I state by numbers as follows:

No. 1. I present a copy of the work itself, in black and gold, for the inspection of the Department.

No. 2. I present copies of the *Eclectic Sillabary*, and of the *Second Reader*, and of the *Compendium of History*.

I present also a receipt signed by S. Sta. Cruz, chief clerk of the department and under the seal of the department of public instruction,

for the last 1,100 of 20,000 copies of the Eclectic Sillabary, which were delivered in April, 1888, a copy of which is annexed, marked Exhibit 5.

No. 3. I present three copies of the document in question, one printed in gold and the two others in different styles, with the imprint of La Estrella.

No. 4. I present a copy of the work as printed with the imprint of La Estrella. It has on its face the coat of arms of the Government, which is never allowed to be used except on official documents. The electro-type of it was furnished to me by the Government.

No. 5. I present a copy of the work printed for the month of July, 1888, with the translation.

I present also the original copy sent me from which to print, written on Government paper by Jorge Prado, the chief clerk in the ministry of foreign affairs, and signed by him with his rubric.

I present also a receipt for 500 copies of it, signed by Manuel Montufar, the undersecretary of foreign affairs, with the seal of the department of foreign affairs. I annex a copy, marked Exhibit 6.

No. 6. I present a copy of the pamphlet with the imprint of La Estrella.

No. 7. I present a copy of the pamphlet for January 1, 1889, with the imprint of La Estrella.

No. 8. I present a copy of the decree and the translation with the imprint of La Estrella upon it.

No. 9. I present a copy of the memorial with the imprint of La Estrella.

No. 10. I present a copy of the amendment with the imprint of La Estrella.

No. 11. I present a copy of the collection of circulars. The title page is missing, but upon it was the imprint of La Estrella.

No. 12. As to this, I present a decree of February 2, 1886, awarding to me a subvention of \$200 a month, and the decree of April, putting an end to the subvention. And I annex copies, marked Exhibits 7 and 8.

No. 13. I present one number of La Democracia.

No. 14. I present the two letters of the minister of the interior, stating that the press was furnished to me and used by me for the publication of El Dia, of which I annex copies marked Exhibits 2 and 4.

No. 15. The various bills included in this item of \$327.25 are all of them taken from my ledger, which can be exhibited if desired.

In addition to the above, as confirmatory of my statements in it as to the amount of printing done by me for the Government, I beg leave to refer also to the letter of Col. James R. Hosmer, who was consul-general of our Government and secretary of legation in Guatemala at the time, addressed to my counsel, R. D. Benedict, esq., of which letter I attach a copy, marked Exhibit 9.

All of the above amounts, which together amount to \$30,436.25, are justly due me from the Government of Guatemala, together with \$11,835 interest thereon from May 12, 1889, the date of my expulsion, amounting in all to \$42,271.25.

And to the truth of the above averments I solemnly make oath.

UNITED STATES OF AMERICA,

J. H. HOLLANDER.

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

I, John H. Hollander, being duly sworn, do depose and say that the allegations of the foregoing statement by me subscribed are true.

J. H. HOLLANDER.

worn to before me this 8th day of November, 1895. Witness my hand and official seal.

WM. B. JONES,

[SEAL.]

Notary Public for Kings County, N. Y.

EXHIBIT 1.

Affidavit of Charles Wellington Fitch.

STATE OF CONNECTICUT,

City of Bridgeport, County of Fairfield, ss:

Charles Wellington Fitch, being duly sworn, deposes and says as follows:

I have resided for more than ten years in Central America, and was in the States of Guatemala and Salvador from the time of the arrival, in January, 1885, of J. H. Hollander in Guatemala, up to the end of January, 1889, and was during all that time intimately acquainted with the said Hollander.

My present occupation is that of the practice of medicine (being a graduate of Yale Medical College in 1874), at No. 151 Fairfield avenue in this said city of Bridgeport. I was also acting assistant surgeon in the United States Regular Army, at the time of my going to Guatemala at the request of the late President J. R. Barrios, and held respectively from him my commissions of lieutenant-colonel, colonel, and acting surgeon-general of the Guatemalan army. I was on the personal staff of General Barrios and also on the staff of the present President, General Barillas, holding the position as chief of staff under the latter for a considerable time, from April, 1885, until the middle of 1887, when I accepted service under the Government of Salvador, receiving my commission there as a brigadier-general. I was chief of special service in Salvador, and resigned my post to return to my home in New Haven, Conn., of which State I am a native. I knew Mr. Hollander very well in Guatemala. There was no one, either among the foreigners or natives in the place, who was more universally liked and respected and received more consideration from every one than Mr. Hollander; he was on most intimate and friendly terms with President Barillas, who had constant intercourse with him.

In my capacity as chief of the President's staff, it was my duty to permit or refuse audience to visitors to the President, according to the orders of the latter, and one of my special orders was to admit Mr. Hollander to the President's presence at whatever hour of the day or night he might call. And I know of repeated occasions when Mr. Hollander has been specially sent for to be consulted by the President of Guatemala, and have also been personally present when President Barillas, upon the announcement that Mr. Hollander wished to see him, has left his cabinet council to confer with Mr. Hollander. I also have been present when the said President spoke of Mr. Hollander, and it was always in the most glowing and friendly terms. There was no change in this regard as long as I was in Guatemala. In October and November, 1887, while in my capacity as general in Salvador, and in the confidence of President Menendez, of Salvador, I was personally present and know of my own personal knowledge that Mr. Hollander visited the Republic of Salvador, sent upon a very delicate diplomatic confidential mission by President Barillas, in a matter where the latter was loath to confide in a native of Guatemala. Mr. Hollander was there and then received with every honor, both by the President of Salvador and by his cabinet; and President Menendez, in speaking to me on more than one occasion about Mr. Hollander, referred to him in only the highest terms of praise, and said that Guatemala had done well in trusting the mission to Mr. Hollander.

During my entire stay in Central America I never heard Mr. Hollander's character impeached in any way whatsoever; he had always been regarded both by myself and everyone I knew there as one of the men in that country who would not lend himself to do a mean or dishonorable action. In 1887, as I personally know, Mr. Hollander was mainly instrumental, both through his paper and personally, in effecting an amicable arrangement with the British bondholders and the Government of Guatemala by effecting a recognition of Guatemala's debt to Great Britain, and thus avoiding a threatened rupture between the two countries.

Mr. Hollander was also on very friendly terms with nearly everyone connected with the Government of Guatemala.

I have repeatedly visited Mr. Hollander's printing establishment in Guatemala, and knew it very well during my stay in Guatemala, which place I last visited at the end of January, 1889, shortly before Mr. Hollander's first arrest.

Mr. Hollander, during his sojourn in Salvador, there bought and carried with him to Guatemala two "plants" of printing material, consisting of several printing presses and type, etc., from printing offices which were compelled to close from lack of business.

And besides the foregoing property, Mr. Hollander had other printing machinery in Guatemala of his own, and when the whole property was placed in working order, some little time after his return from San Salvador, I considered it the finest private printing establishment in all Central America, and as far as I could judge it was worth from \$50,000 to \$60,000. Every description of work could be done, and his machines were run by steam power.

It is only quite recently that I learned of Mr. Hollander's troubles with Guatemala, and having communicated with his lawyer, Mr. Robert D. Benedict, I make this statement because I desire to see justice done.

C. W. FITCH

Sworn to before me in Bridgeport, this 1st day of May, 1890.

[SEAL.]

STILES JUDSON, JR.,
Notary Public.

EXHIBIT 2.

Mr. Anguiana to Mr. Hollander.

[Translation.]

[Imprint of the Secretary
of the Interior.]

PALACE OF THE GOVERNMENT,
Guatemala, May 24, 1888.

Sr. Don J. H. HOLLANDER, *Present*:

You will please deliver to Sr. Don Juan Padilla M. the press, with its corresponding accessories, belonging to the Government, and which from the National Institute was delivered to you for the printing of the newspaper *El Dia*.

I am, your obedient servant,

ANGUIANA.

EXHIBIT 3.

Mr. Hollander to Mr. Anguiana.

MAY 24, 1888.

Sr. Dr. Don FRANCISCO ANGUIANA,
Minister of the Interior, Guatemala, present:

SIR: Under date of to-day I received the attentive note of your department, which literally says as follows: "You will please deliver to Sr. Don Juan Padilla M. the press, with its corresponding accessories belonging to the Government, and which from the National Institute was delivered to you for the printing of the newspaper *El Dia*," and in reply to it I have to say:

First. That I have received no press from the National Institute, but I have from the School of Arts and Trades.

Second. The press, to which the foregoing article refers, was not given to me only for the printing of the newspaper *El Dia*, but it was also given for such other uses which I might have for it, in consideration of the services that I have lent to the Government during the affair of the reactionary party; and with the stipulation that I should put the same in good order at my own expense, and that it would remain in my possession with the intention of the Government to give it to me as my property or to reimburse me for the expenses of repairs which the press needed.

Third. I have spent nearly \$600 in repairing the press, placing new wheels, new rubbers, and other things, besides having to replace several portions of said press that were lacking.

Fourth. I am constantly using the aforesaid press, and its removal from my printing office will cause much injury to my printing office.

Fifth. And besides all that has been said, I have the honor to remind the señor minister the words addressed by your excellency to me last week relative to favoring my printing office in all that was possible, whereas the withdrawal of the said press will injure me considerably.

For all that I have now said I hope that you will be pleased to reconsider your letter of today, in view of what I have explained to you.

I am, your excellency, your attentive and obedient servant,

J. H. HOLLANDER.

EXHIBIT 4.

Mr. Anguiana to Mr. Hollander.

[Translation.]

[Imprint of the minister
of the interior.]PALACE OF THE GOVERNMENT,
Guatemala, May 28, 1888.

Sr. Don J. H. HOLLANDER:

There has been given to you the order that you deliver to Sr. Don Juan Padilla M. the press which, with its corresponding accessories, belongs to the Government, and in the conception that it was no longer of any use to you, as this office of the minister was informed; but as this is not so, as you manifest in your note of the 24th instant, you can continue with it.

In order to avoid mistakes and difficulties which in the future might arise, I manifest to you that the Government never has had the intention to make you proprietor of the said press, but that it has placed you in charge of the same to hold it on deposit and at its order. You can use it as long as you like, but you should deliver it immediately, and always when it (the Government) might require it, to the person to whom the Government might send for it.

The expenses which you assure having made in improvements to the same will not be credited to you, because nothing was agreed at the time it was given to you; neither should you retain it for one moment in your possession in order to reimburse yourself for such expenses (repairs) when the order is given to return it.

With these elucidations you can, as I have already said in the beginning, continue to make use of the aforesaid press until the Government shall dispose otherwise, and I subscribe myself,

Your attentive and obedient servant,

ANGUIANA.

EXHIBIT 5.

[Translation.]

GUATEMALA, April 7, 1888.

Sr. Director de la Imprenta de Estrella:

There have been received in this office of the minister 1,100 copies of the Eclectic Sillabary, by Don Juan Ma. Vela, by which is completed the quantity of 20,000.

S. STA. CRUZ.

[Seal of the minister of public instruction.]

EXHIBIT 6.

Received of La Estrella printing office 500 copies.
[Rubric.]

MANUEL MONTUFAR.

[Secretary of state and of the office of foreign relations. Coat of arms of the Republic of Guatemala, Central America.]

EXHIBIT 7.

Concessions to Mr. Hollander.

[Translation.]

[Republic of Guatemala, office of the secretary of public works, palace of executive power.]

GUATEMALA, February 2, 1886.

The solicitation presented by Mr. J. H. Hollander asking certain special favors for the paper owned by him, called La Estrella de Guatemala, having been duly noted and believing it convenient to authorize such concessions, the general in charge of the Presidency decrees:

First. The superintendent of telegraphs will communicate with Mr. Hollander, without exacting any remunerative therefor, the cables and news that he may receive.

Second. The copies and special paper which may be sent to the departments of the Republic or abroad shall be charged no postage.

Third. There is hereby conceded to the same paper the subvention of two hundred dollars monthly which will be paid by the national treasury.

Fourth. Mr. Hollander will place at the disposal of the Government two hundred copies of his paper during the time such appears as a weekly sheet, reducing said number to one hundred copies if he deems it convenient to publish his paper daily with a weekly edition.

Fifth. The concessions and privileges authorized by this decree will cease whenever the Government deems it convenient.

Let it be communicated.

Rubricated by the General President. Herrera (minister of public works.) Stamp of the office of the Government and justice. Republic of Guatemala, C. A.

EXHIBIT 8.

[Translation.]

GOVERNMENT PALACE,
Guatemala, April 26, 1889.

Mr. J. H. HOLLANDER, *present*:

Yesterday the following decree was issued, saying: "Owing to the difficulty and circumstances of the national treasury, the President of the Republic decrees that the effects of the Government decree of the 6th of July last, relative to taking subscriptions of the newspaper of this capital, called the *La Estrella de Guatemala* and *Guatemala Star*, do hereby cease. Let it be communicated. Rubricated by the President. Anguiana."

I am, your obedient servant,

ANGUIANA.

EXHIBIT 9.

Mr. Hosmer to Mr. Benedict.

NEW YORK, September 16, 1895.

ROBERT D. BENEDICT, Esq., *Counsellor at Law.*

MY DEAR SIR: Referring to our interview this morning in relation to Mr. Hollander's claim against the Guatemalan Government for printing in behalf of that Government, I beg leave to say that during my official connection with Guatemala as one of the representatives of our Government, I frequently visited the printing establishment of Mr. Hollander, and remember to have seen there a large mass of printed matter which related to the educational branch of its Government.

Mr. Hollander informed me on more than one occasion that the Guatemalan Government had employed his services in that connection, and that a considerable sum of money was due to him for such services rendered.

This printed matter covered a variety of subjects, some of which were in leaves for binding in book form, and some, as near as I can remember, were apparently official documents emanating from that Government.

Should it be required, I am ready and willing to make an affidavit as to the above statements.

I am, dear sir, yours, faithfully,

JAMES R. HOSMER.

[Inclosure 2 in No. 263.]

Mr. Benedict to Mr. Olney.

NEW YORK, January 3, 1896.

Since my interview with Mr. Faison, Solicitor of the Department on the 16th of December, in reference to the claim of John H. Hollander against Guatemala, my attention has been called to the decree of the President of Guatemala, No. 491, in relation to the status of foreigners in Guatemala, published in *Foreign Relations of the United States for 1894*, on pages 317 to 331.

This appears to be only an Executive decree, and not a law passed by the legislative department of Guatemala, and, as a matter of course,

it can have no binding effect in relation to the case of Mr. Hollander, which occurred five years before the adoption of the decree. But, nevertheless, there are various portions of that decree to which I beg leave to call the attention of the Department, for it may well be considered as being an Executive declaration by the Government of Guatemala as to what ought to be the rights of foreigners and their status in Guatemala, and as such it throws a reflected light upon the action of that Government in Mr. Hollander's case.

I beg leave to point out some of the articles of this decree 491, commenting upon them as I proceed, with reference to their bearing upon Mr. Hollander's case.

Title 2, article 9: Foreigners in Guatemala may be (1) residents or domiciled persons, (2) nonresidents or sojourners, and (3) immigrants.

Mr. Hollander, at the time of his expulsion, had been resident and domiciled in Guatemala for several years.

Title 2, article 12: The law recognizes no difference between a Guatemalan and a foreigner, as regards the acquisition and enjoyment of civil rights.

Under this provision, it is plain that the civil rights of a Guatemalan, under the constitution of Guatemala, and the civil rights of a foreigner should be the same. And there is no question that under the constitution of Guatemala no such action could be taken by the Government against a Guatemalan as was taken against Mr. Hollander.

Title 4, article 43: Foreigners residing in Guatemala as domiciled persons or sojourners shall have their rights guaranteed, to the security and protection of their persons, property, dwellings, and correspondence, in the same manner as native citizens. * * * To have justice administered to them by the courts and authorities in such cases and in such ways as are provided for by the laws which define the competency of the said courts and authorities.

Under the first of the above provisions, Mr. Hollander would have had the same right to the security and protection of his person and his property as a native Guatemalan citizen; but, as has been above stated, no native Guatemalan citizen could have been treated as Mr. Hollander was, under the constitution of Guatemala. Moreover, Mr. Hollander did not have justice administered to him by the courts in such ways as were provided for by the laws. In proof of this, allow me to recall to the attention of the Department dispatch No. 970 of Mr. Hosmer, our chargé d'affaires in Guatemala, dated in Guatemala on the 18th of May, 1889, in which it was stated that Mr. Hollander was detained in jail for eighteen days before the bail he had offered at the time of his arrest was accepted; that he was afterwards again arrested by two policemen, without their showing any warrant for his arrest; that Mr. Hosmer called upon the minister of foreign affairs to inquire if new bail would not be accepted for Mr. Hollander, who replied that it was entirely optional with the judge of the court (whereas it was a matter of right under the constitution of Guatemala); that Mr. Hollander was removed from the jail to the penitentiary; that new bail was offered, including an offer to deposit a sum of money equal to the amount of bail, and that "although the law distinctly permits it, bail was refused," and the judge informed Mr. Hosmer privately to the effect that he would not receive anyone as bondsman, even if twenty of the most responsible people of Guatemala should present themselves for the purpose.

For further particulars as to unlawful proceedings taken in Mr. Hollander's case, I beg leave to refer to his own memorial, sworn to on June 18, 1889, and on file in the records of the State Department.

It can not be pretended that these proceedings against Mr. Hollander were the administration of justice to him by the courts in such ways as are provided for by the laws of Guatemala.

Title 5, article 47: Foreigners shall enjoy in Guatemala all the civil rights that the laws grant to Guatemalans.

Here is another statement under which it is plain that the rights of Mr. Hollander were violated by the Government of Guatemala, for, under the constitution of Guatemala, no citizen of Guatemala could be lawfully either treated as Mr. Hollander was by the courts of Guatemala or expelled from Guatemala by its Government as he was.

Title 6, article 72: There is a denial of justice * * * when any law has clearly and undoubtedly been violated, and, legal means of redress having been exhausted, it has not been possible to secure a reversal of the decision or reparation of the damage done.

As I have before stated, the law of Guatemala was clearly violated in the proceedings taken against Mr. Hollander, and all legal means of redress were exhausted, or rather prevented, by the expulsion of Mr. Hollander from the country. And it has not been possible as yet to secure a reversal of the decision or reparation of the damage done.

Title 8, article 96: The Government exercises over foreigners all the rights of inspection and vigilance which belong to it according to the laws and police regulations, which foreigners, without exception, are required to obey.

So should any right of inspection and vigilance over Mr. Hollander have been exercised "according to the laws and police regulations;" but the proceedings against Mr. Hollander were not in conformity to those laws.

It is not pretended that Mr. Hollander ever refused to obey the laws of Guatemala.

Article 97: If foreigners who have taken refuge in Guatemala shall (misusing the right of asylum) conspire against the country or endeavor to overthrow or modify its institutions, or to disturb in any way the public tranquillity or peace of a friendly nation, the Government may order their expulsion from the national territory.

This article has no application whatever to Mr. Hollander's case, for he was not a foreigner who had taken refuge in Guatemala. But there is no pretense that any act of Mr. Hollander was such as is forbidden by this article.

Article 99: A foreigner temporarily residing in the country, or an immigrant who endangers public tranquillity by his conduct, or who has been prosecuted for or convicted in any country of one of the crimes for which extradition is granted, may be compelled by the Government to leave a determinate place, or to reside in such place as may be assigned to him, or finally to leave the Republic.

Mr. Hollander was "a foreigner temporarily residing in the country" of Guatemala, but it is not pretended that in any way his conduct in the slightest degree endangered public tranquillity. No suggestion of that kind is contained in the decree of his expulsion.

Article 106: The person whom the order of expulsion concerns shall in all cases be notified thereof, and at least twenty-four hours shall be allowed him in which to obey it.

The matter is small, but as characterizing the action of the Government in his case, you will note that while the decree for Mr. Hollander's expulsion was only communicated to him on the night before he was taken from Guatemala, he was, as stated by Mr. Hosmer in his letter before referred to, taken from the city of Guatemala at 3 o'clock a. m., on the following morning.

Article 131: The provisions of this law shall in no wise impair the immunities and guarantees which are secured to diplomatic and consular officers by international law, and by the treaties or conventions which the Government has concluded; nor shall they impair the rights granted by such treaties in particular to foreigners of a determinate nation.

This law is a plain declaration on the part of the Government of Guatemala of the correctness of the view which I have earnestly urged upon the attention of the Department of State, namely, that the rights of an American citizen in Guatemala as given to him by the treaty between Guatemala and the United States should be fully preserved to him, and that a mere executive decree contrary to such treaty could not be accepted by the Government of the United States as any justification of a violation of those rights by Guatemala. It is true that decree No. 67, under which it was claimed that the expulsion of Mr. Hollander was authorized, did not contain any similar provision with reference to the rights of foreigners under treaty. But it seems to me plain that the insertion of the provision by the Government of Guatemala in this new decree is a recognition that such a provision should have been inserted in decree No. 67; and that the Government of the United States can not recognize that decree No. 67, or any order of expulsion issued under it, as justifying a violation by the Government of Guatemala of the rights which were assured to American citizens by the treaty between the United States and Guatemala.

It has seemed to me advisable that in any other correspondence between the State Department and the Government of Guatemala the declaration of the Government in the above-mentioned decree No. 491 might properly be dwelt on as a condemnation out of its own mouth of its operative action toward Mr. Hollander.

I remain, your obedient servant,

ROBERT D. BENEDICT,
Attorney for J. H. Hollander.

[Inclosure 3 in No. 263.]

Mr. Benedict to Mr. Olney.

NEW YORK, January 9, 1896.

SIR: On further examination of the Foreign Relations of the United States for 1894, I see upon pages 312 to 315 a correspondence in relation to the case of three American citizens wrongfully arrested in Guatemala in August, 1894. The correspondence shows so close a similarity between that case and the case of Mr. Hollander that I beg leave to call your attention to the points of similarity, as well as to some points of difference, referring to Mr. Young's letters for the facts in the recent case, and to the dispatches of Mr. Hosmer, our chargé d'affaires at Guatemala, dated May 18, 1889, and October 7, 1889, for the facts in Mr. Hollander's case.

Mr. Young states that the three men "were arrested and placed in the penitentiary." Mr. Hosmer states that Mr. Hollander was "arrested and placed in the Santa Catarina jail;" and again, that he was "arrested and marched off to jail" and "removed from the jail to the penitentiary."

Mr. Young states that the men were "arrested without warrant." Mr. Hosmer states that Mr. Hollander was "arrested by two policemen, without showing their warrants for his arrest."

Mr. Young states that he went to the minister of war, who accompanied him to the President, and that he stated to the President that he was ready to give any bond that might be named for their appearance in court at any time, but he declined to interfere. Mr. Hosmer states that he "called to see the President, but was unable to see him;" that on the following day he called upon the minister of foreign affairs, to inquire if new bail would not be accepted for Mr. Hollander, who replied that it was entirely optional with the judge of the court; that he afterwards saw the President, who stated that he did not feel justified in interfering with the action of the court and could not recommend the judge to accept bail.

Mr. Young states that the prisoners were brought before the judge, and he went to the judge and tendered bond, but it was declined. Mr. Hosmer stated that Mr. Hollander "applied to the court to be admitted to bail, having a responsible person who was ready and offered to deposit in the keeping of the court a sum of money equal to the amount originally accepted as bail," and adds, "although the law distinctly permits it bail was refused, and the judge informed me privately to the effect that he would not receive anyone as bondsman, even if twenty of the most responsible people of Guatemala should present themselves for the purpose."

Mr. Young states that the men were kept under arrest from the 25th day of August to the 6th of September. Mr. Hosmer states that Mr. Hollander, after his first arrest, was kept in prison "some fifteen or sixteen days." And further, that on the 5th of May Mr. Hollander was arrested, on the 6th was removed to the penitentiary, and on the morning of the 17th was removed from the penitentiary under guard and taken out of the city of Guatemala.

The Department will see that the above furnish points of similarity between the two cases. There appear to have been the following points of dissimilarity:

(1) These three men appear to have been laboring men. Mr. Hollander was a man in large business and occupying a prominent position in Guatemala.

(2) One of the men appears to have been beaten. Mr. Hollander was banished from the country and ruined.

I understand that a third point of difference is that the Guatemalan Government has made atonement to all the three men by payment of damages, whereas no atonement whatever has been made to Mr. Hollander for what must be conceded by everyone to have been a case of very much more atrocious oppression.

Mr. Young, in his letter, adopts as his own the question put by one of the men, "Is there really any security for the life, limb, and property of any American in this Republic if this injury is not atoned for?" That is the very question which Mr. Hollander has been asking for the last seven years, and as long as the injury to him remains unatoned for that question will remain a permanent and burning question.

I remain, etc.,

ROBERT D. BENEDICT,
Attorney for John H. Hollander.

[Inclosure 4 in No. 263.]

Mr. Darr to Mr. Benedict.

DECEMBER 20, 1895.

MY DEAR SIR: When I was vice-consul at Guatemala city it was my opinion, and I am sure it was general also, that Mr. Hollander was very close to the Government officials under President Barillas, and I was sure that all the printing for the Government that could be discreetly given to Hollander was thrown his way. It is now so long ago that I can not say precisely what he did print for the Government, but I feel reasonably sure that I saw piles of printed documents in his printing office ready for delivery to the authorities.

Yours, very truly,

FRANCIS J. A. DARR.

HAITI.

EXPULSION OF EUGENE WIENER.

Mr. Terres to Mr. Gresham.

No. 91.]

LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, October 6, 1894. (Received Oct. 24.)

SIR: I have the honor to transmit, herewith inclosed, copy with a translation of a note received on the 4th instant from the secretary of state ad interim for foreign relations, announcing the expulsion of Mr. Eugene Wiener, an American citizen, resident of Jeremie, accused of being an active agent of the enemies of order plotting in Jamaica and elsewhere against the established Government, and also Mr. Volny Dermonzy, a French citizen, resident of St. Marc, charged with making active propaganda tending to unsettle the country.

I am, etc.,

JOHN B. TERRES.

[Inclosure in No. 91—Translation.]

Mr. Marcelin to Mr. Terres.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, October 4, 1894.

MR. VICE-CONSUL-GENERAL: I regret to have to announce to you that the department of the interior and of the general police, in view of the conduct of Mr. Eugene Wiener, an American citizen, resident of Jeremie, has issued against him a decree of expulsion, together with the citizen Volny Dermonzy, of French nationality.

I hand to you inclosed copy of the decree, in which you will find the causes which have been the motive of that decision.

Accept, etc.,

F. MARCELIN,
Secretary of State ad interim for Foreign Relations.

[Subinclosure in No. 91—Translation.]

Decree of expulsion.

REPUBLIC OF HAITI.

Whereas international law confers on every independent State the right to expel from its territory foreigners whose conduct and acts are dangerous to tranquillity and public order; and whereas Mr. Volny Dermonzy, of French nationality, residing at St. Marc, has not only made an active propaganda tending to unsettle the country, but moreover has on several occasions uttered outrageous words against the superior authority; and whereas Mr. Eugene Wiener, of American nationality, residing at Jeremie, is an active agent of the enemies of order who are plotting in Jamaica and elsewhere against the established Government; and whereas these intrigues are

of a character to endanger the public safety, the secretary of state of the interior and of the general police, on the advice of the council of the secretaries of state, decrees:

ARTICLE 1. The named Volny Dermonzy, at present at St. Marc, and the named Eugene Wiener, at this moment at Jeremie, are expelled from the territory of the Republic of Haiti.

They shall be embarked on board of the first steamer leaving for foreign parts.

ARTICLE 2. The chiefs of the administrative police of St. Marc and of Jeremie are charged with the execution of the present decree.

Done at the department of state of the interior and of the general police the 2d of October, 1894, and the ninety-first year of the Independence.

F. DUCASSE,

Secretary of State of the Interior and of the General Police.

FRANÇOIS CURIEL,

Chief of Bureau.

C. H. DUCHATELLIER,

Chief of Bureau of Foreign Relations.

[L. S.]

[L. S.]

Mr. Gresham to Mr. Smythe.

No. 66.]

DEPARTMENT OF STATE,
Washington, November 5, 1894.

SIR: I have received Mr. Terres's No. 91, of October 6, 1894, relative to the expulsion of one Eugene Wiener, an American citizen, residing at Jeremie, Haiti. The Department has also received from Mr. Wiener himself a letter complaining of his arbitrary expulsion from that country in pursuance of an Executive order dated October 2, 1894, and published the next day in *Le Moniteur*, the official journal of that Republic.

The contents of the decree, so far as it relates to Wiener, are in substance as follows:

That whereas international law confers on every independent State the right to expel from its territory foreigners whose conduct and acts are dangerous to tranquillity and public order; and whereas Mr. Eugene Wiener, an American, residing at Jeremie, is an active agent of the enemies of order who are plotting in Jamaica and elsewhere against the established Government; and whereas these intrigues are of a character to endanger the public safety, it is ordered that said Wiener, now at Jeremie, be expelled from the territory of the Republic of Haiti; that he be put aboard the first vessel leaving for foreign ports, and the chief of administrative police at Jeremie is charged with the execution of this decree.

Wiener says his first intimation of the Government's purpose to expel him was received on the 9th of October from General de la Place, the Délégué du Gouvernement at Jeremie, who read the decree of expulsion to him and ordered him to leave by the first steamer.

He was engaged in a general commission business, having transactions with several firms in New York. A large amount of money was due him. He had just completed a new building, and otherwise extended his business. His presence in Haiti was of great importance to him. He asked, therefore, for time to arrange his business affairs, but was refused. He then asked permission to go to Port au Prince, that he might consult the American minister and request the President to let him face his accusers. This, too, was refused. The President declined to receive him. He then wrote to the American consular agent at Jeremie, declaring his innocence of any complicity in the political affairs of the country and protesting against his treatment.

A few days after he was notified of the decree of expulsion a French steamer, bound for Martinique, touched at Jeremie, and the authorities ordered him to leave by that steamer. He asked permission to wait

for the New York steamer, which was due in a few days, and requested time to collect some of the money due him, to adjust his accounts, and arrange for the support of his family. All this was denied him, and he was forced to leave by the French vessel on October 12 only three or four days after receiving notice of his expulsion.

Copies of Wiener's letter to the Department¹ and to the United States consular agent at Jeremie¹ are herewith inclosed. You will, of course, have no trouble in procuring a copy of *Le Moniteur* of October 3, which contains the decree of expulsion.

This Government does not propose to controvert the principle of international law, which authorizes every independent State to expel objectionable foreigners or classes of foreigners from its territory. The right of expulsion or exclusion of foreigners is one which the United States, as well as many other countries, has upon occasion exercised when deemed necessary in the interest of the Government or its citizens.

But this right, though based upon recognized principles of international law, has limitations which the same principles impose.

Every state is authorized, for reasons of public order, to expel foreigners who are temporarily residing in its territory. But when a Government expels a foreigner without cause, and in an injurious manner, the State of which this foreigner is a citizen has the right to prefer a claim for this violation of international law, and to demand satisfaction if there is occasion for it. (*Calvo's Dict. of Int. Law*, "Expulsion.")

The United States neither excludes nor expels foreigners except in pursuance of general laws. The provisions of these laws are or may be known in advance to all persons upon whom they are intended to operate. Ample time is given for compliance with the laws looking to the expulsion of foreigners, and for the settlement of the business affairs of individuals to be affected by them, and ample opportunity is afforded them to show that they are not within the operation of the law.

In Germany and other European countries from which Americans have sometimes been expelled, they have always been first accorded a hearing, and have been given a reasonable time for the settlement of their affairs.

There is certainly nothing in the law or practice of this country which can be cited as a precedent for the arbitrary expulsion of foreigners without hearing and without cause. The just rule would seem to be that no nation can single out for expulsion from its territory an individual citizen of a friendly nation without special and sufficient grounds therefor. And even when such grounds exist the expulsion should be effected with as little injury to the individual and his property interests as may be compatible with the safety and interest of the country which expels him.

That universal sense of right and justice which suggests that no man should be condemned without a hearing would seem to require that the person singled out for expulsion should, as a general rule, first be notified of the charges against him and given an opportunity to refute them. If the case is so urgent and the presence of the foreigner so dangerous to the State that this can not with safety be done, the expelling Government is under obligation to the Government of the person expelled to explain the grounds of its action, by not only asserting, but proving, the existence of facts sufficient to justify the expulsion.

Not only is the right of excluding or expelling obnoxious aliens as an attribute of national sovereignty limited by general principles of inter-

¹ Not printed.

national law, but its exercise becomes further importantly modified by conventional obligations, such as are found in the existing treaty between the United States and Haiti, the stipulations of which clearly intend that no citizen of the United States in Haiti shall be deprived of liberty or subjected to punishment save by due process of law.

Under our treaty with Haiti citizens of the United States are entitled to reside and do business in Haiti while conforming to the laws and regulations in force, and to have free access to the tribunals of justice on the same terms as native Haitians; and they can not be deprived of those rights unless they have been forfeited, in which case they are entitled to know the grounds of forfeiture. If forfeiture be claimed for causes other than political, they are entitled to open and fair trial; if for participation in sedition, they should be informed of the charge against them and the evidence in support thereof. This Government can not acquiesce in the arbitrary expulsion of its citizens from the territory of a friendly State on purely political grounds without satisfactory proof that their acts withdraw them from the guaranties of our treaty of 1864; and even were such proof presented and found sufficient, they are entitled to a reasonable time to dispose of any business interests or possessions they may have there acquired.

You will therefore call the attention of the Haitian Government to this case, and request it to furnish this Government with evidence of the acts and conduct alleged against Mr. Wiener, and which he denies.

I am, etc.

W. Q. GRESHAM.

Mr. Smythe to Mr. Gresham.

No. 104.]

LEGATION OF THE UNITED STATES,
Port au Prince, December 12, 1894. (Received Dec. 31.)

SIR: Following instructions contained in your No. 66, of the 5th November, 1894, I transmitted a dispatch to the secretary of state for foreign affairs ad interim, in which I embodied your views as to the law and custom governing the expulsion of foreign citizens, etc., closing my communication with the following: "You will agree with me, I hope, sir, in the opinion that a question so gravely affecting the treaty rights of American citizens residing in Haiti deserves and should receive a prompt and a serious consideration."

To this I have as yet received no formal reply, but in a conversation yesterday with the secretary he explained that he had not yet received a translation of my dispatch, and very earnestly avowed an intention to give the matter his immediate and careful attention, and to give me an answer in time for transmission to the Department by the next mail.

I am, etc.,

HENRY M. SMYTHE.

Mr. Smythe to Mr. Gresham.

No. 106.]

LEGATION OF THE UNITED STATES,
Port au Prince, December 17, 1894. (Received Dec. 31.)

SIR: As supplemental to my dispatch No. 104 of this series, I have to report the reception on the 12th instant of an answer from the foreign secretary, herewith inclosed, with translation as inclosure 1. On the 15th instant I transmitted the inclosed note of reply and explana-

tion (Inclosure 2), which I hope will meet your approval. In the present unsettled state of the Government, suggested in a former dispatch, I have little hope of immediate action in the matter. I am convinced that the Haitian Government will insist strenuously on the absolute right of expulsion, and as well assured that its modification is necessary to the interests of American citizens resident here. I beg leave to refer you in this connection to my No. 47, of March 3, 1894, with a view to suggesting an extension of your instructions for my guidance as to immediate action in case other citizens are arbitrarily expelled. In view of the numerous expulsions, this can hardly be considered a hypothetical question.

I am, etc.,

HENRY M. SMYTHIE.

[Inclosure in No. 106.—Translation.]

Mr. Marcelin to Mr. Smythie.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, December 12, 1894.

MR. MINISTER: I have the honor to answer the dispatch which you addressed to me dated the 4th of this month to request, in the name of your Government, explanations on the expulsion of Mr. Eugene Wiener, an American citizen.

As you must have seen by the decree of the department of the interior, Mr. Wiener was expelled from our territory as a dangerous individual, capable of compromising the public security. Our secret agents have notified us for a long time of the conduct of Wiener. The abusive language which on every occasion he utters against the Government and the Haitian nation and his affinity with the Haitian exiles residing in Kingston have caused us to place him under the surveillance of the police. Recently our minister plenipotentiary at Washington informed us that Wiener had proposed to a workman in New York to fabricate several millions of Haitian paper money. That criminal attempt, which threatened not only the Government but the entire society as well as the national and foreign commerce, had among other objects that of provoking civil war and placing resources in the hands of the enemies of public order.

That Wiener denies having committed an act reprov'd and punished by the laws of all nations, is perfectly in his rôle, and it is naturally the first system of defense that he would employ. But the Government is convinced of his culpability, and it has acted in conformity with its rights.

I can not admit, for one instant, Mr. Minister, that your Government can see in this expulsion an act aimed directly at the American nation. We have already given proofs of the desire which we have to draw closer our relations of friendship, and the department has oftentimes made to you this sincere declaration.

You will permit me, Mr. Minister, not to enter into the theoretic considerations with which you have entertained me in the matter of expulsion, through fear of my not agreeing with you on certain points.

I desire to answer especially to the passage of your dispatch which cites our treaty with the United States of America.

It can not be advantageously maintained that a conventional obligation of the nature of the treaty of 1864 can alienate the rights of sovereignty of a nation. If it was thus it would be, you will admit, a disguised abdication of power.

We have employed the method of expulsion instead of that of the tribunals, because the case of Mr. Wiener springs from (*relevant*) [one of] a purely political order [class]. This mode, as you have said, is an attribute of national sovereignty; it is an incontestable right.

I remain, therefore, persuaded, Mr. Minister, that the case of Mr. Wiener can not give rise to any difficulties to my Government even in virtue of the treaty referred to, because this treaty can not deprive us in any manner of an attribute essential and indispensable to the security of the State.

Please accept, etc.,

F. MARCELIN.

[Inclosure 2 in No. 106.]

Mr. Smythe to Mr. Marcelin.

LEGATION OF THE UNITED STATES,
Port au Prince, December 15, 1894.

SIR: Your dispatch, dated the 12th instant, is before me, and I regret to say that while it is in response to mine of the 4th, I am very sure that my Government will not deem it a satisfactory answer to the request that I was directed to make in these words:

You will therefore call the attention of the Haitian Government to this case and request it to furnish this Government with the evidence of the acts and conduct alleged against said Wiener and which he denies.

You will observe here that my dispatch did not ask for an "explanation" of your Government's action, but that my Government might be enabled to acquiesce in its conclusion I requested you to furnish this legation with the evidence on which such action was based.

Your dispatch shows that Wiener for a long time was under the surveillance of the secret agents of your Government, and surely the report furnished the department of the interior, which was sufficient to justify the exercise of the harshest method of expulsion—the ruin of his business and the virtual confiscation of his property—is of such a character as to justify the act of which he complains. Surely, sir, such evidence should not be withheld from a friendly power which only seeks the full and absolute protection of its citizens in all rights guaranteed by the laws of nations or the treaties made in pursuance thereof.

My Government, Mr. Secretary, does not see in this expulsion "an act aimed directly at the American nation." Nothing in my dispatch gives even a hint at such a conclusion, and it is not to be supposed for an instant that the idea you suggest should enter into the discussion of the question. I am happy, sir, to be able to return with hearty sincerity all expressions of good will, and my earnest hope is that by an amicable compliance with my Government's reasonable request another step may be taken toward that complete *entente cordiale* so useful and so desirable between nations having so many interests in common.

My dispatch did not intimate that any of the rights of sovereignty had been alienated or impaired by the treaty of 1864. I pointed out how the acknowledged right of expulsion had been modified by the custom of nations of the first rank.

In this connection it hardly seems necessary to remind you that sovereign rights may be modified or even surrendered by treaty, but inasmuch as all contracts are based on the idea of mutual obligation, and in my dispatch I have given you my Government's view of the right of expulsion, it seems unnecessary to discuss what you are pleased

to denominate an attribute of national sovereignty, an incontestable right which (under the modifications set forth in my dispatch) my Government admits.

In closing this note, sir, permit me to say that my dispatch demands nothing that is incompatible with the honor and dignity of Haiti; that its request is not only founded on the terms of the convention of 1864, but sustained by sound principles of justice and international custom.

Again, Mr. Secretary, permit me to ask that your Government furnish this legation with the evidence of the acts and conduct of said Wiener, and which he denies.

I have, etc.,

HENRY M. SMYTHE.

Mr. Smythe to Mr. Gresham.

No. 108.]

LEGATION OF THE UNITED STATES,
Port au Prince, December 28, 1894. (Received Jan. 10.)

SIR: I herewith transmit a dispatch, with translation, received yesterday from the foreign secretary, in answer to my second communication in regard to the expulsion of Eugene Wiener.

You will observe that the foreign office holds to the views heretofore expressed, notwithstanding my strong reiteration of the position of my Government in this behalf, and affects to consider the incident closed. In this dilemma I ask further instructions from the Department. I will, however, in a few days respond to this dispatch, repeating the tenor of my instructions and suggesting that the question of morality can hardly be considered in a matter involving treaty obligations.

I am, etc.,

HENRY M. SMYTHE.

[Inclosure in No. 108.—Translation.]

Mr. Marcelin to Mr. Smythe.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, December —, 1894.

MR. MINSTER: I have the honor to reply to the dispatch dated the 15th of this month, by which you request my Government to furnish your legation with proof of the acts which have caused the expulsion of Mr. Eugene Wiener, acts which he naturally denies.

I thought that my preceding dispatch would fully inform you of the opinion of my Government on the subject.

You will kindly permit me to remind you, Mr. Minister, that a sovereign State can not be held, before the expulsion from its territory of an individual whose presence it judges to be dangerous, to furnish the interested legation with the proofs and the police reports made against him.

These documents, you will easily understand, constitute a part of the archives of State and can not be communicated. It seems to me, moreover, conformable to the rules of international law that such a manner of acting would tend to nothing less than to submit in circumstances of such nature the decision of the Government to the approbation of a diplomatic representative accredited near to it.

Neither does it appear to me to be admissible that the statesmen who govern with such equity the Republic of the United States could contest these principles, especially to the benefit of persons whose morality leaves something to be desired.

I have the hope, Mr. Minister, that this incident will be closed henceforth between your legation and the department in view of the information which I have had the honor to furnish to you, and I renew, etc.,

F. MARCELIN,

Secretary of State ad interim of Foreign Relations.

Mr. Haentjens to Mr. Gresham.

[Translation.]

LEGATION OF HAITI,

New York, January 12, 1895. (Received Jan. 15.)

MR. SECRETARY OF STATE: In conformity to the wish you expressed to me, I have the honor to record in this dispatch the statement I made to you in our interview of Thursday last, the 10th instant, of the causes and motives which finally determined my Government to expel from the territory of Haiti Eugene Wiener, an American citizen.

The greater number of foreigners who reside in Haiti, as I have told you, Mr. Secretary of State, seek by regular and honorable labor the remuneration of their intelligence and of their capital, but there is also a small number of them composed of adventurers who make a business of speculating on political revolutions. Public order is contrary to their interests, and they incessantly plot to revive troublous times; while, on the other hand, the Government watches them vigilantly in order to render them powerless when the public peace is menaced by their agitations.

Thus, in 1890, 1891, 1892, and 1894, the Haitian Government, after having exercised the utmost degree of forbearance, had to expel an English subject, a Swiss citizen, and seven or eight Frenchmen, all compromised by revolutionary intrigues. The Governments of England, France, and Switzerland, after hearing the explanations of the Haitian Government, were convinced that it had acted at these conjunctures in the fullness of its right for self-defense and for the maintenance of the public peace. I do not for a moment doubt that it may be the same with the Government of the United States when I shall have exhibited to your excellency the proofs I bring in support of what I have to say to you in regard to Eugene Wiener.

For about fifteen months past at Jeremie, where he resided, and at Kingston, to which he made voyages, Eugene Wiener had often been pointed out to the Haitian Government as a revolutionary propagandist, associated with its enemies. His voyages to Kingston and to New York were denounced as connected with plans of conspiracy with the revolutionary Haitian refugees in the island of Jamaica. Nevertheless, my Government was still undecided as to any measure of repression when a new revelation of the gravest character came to exhaust the degree of toleration practiced by it till then.

The facts are these: On the 6th of August of last year I received from Mr. Freeland, director of the American Bank Note Company, a notice that in the course of an investigation made at New York by the secret police of the Treasury Department, an engraver, Jos. Poll-tier by name, had revealed to the chief of said police, Mr. William Forsythe, that a Mr. Eugene Wiener, of Jeremie, styling himself agent of the Haitian Government, had given him an order for 2,000,000 Haitien dollars, in \$2 bills (billets); that the said Wiener had paid

him \$75 for his work, in remitting to him as models Haitian notes fabricated by the American Bank Note Company. Pelletier added that he had begun the work, but the earnest recommendations to him by Wiener to act with discretion induced him, on reflection, to abandon it.

From the office of Mr. Freeland I went immediately to that of the "district attorney," in whose presence Mr. William Forsythe, summoned by telephone, confirmed, word for word, the information which the director of the American Bank Note Company had been so obliging as to communicate to me.

The moment not having arrived for issuing a warrant against Eugene Wiener, he was narrowly watched, when I learned he had sailed for Jeremie. I made known these facts and his departure to President Hyppolite.

In support of the foregoing I have had the honor to place before you: (1) The order of Mr. Freeland; (2) a memorandum by Mr. William Forsythe; (3) the Haitian bank notes (billets de caisse) given by Eugene Wiener to Jos. Pelletier, to serve as patterns; (4) the steel plate on which Pelletier had begun the counterfeiting; (5) lastly, several police reports of conversations in which Wiener convicts himself.

These, Mr. Secretary of State, as briefly as I can sum them up, are the reasons which determined my Government to expel from the territory of Haiti this individual that it considered absolutely dangerous to the public peace, and unworthy of any consideration.

Accept, etc.,

C. HAENTJENS.

Mr. Smythe to Mr. Gresham.

No. 110.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 14, 1895. (Received Jan. 28.)

SIR: In a long interview with the secretary of foreign relations at this legation on the 7th instant Mr. Faine conveyed to me the impression, not only by his words, but his manner also, that it would be his pleasure as well as his duty to make a speedy disposition of all matters pending between his department and this legation. In that interview allusion was made to the affair of Wiener, and the secretary said that his Government would insist on the absolute right of expulsion as indicated in the dispatches of his predecessor, but hoped that the question might be determined if I would accept permission for Wiener's return under the same conditions accorded to the French minister, who "had made in effect the same demand." It seems from what the French minister has said to me that he accepted this permission to return with the guaranty on his part of the good behavior of the parties after their return. I am not clear as to the exact nature of this guaranty, and would not like to make an unqualified promise to this effect on behalf of Mr. Wiener or anyone in fact of whom I know so little.

I presume that the Department is in possession of my last dispatch, and will have a full detail of the aspect the case has assumed. I shall be pleased to have any further instructions you may see fit to give me, especially as to whether my first instructions may be modified in any particular, and as to whether Wiener would be satisfied with permission to return on condition of refraining from any participation in political affairs.

I am, etc.,

HENRY M. SMYTHE.

Mr. Gresham to Mr. Haentjens.

No. 1.]

DEPARTMENT OF STATE,
Washington, January 21, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, setting forth the grounds upon which your Government acted in expelling the American citizen, Eugene Wiener.

I have transmitted to our minister at Port au Prince a copy, explaining that its statements had been verified by evidence submitted by you to this Department, and instructing him to refrain from remonstrance against the expulsion of Mr. Wiener.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Smythe.

No. 76.]

DEPARTMENT OF STATE,
Washington, January 24, 1895.

SIR: I received in due course your No. 104, of the 12th ultimo, reporting that you had transmitted a note to the Haitian foreign office embodying the Department's views expressed in its No. 66, of November 5 last, in the matter of the expulsion of Eugene Wiener. It is desired that a copy of your note be at once forwarded to the Department.

Your No. 106, of the 17th ultimo, inclosing a copy of the reply of the Haitian foreign office to your note, and of your response to Mr. Marcelin's note, and your No. 108, of the 28th ultimo, inclosing copy of Mr. Marcelin's last note (dated December, 1894), have also been received.

In this note the minister maintains that a Government can not, before expelling from its territory a person whose presence is deemed dangerous, be required to furnish to the Government of such person evidence in justification of its action.

This Department had not asserted that it should; but held that Haiti, having assumed the responsibility of expelling the citizen of a friendly power, without giving him any hearing, producing evidence against him, or allowing him opportunity for defense, was thereupon bound either to establish by proofs that there was good ground for the expulsion, or else to indemnify the expelled person for the damage he has sustained.

The first of these alternatives has been voluntarily adopted by the Haitian Government, which, on the 10th instant, through its minister here, submitted to my examination evidence establishing *prima facie* ground for the exercise of the sovereign prerogative of expulsion in the case of this apparently undesirable alien. Under the circumstances so set forth this Government deems it proper to refrain from remonstrance against the expulsion of Mr. Wiener.

The Haitian minister, at my request, has given me a written statement of the evidence in question, under date of 12th instant, and I inclose it, in translation, for your perusal.

I am, etc.,

W. Q. GRESHAM.

DISCRIMINATING TONNAGE DUES IN FAVOR OF SAILING VESSELS.

*Mr. Smythe to Mr. Gresham.*No. 118.¹LEGATION OF THE UNITED STATES,
Port au Prince, February 9, 1895. (Received Feb. 18.)

SIR: The subject covered by instructions contained in your No. 35, of March 16, 1894,¹ the alleged discrimination in tonnage dues as giving an undue advantage to sailing vessels as against steamships, has been frequently with the secretary of state for finance in the late ministry the subject of discussion, and I am just now in receipt of a long dispatch transmitted through the foreign office advancing a number of reasons why the existing law should not be modified.

I will forward by the next mail a translation of the late minister's "opinion," when you can determine whether the question shall be presented to the new ministry in the hope of a different result.

I am, etc.,

HENRY M. SMYTHE.

Mr. Smythe to Mr. Gresham.

No. 119.]

LEGATION OF THE UNITED STATES,
Port au Prince, February 15, 1895. (Received May 7.)

SIR: I herewith transmit the dispatches mentioned in my No. 118, in relation to tonnage tax on steam vessels. In reference to the secretary's suggestion that steamship owners might increase their charges, I am reminded that some time since the Clydes felt themselves obliged to lower their rates in order to retain their business.

I am, etc.,

HENRY M. SMYTHE.

[Inclosure in No. 119—Translation.]

Mr. Faine to Mr. Smythe.

No. 651.]

PORT AU PRINCE, *January 26, 1895.*

MR. MINISTER: Following my dispatch of November 29, 1894, I have the honor to remit to you, herewith inclosed, the answer which my colleague of finances has made to me in view of the considerations with which you entertained me in your communication of the 24th of the same month, relative to the tariff of tonnage of steamers put in force since the 1st of January of last year.

Please accept, etc.,

P. FAINE,
*Secretary of State for Foreign Relations.*¹ See Foreign Relations, 1894, p. 355.

[Subinclosure in No. 119—Translation.]

The Secretary of State of the Department of Finances and of Commerce to the Secretary of State for Foreign Relations.

REPUBLIC OF HAITI,
Port au Prince, December 6, 1894.

MY DEAR COLLEAGUE: I have to acknowledge the receipt of your dispatch of the 29th ultimo, by which you communicate that of the minister of the United States relative to the tariff on tonnage of steamers put in force since the 1st of January of this year (1894).

To give you the detailed information I will reply in the order in which the arguments are presented by the consul-general of Her Britannic Majesty in the month of April last:

First. The law raising the tonnage on steamers from 50 cents to \$1 did not contemplate solely the equality of treatment between them and sailing vessels. It was specially inspired by the idea of the revenue which would be produced, which, with other things equal, was double that of 1893-94, for example.

Second. The tonnage mentioned in the papers of sailing vessels is always, or nearly, their real tonnage, and their cargoes correspond perfectly therewith. That if any doubt may arise on that subject its truth can be manifested by taking the *Veritas* for a guide, by having the vessels gauged by collectors of our ports, or calculating carefully the number of tons of merchandise discharged and levying tonnage dues on that amount instead of taking as a basis the ship's papers.

Third. It can be maintained that the owners of steamers can increase the rate of freight in proportion with the new tax, and thus avoid all pecuniary losses; and if to this it may be objected that importers will address themselves in preference to the sailing vessels, which carry at a cheaper rate, it may be answered with much sound sense and logic that the rapidity of transportation, notably with regard to European merchandise, will always cause the steamers to be preferred. There is, in fact, a manifest economy in having merchandise quickly transported, thus making quick sales—the profit diminished, perhaps, by the higher rate of freight, but augmented, on the other hand, by recurring sales—rather than to use a means less rapid and offering no other compensation than cheaper rates. Furthermore, the greater security offered by steamships would always be a point in their favor. But it is not even necessary to raise the rate of freight; the augmentation of the freight, the increase of traffic in prosperous years, will more than compensate the tonnage dues.

It is, perhaps, these three causes—rapidity of transportation, security afforded to merchandise, and the increase of traffic—which explains why since the promulgation of that law the number of steamers which visit our ports has not decreased, but on the contrary.

And permit me to add, in conclusion, that supposing really the possibility of competition between sailing vessels and steamers, I do not think it would be our duty to combat it, because all competition tends to benefit the consumer, and in this particular case the national commerce.

Herewith documents communicated.

My best respects,

F. MARCELIN.

[L. S.]

CH. DUCHATELLIER, *Chief of Bureau.*

CLAIM OF BERNARD CAMPBELL.¹

Mr. Gresham to Mr. Smythe.

No. 77.]

DEPARTMENT OF STATE,
Washington, January 31, 1895.

SIR: Bernard Campbell, who thinks he is a native-born American, but in view of some doubt on that point has become duly naturalized, has filed with this Department a memorial asserting that he has suffered grievous injuries at the hands of the Haitian Government, and asking indemnity for the same.

The substance of Mr. Campbell's statement is that early in the month of April, 1889, he made a contract in the city of New York for service

¹ Reprinted from House Document No. 305, Fifty-fourth Congress, first session.

as an engineer aboard a steamer in the West Indies. He says he supposed his service was to be on a merchant vessel.

On arriving at Cape Haitien on the 17th of April, 1889, the steamer *Clyde*, upon which he and others under similar contracts had sailed from New York, was boarded by officers of the Haitian navy—Admiral Cooper and Captain Compton—who informed Campbell that he was expected to serve on a Haitian man-of-war lying near by. This he positively refused to do. He was thereupon informed by those officers that he had been engaged for that purpose; that he would not be allowed to remain or return on the *Clyde*; that he was in their power, and that if he refused to obey their orders it meant death to him. He, however, still refused to enter the service of the Haitian navy.

On the 18th of April—the day following his arrival at Cape Haitien—he succeeded in securing passage on a small boat for Monte Christi, but while he was walking about the wharf waiting for the boat to leave he was assaulted by Haitian soldiers, beaten, and thrown into the sea. With great difficulty and after much suffering he managed to get back to New York, though his health has been permanently impaired by his injuries. His statements are corroborated by several affidavits and depositions accompanying his memorial, copies of which are transmitted to you. Some of these depositions were taken in proceedings instituted by Campbell in the courts of New York against the parties with whom he made the contract to go to the West Indies, but they contain some statements very pertinent to his present claim against Haiti.

The presumption is very strong that the assault upon Campbell, following as it did immediately after the threats made against him by Captain Compton, was made in consequence of his refusal to take service in the Haitian navy. It appears from the affidavit of William Hogg, one of the persons who went out from New York with Campbell, and who, having agreed to enter the Haitian navy, was in charge of some of their officers, that he saw Campbell struggling on the wharf with the soldiers and wanted to go to his assistance, but was not allowed to do so, and was, as he says, “shoved around the corner so he could not see Mr. Campbell.”

You will present the claim to the Haitian Government, and state that in the opinion of this Government Mr. Campbell is entitled, upon the evidence adduced in his behalf, to a substantial indemnity.

I am, etc.,

W. Q. GRESHAM.

[Inclosures.]

- | | |
|---|--|
| 1. Memorial of Bernard Campbell. ¹ | 5. Deposition of William Hogg. ¹ |
| 2. Deposition of Absalom Jones. ¹ | 6. Deposition of Lizzie Holsen Blake. ¹ |
| 3. Affidavit of John Bergesen. ¹ | 7. Deposition of Nathan F. Blake. ¹ |
| 4. Affidavit of Thomas Cunningham. ¹ | 8. Deposition of Daniel McNulty. ¹ |

Mr. Smythe to Mr. Gresham.

No. 122.]

LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, February 23, 1895. (Received Mar. 5.)

SIR: I have received your No. 77, transmitting the memorial of Bernard Campbell, and the accompanying inclosures.

The fact that so long a time has elapsed since the injury he complains of without a demand for reparation, I am afraid, will very much prejudice the case, as would also the fact that he has subsequently been naturalized as an American citizen should it be known to the Haitian authorities.

I will do all in my power, however, to secure the favorable consideration of the commission, which will assemble during the present week, and which is much more likely to award him substantial damages than the foreign office would be. The protocol governing the commission is substantially the same as that agreed upon by the French and English legations in 1892, and the German minister recently. All the modifications are such as I demanded, and it will be signed as soon as the foreign secretary suggests another commissioner to take the place of one to whom I objected because he is in the pay of the Haitian Government. I am sure you will approve the protocol.

I am, etc.,

HENRY M. SMYTHE.

Mr. Uhl to Mr. Smythe.

No. 82.]

DEPARTMENT OF STATE,
Washington, March 7, 1895.

SIR: Referring to your dispatch No. 122, of the 23d ultimo, you seem to be under a misapprehension as to the date of the naturalization of Bernard Campbell. Mr. Campbell was naturalized in 1876, many years prior to the date on which his claim arose. His naturalization certificate is on file in this Department.

I desire further to say that the failure to make earlier presentation of the claim was not due to any fault of Mr. Campbell. The reasons for the delay are satisfactory to this Department.

You have never been authorized to cooperate in the appointment of a claims commission, and the protocol referred to by you must be submitted to this Department before any action is taken under it.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Uhl to Mr. Smythe.

No. 88.]

DEPARTMENT OF STATE,
Washington, March 27, 1895.

SIR: Referring to Department's No. 82, of the 7th instant, and previous instructions in regard to the case of Bernard Campbell against Haiti, I inclose affidavits of John J. Manton, John Kelly, and George Nagle, transmitted in Mr. Campbell's letter of the 25th instant, the statements of which corroborate those made in Mr. Campbell's memorial and the other affidavits forwarded with it.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

(Inclosures: Copies of inclosures in letter of B. Campbell, March 25, 1895.¹)

¹ Not printed.

ATTACHMENT OF INDEMNITY DUE RICHARD ALLEN.

Mr. Terres to Mr. Uhl.

No. 149.]

LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, June 5, 1895. (Received June 17.)

SIR: I beg leave to report to you that on the 24th of April last the second installment of the indemnity awarded Mr. Richard Allen became due, and that on the 9th ultimo an order on the National Bank of Haiti for the amount, \$7,375, was sent to this legation, but on presenting the order at the bank payment was refused on the grounds that there was an attachment (*opposition judiciaire*) thereon made by a Mr. M. Devot.

Mr. Smythe communicated this fact to the secretary of state for foreign relations in a dispatch dated May 11 (inclosure No. 1), and at an interview had a few days later spoke of the affair to Mr. Faine, who informed him that his colleague of the department of finance could not give an order for the payment overruling the judicial opposition, and that they must respect the said legal attachment. Mr. Smythe referred to a similar case of an attachment made on the Van Bokkelen award which was overruled by Mr. Firmin, at that time secretary of finance, to which Mr. Faine replied that while such was a fact, yet the council of secretaries of state did not agree with Mr. Firmin in this action, and that, moreover, the Government of Haiti had been obliged to pay to the parties making the attachment the amount of their claims against the Van Bokkelen estate.

Later Mr. Smythe transmitted to the department for foreign relations a dispatch (inclosure No. 2), to which a reply (inclosure No. 3) was received and to which he replied (inclosure No. 4).

I would be thankful for any instructions the Department might deem pertinent in the matter.

I have, etc.,

JOHN B. TERRES.

[Inclosure 1 in No. 149.]

*Mr. Smythe to Mr. Faine.*LEGATION OF THE UNITED STATES,
Port au Prince, May 11, 1895.

MY DEAR MR. SECRETARY: In response to my verbal communication in relation to the second installment of the indemnity accorded to Richard Allen, an American citizen, by diplomatic agreement, I have received an order on the Banque Nationale for the sum due.

On the presentation of this order it was marked "*opposition judiciaire*" and payment withheld. It has been held heretofore, notably in the case of Van Bokkelen, that it would not be in accord with the dignity of either Government to allow any interference with the full compliance with the terms of such agreements.

You are therefore requested to secure from your colleague of finance his order for the payment of said installment, "notwithstanding the *opposition judiciaire*."

I am, etc.,

HENRY M. SMYTHE.

[Inclosure 2 in No. 149.]

*Mr. Smythe to Mr. Faine.*LEGATION OF THE UNITED STATES,
Port au Prince, May 22, 1895.

SIR: Your verbal communication at our last interview to the effect that your office sustained the seizure of an installment of Mr. Allen's indemnity money while in transit to this legation has been the subject of thought and investigation, and I am convinced that it would be in derogation to the dignity of my Government and of yours to permit any interference with the terms of the agreement entered into between your office and this legation. If that is still your opinion, be kind enough to put it in writing, so that I can transmit it to my Government for instruction.

Please accept, etc.,

HENRY M. SMYTHE.

[Inclosure 3 in No. 149—Translation.]

*Mr. Faine to Mr. Smythe.*DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, May 30, 1895.

MR. MINISTER: I have the honor to reply to your letter of the 22d instant, by which you request me to confirm in writing the opinion of my Government, which I made known to you during the course of our last interview, in regard to the seizure made by a third party of the indemnity granted by the Haitian Government to Mr. Richard Allen. I said to you, and of this I am convinced, that it does not appertain to my Government to oppose in any manner the free exercise of the rights of a third party. The common law of all nations permits all creditors to seize the goods of his debtor in whomsoever's hand he may find it.

It seems to me, moreover, that the Government has not the quality to intervene in such instances between the creditor and the debtor.

Please accept, etc.,

P. FAINE.

[Inclosure 4 in No. 149.]

*Mr. Smythe to Mr. Faine.*LEGATION OF THE UNITED STATES,
Port au Prince, May 30, 1895.

SIR: Your dispatch of 30th of May has been received in regard to the indemnity of Mr. Richard Allen. I am sure that the views contained in my preceding dispatch will be sustained by my Government, and must insist that the indemnity which was in transit to this legation shall not be interfered with by any local tribunal. If any liabilities exist against Mr. Allen they must be settled by the local courts; and permit me again to say, Mr. Secretary, that your Government and mine have already agreed that it would be against the dignity of either to interfere with a diplomatic arrangement of the character of this on record in this legation and in your office. As much as I regret that our views in this behalf are not the same, I must insist that the payment of the indemnity be made to this legation; and, Mr. Minister, so

far as I know, there was no stipulation that this money should be paid through the bank of Haiti, but should be paid into the legation of the United States.

In the sincere hope that the views expressed herein after consideration will commend themselves to you,

I have, etc.,

HENRY M. SMYTHE.

Mr. Olney to Mr. Terres.

No. 102.]

DEPARTMENT OF STATE,
Washington, June 21, 1895.

SIR: I have received your No. 149, of the 5th instant, from which it appears that the National Bank of Haiti refuses to pay the second installment, amounting to \$7,375, of the indemnity awarded to Richard Allen, an American citizen, alleging that the same has been attached by a Mr. Devot.

If the order upon the bank to which you refer was in terms payable to the diplomatic representative of the United States, it was not attachable, and the action of Haitien court violates diplomatic privilege.

If the money was deposited in the bank in such way as to become lawfully attachable, the Government of Haiti simply fails to fulfill its obligation to pay the money to the Government of the United States.

While we do not expect the Haitian Government to apply arbitrary constraint to her courts, yet if, instead of delivering the money directly to the legation, she has placed it for the time being in such a position that the courts may lawfully take cognizance thereof, her liability remains the same, and she is absolutely bound to make good the payment to our legation under any circumstances, since the debt of Haiti is one to the United States as a Government and not to the claimant as an individual.

You will apprise the minister for foreign affairs of these views and express the Department's confidence that the amount now due and payable on account of Mr. Allen's indemnity may be immediately turned over to you.

I am, etc.,

RICHARD OLNEY.

Mr. Terres to Mr. Olney.

No. 153.]

LEGATION OF THE UNITED STATES.
Port au Prince, Haiti, July 9, 1895.

SIR: I have to acknowledge the receipt of your dispatch No. 102, of the 21st ultimo, relative to the attachment on the second installment of the indemnity awarded to Richard Allen.

In accordance with your instructions, I have transmitted to the secretary of state for foreign affairs the views of the Department on the subject.

I, however, beg leave to inform you that on the 15th ultimo an arrangement was made between Messrs. Devot and Allen by which the former agreed to raise the attachment, and that the amount was duly turned over to this legation by the National Bank of Haiti.

I have, etc.,

JOHN B. TERRES.

Mr. Adce to Mr. Terres.

No. 106.]

DEPARTMENT OF STATE,
Washington, August 2, 1895.

SIR: I have received your No. 153, of the 9th ultimo, reporting that the attachment levied by Mr. Devot on the second installment of the indemnity due to Mr. Richard Allen had been raised and the amount paid over to your legation.

The Department is glad to learn that the matter was amicably arranged.

Your communication to the Haitian secretary of foreign affairs of the views of this Government in regard to the matter was, however, timely, and will doubtless tend to a better understanding of the subject in the future. You should, however, have sent a copy of your communication.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

F R 95—52

HAWAII.

POLITICAL EVENTS.

Mr. Willis to Mr. Gresham.

No. 84.]

LEGATION OF THE UNITED STATES,
Honolulu, January 30, 1895. (Received Feb. 12.)

SIR: I confirm my telegram of this day's date.¹

The principal half-white Hawaiian rebels, Nowlein, Bertelmann, Warren, and others, upon the promise of the Government to spare their lives, have undertaken to disclose everything connected with the recent revolt. Their evidence before the military commission now in session is that the original plans were submitted by Nowlein to Maj. Charles T. Gulick, Maj. W. T. Seward, and W. H. Ricard. Major Gulick was twice a cabinet minister under the Monarchy. Major Seward has been for many years the business agent of John A. Cummins, one of the three representatives of the ex-Queen, recently at Washington. Messrs. Gulick and Seward claim never to have renounced their allegiance to the United States Government. Mr. Ricard was an officeholder under the Monarchy and is an Englishman. His family, consisting of wife and 16 children, reside in the Island of Hawaii, where he once had large sugar interests.

The plan said to have been submitted to these persons by Nowlein was to march toward the palace in separate squads, occupying the adjoining streets and preventing the assembling of the citizens' guard. It seemed to be the opinion of Mr. Nowlein that the troops in charge of the executive building would thereupon surrender. For the above purpose, two boxes containing 80 revolvers, together with 288 Winchester carbines, .44 caliber, with a range of 800 yards, had been landed. The guns were concealed in the sand and bushes about 5 miles from this city, near Waikiki. The Government had no information of the landing of these arms until January 6. The march upon the city, as finally determined upon, was to begin at 1 o'clock on the morning of Monday the 7th. The police raid upon Bertelmann's house at Waikiki, when Mr. Carter was killed, disconcerted the plans of the revolutionists. After the skirmish there a retreat was made to the adjoining mountains. The prompt and vigorous measures taken by the Government, coupled with the failure of any sympathetic demonstration in the city, caused an immediate abandonment of the whole scheme. After Monday the main effort of the rebels seems to have been to find some one to whom they could safely surrender. The desultory firing on Monday and Tuesday was without fatal results to either side.

The feature of the rebellion which has caused most bitterness was the discovery of some iron and cement bombs. The evidence showed that 20 of these, of iron, about 2½ inches in diameter, were manufactured, of which about 16 were available. Twenty-one made of cement are claimed

¹ Printed in Foreign Relations, 1894, Appendix II, p. 1396.

to have been found at the residence of the ex-Queen. The only evidence which has been presented as to these latter is that of Walker, who filled them, and who stated that they had been there for the past year or more, and were intended for the protection of the ex-Queen's residence during that period, she fearing mob violence. The iron bombs were, he stated, to be used for military purposes, in effecting a landing of the arms, if an attempt had been made to prevent it, or in dislodging the troops from the station house and executive building. In 1889, during the native revolt, headed by Wilcox, when they succeeded in reaching the palace grounds, and when the efforts of the sharpshooters, consisting of the leading white citizens, had failed, Wilcox and his band were dislodged by dynamite bombs thrown from a distance into the palace yard. The report that the bombs in the present rebellion were to be thrown into private dwellings and churches for the indiscriminate slaughter of noncombatants, including women and children, naturally excited the greatest horror and indignation, and is largely responsible for the excited condition of affairs here. The absence of any direct evidence on the subject, the infamous savagery of such an attack, so inconsistent with the humane and civilized conditions resulting from half a century of enlightened religious teaching, have caused the more conservative and thoughtful citizens to discredit the extreme views of this subject, and to believe that the use of these bombs was for legitimate warfare, and probably prompted by the recollection of the effective service rendered by them in 1889. These are also the views of the foreign representatives.

A military commission, consisting of seven members, was convened on the 17th instant. The president is the Hon. W. A. Whiting, who was attorney-general under the Monarchy, and is now one of the circuit judges. The others are officers of the national guard. Up to this date 38 persons have been tried, of whom five claim to be citizens of the United States, one is an Englishman, and the others are half whites and Hawaiians.

On the afternoon of the 26th instant, upon invitation, I attended a cabinet meeting, consisting of President Dole, Mr. Smith, attorney-general and minister of foreign affairs ad interim; Mr. Damon, minister of finance, and Mr. King, minister of the interior. The British commissioner was also present by invitation. The President read the findings and sentences of the military commission in the cases of Messrs. Gulick, Seward, Ricard, and Walker. They were found guilty upon all the charges, and the sentence of death was pronounced upon the first three. Mr. Walker was sentenced to imprisonment for life and to pay a fine of \$5,000. Mr. Walker married a daughter of Hon. John A. Cummins. The President stated these findings and sentences were now before him for final action, and asked the British commissioner and myself whether we desired to be heard upon the questions involved. As these questions are yet pending, and will I hope be soon submitted to the consideration of our Government, I will not now repeat what further occurred. I requested that copies of the record be furnished to our Government, that it might determine its duty in the premises. The President suggested that I submit the request in writing, which I did on the 28th, a copy of which I inclose. To this no reply has yet been received.

The excitement has been very great both among the friends and opponents of the Government. The threats of mob violence became so open and the resolutions of many of the squads of soldiers were so urgent that I felt it to be my duty to call the attention of the Govern-

ment to them. Its reply was that it was cognizant of the situation and had taken due steps to prevent any outbreak. The arrival of the *Philadelphia* will, of course, have a good effect, as this Government, if it so desired, would have the aid of our Government under proper conditions. I have been in daily attendance upon the military commission and will continue to attend until all who are or who claim to be citizens of the United States have been tried.

On the 16th instant the ex-Queen was arrested and is a prisoner in the executive building, formerly the palace. On the 24th instant she sent to this Government a letter, which I inclose, surrendering whatever claims, political or otherwise, she possessed. The reply of the Government, a copy of which I inclose, was sent to her yesterday.

With renewed assurances, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 84.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, January 28, 1895.

SIR: I have the honor to request of your Government copies of the record in the cases of United States citizens tried, and to be tried, before the military commission now in session. I do this in order that before final sentence is pronounced, my Government may have an opportunity to consider the questions of law and facts involved and determine its duty in the premises.

On submitting this request, permit me to congratulate you upon the speedy reestablishment of internal peace to the country, and to express the friendly hope and belief that by its magnanimity in triumph, and by its wise and conservative action upon the solemn problems yet pending, your Government will still further establish its claim to a high place among the humane, stable, and civilized nations of the world.

Availing, etc.,

ALBERT S. WILLIS.

[Inclosure 2 in No. 84.]

Liliuokalani Dominis to President Dole.

ISLAND OF OAHU,
Honolulu, January 24, 1895.

SIR: After full and free consultation with my personal friends and with my legal advisers, both before and since my detention by military order in the executive building, and acting in conformity with their advice and also upon my own free volition, and in pursuance of my unalterable belief and understanding of my duty to the people of Hawaii and to their highest and best interests, and also for the sake of those misguided Hawaiians and others who have recently engaged in rebellion against the Republic and in an attempt to restore me to the position of Queen, which I held prior to the 17th day of January, A. D. 1893, and without any claim that I shall become entitled, by reason of anything that I may now say or do, to any other or different treatment or consideration at the hands of the Government than I otherwise could and might legally receive, I now desire to express and make known to yourself, as the only lawful and recognized head of the Government, and to all the people of the Hawaiian Islands, whether or not

they have yet become citizens of the Republic or are or have been adherents of the late Monarchy, and also to all diplomatic and other foreign representatives in the Hawaiian Islands, to all of whom I respectfully request you to cause this statement and action of mine to be made known as soon as may be, as follows, namely:

First. In order to avoid any possibility of doubt or misunderstanding on the subject, although I do not think that any doubt or misunderstanding is either proper or possible, I hereby do fully and unequivocally admit and declare that the Government of the Republic of Hawaii is the only lawful Government of the Hawaiian Islands, and that the late Hawaiian Monarchy is finally and forever ended, and no longer of any legal or actual validity, force, or effect whatsoever; and I do hereby forever absolve all persons whomsoever, whether in the Hawaiian Islands or elsewhere, from all and every manner of allegiance, or official obligation or duty, to me and my heirs and successors forever, and I hereby declare to all such persons in the Hawaiian Islands that I consider them as bound in duty and honor henceforth to support and sustain the Government of the Republic of Hawaii.

Second. For myself, my heirs and successors, I do hereby and without any mental reservation or modification, and fully, finally, unequivocally, irrevocably, and forever abdicate, renounce, and release unto the Government of the Republic of Hawaii and its legitimate successors forever all claims or pretensions whatsoever to the late throne of Hawaii, or to the late Monarchy of Hawaii, or to any past, or to the existing, or to any future Government of Hawaii, or under or by reason of any present or formerly existing constitution, statute, law, position, right, or claim of any and every kind, name, or nature whatsoever, and whether the same consist of pecuniary or property considerations, or of personal status, hereby forever renouncing, disowning, and disclaiming all rights, claims, demands, privileges, honors, emoluments, titles, and prerogatives whatsoever, under or by virtue of any former or the existing Government, constitution, statute, law, or custom of the Hawaiian Islands whatsoever, save and excepting only such rights and privileges as belong to me in common with all private citizens of or residents in the Republic of Hawaii.

Third. I do hereby respectfully implore for such misguided Hawaiians and others as have been concerned in the late rebellion against the Republic of Hawaii such degree of executive clemency as the Government may deem to be consistent with its duty to the community, and such as a due regard for its violated laws may permit.

Fourth. It is my sincere desire henceforth to live in absolute privacy and retirement from all publicity, or even appearance of being concerned in the public affairs of the Hawaiian Islands, further than to express, as I now do and shall always continue to do, my most sincere hope for the welfare and prosperity of its people, under and subject to the Government of the Republic of Hawaii.

Fifth. I hereby offer and present my duly certified oath of allegiance to the Republic of Hawaii.

Sixth. I have caused the foregoing statement to be prepared and drawn, and have signed the same without having received the slightest suggestion from the President of Hawaii, or from any member of the Government of Hawaii, concerning the same or any part thereof, or concerning any action or course of my own in the premises.

Relying upon the magnanimity of the Government of the Republic and upon its protection,

I have the honor to be, Mr. President, your most obedient servant,
LILIUOKALANI DOMINIS.

On the 24th day of January, A. D. 1895, the foregoing was in our presence read over and considered carefully and deliberately by Liliuokalani Dominis, and she, the said Liliuokalani Dominis, thereupon in our presence declared the same to be her free act and deed, in witness whereof we have at the request of the said Liliuokalani Dominis, and in her presence, hereunto subscribed our names as attesting witnesses, at the executive building, in Honolulu, on the Island of Oahu, this 24th day of January, A. D. 1895.

WM. G. IRWIN.
H. A. WIDEMANN.
SAMUEL PARKER.
J. KALUA KAHOOKANO.
C. B. WILSON.
PAUL NEUMANN.

HONOLULU, *Island of Oahu, ss:*

On this 24th day of January, A. D. 1895, personally appeared before me Liliuokalani Dominis, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein set forth.

[SEAL.]

W. L. STANLEY,
Notary Public.

HONOLULU, *Island of Oahu, Hawaiian Islands, ss:*

I, Liliuokalani Dominis, do solemnly swear, in the presence of Almighty God, that I will support the constitution, laws, and Government of the Republic of Hawaii, and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchical form of government in the Hawaiian Islands.

W. L. STANLEY,
Notary Public.

[Inclosure 3 in No. 84]

Mr. Smith to Liliuokalani Dominis.

EXECUTIVE BUILDING,
Honolulu, January 29, 1895.

MADAM: A document executed by you, purporting to contain an abdication and renunciation of all sovereign rights heretofore claimed by you, has been delivered on your behalf to the President.

As you were under arrest at the time this instrument was signed, it is desired, before accepting and placing the same on file, to make clear to you, in order that no misunderstanding may hereafter arise, the views of the Government in this matter:

1. The execution of this document can not be taken to exempt you in the slightest degree from personal and individual liability for such complicity as due investigation and trial may show that you had in the late conspiracy against the Government and the consequent loss of life; which position is recognized by you in your letter.

2. It can not be conceded that such rights and claims as you now voluntarily relinquish have had any legal existence since January 14, 1893, when by your public announcement that you no longer considered yourself bound by the fundamental law of the land under which you took office, and by your acts in attempting by the mere exercise of your own will to establish a new system of government, the contract existing between you and the people was dissolved, and all sovereign rights theretofore vested in you were lost. The statement by members of your then cabinet that they could not control your proposed action and their appeal to citizens of Honolulu for assistance was the next step which led to a resumption by the people of the rights of government.

3. So far as your communication may be taken as a notice to the disaffected that it is your desire that the Republic shall be recognized by them as the sole and lawful Government of the country it is fully appreciated. In this connection your unselfish appeal for clemency for those who took part in the late insurrection will receive full consideration.

By order of the executive council:

WILLIAM O. SMITH,
Attorney-General.

Mr. Willis to Mr. Gresham.

No. 85.]

LEGATION OF THE UNITED STATES,
Honolulu, February 2, 1895. (Received Feb. 18.)

SIR: From the evidence before the military commission, the officers of the Monarchy, if restored, were to be R. W. Wilcox, minister of foreign affairs; Sam. Nowlein, minister of interior; Charles T. Gulick, minister of finance; O. W. Ashford, attorney-general; associate justices, Anton Rosa and V. V. Ashford; governors—Island of Oahu, A. S. Cleghorn; for Hawaii, Joseph Nawahi; for Maui, D. Kawanauakoa ("Prince David"); for Kauai, J. Kalaniana'ole ("Prince Cupid"); marshal, W. H. Ricard.

A new constitution had been drafted and engrossed. It was composed of clippings from the constitutions of 1865 and 1887, the main feature of which was that the native Hawaiians had the right to vote for both houses of the legislature and the Queen would have the right to dismiss the cabinet without a vote of want of confidence. There was also among the documents signed or to be signed by the ex-Queen a form for proclamation of martial law, and a proclamation calling upon all loyal citizens to gather at the police station and Government buildings, to maintain law and order.

Twenty-two more prisoners, all native Hawaiians, are now under trial before the military commission, making 61 up to date.

I have received no answer to my request for copies of the record in the cases of the condemned.

Admiral Beardslee and staff were formally presented to this Government on the 31st instant.

Business has been resumed and a better feeling prevails.

With high esteem, I am, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

No. 86.]

LEGATION OF THE UNITED STATES,
Honolulu, February 8, 1895. (Received Feb. 21.)

SIR: On the 2d instant three men, one of whom, Mr. J. Cranstoun, claims to be a citizen of the United States, were forcibly deported on the steamer *Warrimoo*. Mr. Cranstoun had been in jail nearly a month, but no charges had been presented against him. He came here about half a year ago and has been conducting a feed store. I saw him several times in jail and he always most urgently insisted upon his innocence. He was taken from jail last Saturday morning and with the other two prisoners was carried, under a heavy guard, to the steamer. His request to the attorney-general (who was present) to see the Amer-

ican minister was refused. As the carriage was going to the steamer one of the prisoners succeeded in attracting the attention of the British commissioner, who immediately stopped the sailing of the steamer until I could be notified. Mr. Cranstoun compelled the guard to carry him up the gangway. When I asked the attorney-general for an explanation of this proceeding his reply was that the cabinet had determined to deport these men and they did it "in the exercise of the arbitrary power conferred by martial law." I made verbal protest then against this action and will present to-morrow a formal written statement.

Martial law still prevails. The ex-Queen is now under trial before the military commission, upon the charge of misprision of treason. After objections to the jurisdiction of the court and to the court in general had been overruled, the plea of not guilty was entered. The evidence as to landing of arms, assembling of forces, and other treasonable acts was the same as in the cases heretofore tried. The principal witnesses were the former retainers of the ex-Queen, who are now in prison. The ex-Queen, as a witness in her own behalf, denied knowledge, and filed the statement, printed copies of which I send herewith. By order of the court those portions of the statement marked with blue pencil were, against the objection of the accused, stricken out.¹ The case is now under submission. In none of the cases thus far tried has the decision of the commander-in-chief, President Dole, been made known.

With sentiments of high regard, I am, etc.,

ALBERT S. WILLIS.

[Inclosure in No. 86.]

Statement of Liliuokalani Dominis.

In the year 1893, on the 15th day of January, at the request of a large majority of the Hawaiian people, and by and with the advice and consent of my cabinet, I proposed to make certain changes in the constitution of the Hawaiian Kingdom, which were suggested to me as being for the advantage and benefit of the Kingdom and subjects and residents thereof. These proposed changes did not deprive foreigners of any rights or privileges enjoyed by them under the constitution of 1887, promulgated by King Kalakaua and his cabinet, without the consent of the people or ratified by their votes.

My ministers at the last moment changed their views and requested me to defer all action in connection with the constitution, and I yielded to their advice as bound to do by the existing constitution and laws.

A minority of the foreign population made my action the pretext for overthrowing the Monarchy, and, aided by the United States naval forces and representative, established a new government.

I owed no allegiance to the Provisional Government so established, nor to any power or to anyone save the will of my people and the welfare of my country.

The wishes of my people were not consulted as to this change of government, and only those who were in practical rebellion against the constitutional Government were allowed to vote upon the question whether the Monarchy should exist or not.

To prevent the shedding of the blood of my people, natives and foreigners alike, I opposed armed interference, and quietly yielded to the armed forces brought against my throne, and submitted to the arbitrament of the Government of the United States the decision of my rights and those of the Hawaiian people. Since then, as is well known to all, I have pursued the path of peace and diplomatic discussion, and not that of internal strife.

The United States having first interfered in the interest of those founding the Government of 1893 upon the basis of revolution, concluded to leave to the Hawaiian people the selection of their own form of government.

This selection was anticipated and prevented by the Provisional Government, who, being possessed of the military and police power of the Kingdom, so cramped the electoral pri-

¹ Parts marked with blue pencil are printed in italics.

leges that no free expression of their will was permitted to the people who were opposed to them.

By my command and advice the native people and those in sympathy with them were restrained from rising against the Government in power.

The movement undertaken by the Hawaiians last month was absolutely commenced without my knowledge, sanction, consent, or assistance, directly or indirectly, and this fact is, in truth, well known to those who took part in it.

I received no information from anyone in regard to arms which were or which were to be procured, nor of any men who were induced or to be induced to join in any such uprising.

I do not know why this information should have been withheld from me, unless it was with a view to my personal safety or as a precautionary measure. It would not have received my sanction, and I can assure the gentlemen of this commission that had I known of any such intention I would have dissuaded the promoters from such a venture. But I will add that had I known, their secrets would have been mine and inviolately preserved.

That I intended to change my cabinet and to appoint certain officers of the Kingdom in the event of my restoration I will admit; but that I, or anyone known to me, had in part or in whole established a new government is not true. Before the 24th of January, 1895, the day upon which I formally abdicated and called upon my people to recognize the Republic of Hawaii as the only lawful Government of these islands and to support that Government, I claim that I had the right to select a cabinet in anticipation of a possibility, and history of other Governments support this right. I was not intimidated into abdicating, but followed the counsel of able and generous friends and well wishers, who advised me that such an act would restore peace and good will among my people, vitalize the progress and prosperity of the islands, and induce the actual Government to deal leniently, mercifully, and charitably, impassionately with those who resorted to arms for the purpose of displacing a government in the formation of which they had no voice or control, and which they themselves had seen established by force of arms.

I acted of my own free will, and wish the world to know that I have asked no immunity or favor myself nor pleaded my abdication as a petition for mercy. My actions were dictated by the sole aim of doing good to my beloved country and of alleviating the positions and pains of those who unhappily and unwisely resorted to arms to regain an independence which they thought had been unjustly wrested from them.

As you deal with them, so I pray that the Almighty God may deal with you in your hours of trial.

To my regret much has been said about the danger which threatened foreign women and children, and about the bloodthirstiness of the Hawaiians and the outrages which would have been perpetrated by them if they had succeeded in their attempt to overthrow the Republic Government.

They who know the Hawaiian temper and disposition understand that there was no foundation for any such fears. The behavior of the rebels to those foreigners whom they captured and held shows that there was no malignancy in the hearts of the Hawaiians at all. It would have been sad, indeed, if the doctrine of the Christian missionary fathers, taught to my people by them and those who succeeded them, should have fallen, like the seed in the parable, upon barren ground.

I must deny your right to try me in the manner and by the court which you have called together for this purpose. *In your actions you violate your own constitution and laws, which are now the constitution and laws of the land.*

There may be in your consciences a warrant for your action in what you may deem a necessity of the times, but you can not find any such warrant for any such action in any settled, civilized, or Christian land. *All who uphold you in this unlawful proceeding may scorn and despise my word, but the offense of breaking and setting aside for a specific purpose the laws of your own nation and disregarding all justice and fairness may be to them and to you the source of an unhappy and much to be regretted legacy.*

I would ask you to consider that your Government is on trial before the whole civilized world, and that in accordance with your actions and decisions will you yourselves be judged. The happiness and prosperity of Hawaii are henceforth in your hands alone as its rulers. You are commencing a new era in its history. May the Divine Providence grant you the wisdom to lead the nation into the paths of forbearance, forgiveness, and peace, and to create and consolidate a united people, ever anxious to advance in the way of civilization outlined by the American fathers of liberty and religion.

In concluding my statement, I thank you for the courtesy you have shown to me not as your former Queen, but as a humble citizen of this land, and as a woman. I assure you, who believe you are faithfully fulfilling a public duty, that I shall never harbor any resentment or cherish any ill feeling toward you whatever may be your decision.

Mr. Peterson to Mr. Uhl.

[Telegram.]

VANCOUVER, BRITISH COLUMBIA,
February 10, 1895.

British steamship *Warrimoo* arrived to-day, having on board J. Cranstoun, destitute citizen of the United States, banished from Honolulu without trial. Will take and forward deposition.

W. F. PETERSON.

Mr. Peterson to Mr. Uhl.

No. 10.] UNITED STATES COMMERCIAL AGENCY,
Vancouver, British Columbia, Feb. 12, 1895. (Rec'd Feb. 21.)

SIR: I have the honor to herewith transmit to you for the consideration of the Department the statement of J. Cranstoun, A. Muller, and J. B. Johnstone, pursuant to telegraphic dispatch No. 9, of the 10th instant, and I also send you a newspaper clipping of an editorial¹ which appeared in the News-Advertiser of this city of to-day.

And I beg to state, as a matter of further information to the Department, that these parties have employed counsel and entered suit against the steamship company, owners of the *Warrimoo*, for transporting them here, each fixing his damages at \$50,000.

I have afforded Mr. Cranstoun temporary relief by agreeing to pay his board here, and have bought some small articles of dress for both Muller and Cranstoun, and they will perhaps go to Seattle in a short time, where Cranstoun says he has friends.

I have, etc.,

W. F. PETERSON,
Commercial Agent.

[Inclosure in No. 10.]

Statement of J. Cranstoun.

Made at the United States consulate at Vancouver, British Columbia, on the 11th day of February, 1895, before W. F. Peterson, United States commercial agent at that place, to be forwarded to the Department of State of the United States of America, Washington, D. C., to be read in the matter of the deportation of said Cranstoun from the Hawaiian Islands to Vancouver, British Columbia, by the British steamship *Warrimoo*, which sailed from the port of Honolulu on the 2d day of February, 1895, arriving at Vancouver on the 10th day of February, 1895, the questions being propounded by said Peterson, and the answers being made by said Cranstoun, written in his presence by Vice and Deputy Commercial Agent F. J. Schofield, all of which is in words and figures as follows, to wit:

1. Q. State your age.—A. Thirty-eight years.
2. Q. Your birthplace.—A. Liverpool, England.
3. Q. Your citizenship at present.—A. The United States of America.
4. Q. Your present place of residence.—A. Honolulu.
5. Q. How came you in the city of Vancouver?—A. I was forcibly placed on the steamship *Warrimoo* at Honolulu on February 2 by armed guards, and compelled to remain there until the ship was in full way.
6. Q. Who were these guards?—A. Policemen of the Republic of Hawaii. The one in charge had senior captain on his cap.
7. Q. Do you know under what authority these men acted?—A. No, sir.
8. Q. Were you first placed under arrest on the day that you were forced to go on board said steamship?—A. No, sir.

¹ Not printed.

9. Q. Tell all about your arrest, and everything connected with it.—A. On Sunday, the 6th of January, 1895, I was in my room all day and evening, only leaving it twice to go to dinner and supper. In the evening while sitting in my room the landlady of the house where I was rooming called my attention to the fact that there were a number of people hurrying up and down the street, some with guns. I went out to the front gate; stayed there a few minutes, and not seeing anything went back to my room again and never left it till the following morning. I was awakened at about 8 o'clock by Mr. Muller telling me that he could not get into our place of business, as there was a revolution or something going on, and that the building was occupied by the Portuguese volunteer company. I dressed myself and went to the hall and found that Mr. Muller had got in. I stayed there a few moments and then went down town. I stayed downtown until about noon, when I relieved Mr. Muller at the warehouse for one hour. I then went downtown again, continuing about my business of selling grain, hay, and feed. Came back to the warehouse again about 4 o'clock. Had only been there about ten minutes when the door was opened and three or four policemen entered, all heavily armed, and said in words: "Mr. Cranstoun and Mr. Muller, I arrest you." I asked if he had any papers to show. He said it was martial law, and they did not need any. We were taken outside, where we were placed in a hack, driven to the police station, accompanied by the guards. Arriving there, we inquired the reason for our arrest from the person who seemed to be the receiving clerk, who refused to answer. I was searched by the jailer and everything taken out of my pockets, except tobacco. I was thence taken down to the station yard, where I found four or five white men. I was kept there for probably an hour, during which time we were joined by four or five more. I, along with the rest, was then marshaled into line, on either side of us being guards heavily armed, and we were marched out of the station house, through the crowded streets, down to Oahu prison. Arriving there, we were all searched again and afterwards placed in cells singly, and had a cup of tea and two crackers given me. Shortly after that we were moved into other cells and placed two in a cell. Again we were moved in about an hour to another cell and there left for the night.

The imprisonment continued from January 7 up till February 2, and we were locked up in the cells twenty hours out of every twenty-four, during which time I had no communication whatever with anyone except with United States Minister Willis, in the presence of other Americans, and one gentleman who called to see me on a matter of business. No Government official of any kind ever interviewed me; no papers were ever served on me; none read to me during the time I was in prison, nor at any time thereafter till now. February 2, 1895, at 10 o'clock, the guards came to the cell which Mr. Muller and I occupied, told us we were wanted, and to pick up what little things we had, which consisted of one change of under-clothing suitable for tropical climates, and a few toilet articles. I asked the guard where we were going, but they said they did not know. Arriving at the jail yard we found Mr. J. B. Johnstone also preparing to leave. As we made our exit to the outer yard we found six guards there armed, in command of the senior captain of police. They broke ranks and we were placed in the center and marched through the public streets to the station house. Arriving there we were placed in a cell, and in a few moments I was called, taken upstairs, and found myself in the presence of W. O. Smith, attorney-general, and a man I afterwards found out was the marshal, E. G. Hitchcock. The attorney-general said: "Mr. Cranstoun, you are going to leave on the *Warrimoo*, sailing in an hour from now." I answered that I was not. He told me that I had nothing to say about it whatever, and that if I wanted to leave a power of attorney with anyone to attend to my business I could do so. I told him that I absolutely refused to do anything of the kind, and that if they placed me on the ship it would be by force; that I would resist to the last, and I demanded to see the American minister, Mr. Willis. The marshal then spoke for the first time, and said: "God damn you, you shall not see him." I told him that I would try to, and that neither he nor his Government at his back could bluff me for one moment. He said: "God damn you, you are going on board that ship." I told him that I had no clothes for any such trip. He said: "Damn you, you can go in the clothes you have on." I went out of the door, followed by the marshal, and on the outside found a Kanaka policeman on guard. I turned to the marshal and said: "I now demand again, in the presence of this man, that you send for the American minister, Mr. Willis." The answer I got was: "Sit down, sir" (pointing to a chair). I told him that I would sit down when I got good and ready. He said: "God damn you, sit down." I told him to go to hell. He said to the native policeman: "Make him sit down." He caught hold of me and forced me into a chair.

In a short while afterwards I saw Mr. Muller enter the room which I had been in, and shortly after emerge again. In about half an hour, as near as I can judge, I was taken down to the station yard again and found Mr. Muller and Mr. Johnstone also there. Six guards then came alongside of us and we were moved out into the street, where we saw three hacks waiting. I was told to get into one, and refused

to do so, and was placed in there by the two guards. We were driven rapidly toward the wharf, and on arriving there I was told to come out of the back. This I refused to do, and was taken from there by the guards and walked toward the gang plank, up which I refused to walk. I heard the command given by somebody—I don't know who—"Shove him on board, shove him on board," and I was forcibly taken on board up the gang plank by two native policemen, who held me by the arms nearly all the time the steamer was at the wharf. I met a man in uniform as soon as I got to the deck, and told him that I wished to see the captain of the ship. I never saw him then or after, till two days out. Soon after our arrival on the steamer the British commissioner, Major Hawes, came on board. I called to him and asked him if he would kindly telephone to the United States minister, Mr. Willis, on my behalf; that I was being carried away without having had a chance of being able to communicate with him. He promised to do so, and soon after the United States consul, Mr. Mills, arrived, closely followed by Minister Willis. Mr. Mills said: "Mr. Cranstoun, what is this thing that is going on? I have just now heard of it." I was commencing to tell him the circumstances when Mr. Willis appeared, and we went into the cabin together—Mr. Willis, Mr. Mills, and myself—Mr. Willis having requested the officer in charge for a private interview with me. I related all the circumstances to him as they actually occurred, and as they are stated here. He asked me then, for the first time, if I had been connected in any way with the late trouble, and said as a friend I might confide in him. I told him that I knew nothing about it whatever, in any way, directly or indirectly, and was absolutely ignorant that there was any trouble going on until Monday, the 7th day of January last. He asked me if any papers had ever been served on me, or if I had any trial. I said that I had never even seen a Government official until that morning; that no papers had ever been served on me, nor even any intimation been given me of the cause of my arrest and detention.

He excused himself for a few moments and returning said: "Mr. Cranstoun, there is something wrong here, as the marshal tells me that they had preferred charges against you, and that the proofs were conclusive." I said that it was an infamous lie; and he then asked me if I would swear to that statement. I told him certainly. Mr. Mills wrote it in shorthand, read it to me, I signed it, and Mr. Mills swore me as to its truth. He then asked me if I was willing to stand trial, saying: "Mr. Cranstoun, I want to take thoroughly into account the fact that they may bring 10 or 12 witnesses to swear to things that might not be so, and in that case it might go hard with me (you)," and asked me to consider very carefully my decision, as the present proceedings had shown what they could do, and there was no telling what they might do. I told him that I was fully aware of the unscrupulous villains that the Government have employed, and that if any evidence like that was brought against me it would be simply my misfortune; but, as I had done nothing in any way to warrant my arrest, I was willing to take chances and face a trial, and would even then go out on the dock and stand it. He promised to do all he could for me, and afterwards left the ship. Some little time after the vessel pulled away from the wharf, the armed guards still being with us, remaining by our side until the steamer was well out into the harbor, and they said good-bye to us and went on board the pilot boats. I first saw the captain of the steamer *Warrimoo* as he was making his daily inspection of the steerage accommodations, about two days after leaving Honolulu. I told him that I wished to see him. I asked him if he would please give me a statement in writing as to what had occurred at Honolulu during our deportation. He said he could not do that, but if called upon to testify would state just what happened. I asked him if he had any legal papers served on him by anyone, showing why we were arrested, and any judgments that had been rendered against us. He said that he had none. Prior to this, and while on the deck of the steamer at Honolulu, we asked the senior captain of police, who was in charge of the squad of policemen, what had become of the things we had on our person when arrested. He said that he had handed something to the purser of the ship. After the guards left us we went to the purser, and he handed myself, Mr. Muller, and Mr. Johnstone, in each other's presence, a package each, bearing our names on a tag. On opening mine I found it to contain what articles I had had when arrested.

After my conversation with the captain, as above, and after due consideration, I served him with a notice on behalf of myself and Mr. Muller, formally protesting against his action in forcibly carrying us away from Honolulu against our wills and protest. And again, on arriving at Victoria on the evening of the 9th of February last, we served the captain with a notice, stating that we would hold himself and the company he represented responsible in damages for such forcible taking away, and for all damages resulting therefrom. A few minutes after he had read the note he said: "What kind of a game are you fellows trying to play with me?" I told him that it was no game at all; that we were simply protecting our legal rights. "Legal rights? You have not got any, and the first thing you know I will have you fellows by the heels." I told him there was no use getting personal over the matter, and left him. The next morning, on the trip up from Victoria to Vancouver, we were

told that the captain wanted to see us on the bridge. We went up there and he said: "What do you fellows mean to do? Do you intend to stay on board the ship?" I told him that it would depend upon the action of the United States consul at Vancouver, into whose care I intended to place myself.

The captain and Mr. Muller had some words as to the profanity used by the captain in our conversation with him. He cooled down after a little, and Mr. Muller left the bridge. The captain said: "I am surprised at your serving this notice on me, as I would not come away without proper authority." I told him that I understood from him that he had no legal authority. He said: "I did not tell you whether I had or had not." He said: "I did get a paper served on me, and I will show you a copy of it." We then went down to his cabin, and before opening his desk he asked me if I knew who Mr. Hatch was. I told him I thought he was the minister of foreign affairs at Honolulu. He then showed me a paper which he said was a copy of the original which was in the safe. The paper contained a statement only, as I remember, in substance as follows:

"There will be brought on board the steamship *Warrimoo* this morning three prisoners to be deported to Vancouver, British Columbia. The Hawaiian Government hereby assumes all responsibility for any damage that may occur through such deportation. The names of the prisoners are Johnstone, Cranstoun, and Muller."

As near as I can recollect, the copy was not signed, but the captain called my attention to the fact that the word "seal" was written on the left-hand corner of the paper, and stated that the Hawaiian seal was on the original. I told the captain that I did not wish to create a disturbance of any kind, and that I would remain on board until I saw the United States consul at Vancouver and be guided entirely by his advice. He said that he had no objections to that.

Sometime after I arrived at Vancouver, Mr. Peterson, United States consul, accompanied by Mr. Schofield, came on board. I stated the facts to them as they occurred and as they are given above. That I was there with little or no money; with only the clothes I stood in and with only a change of underclothing, and I asked for his advice and assistance. He advised me to stay on board until the following morning (Monday), and he would let me know what course to pursue. We found that we would be unable to get anything to eat on board the steamer, and had just made arrangements with a newspaper correspondent to get something to eat, when Mr. Peterson and Mr. Schofield came on board again, about 6 o'clock in the evening. Mr. Schofield accompanied us to a hotel, he making the arrangements for our retention there. On Monday morning, February 11, we kept an appointment made with Mr. Peterson, and again in the afternoon, at 2 o'clock, for our depositions to be taken; and I am now in the United States consulate with only \$4.80 Hawaiian money in my pocket.

10. Q. How did you obtain your citizenship of the United States?—A. By being naturalized.

11. Q. Where?—A. At Deadwood, S. Dak., I declared my intentions.

12. Q. When?—A. In the year 1878 or 1879. The court-house and all the records were afterwards destroyed by fire.

13. Q. In what court?—A. The district court of Lawrence County, S. Dak.

14. Q. Who was the presiding judge?—A. I think that Gideon C. Moody presided, who afterwards became United States Senator from South Dakota.

15. Q. Who was the clerk?—A. A. R. Z. Dawson.

16. Q. What became of the naturalization papers?—A. They have been lost or mislaid for some time.

17. Q. Have you taken any steps toward having them reproduced?—A. While at Honolulu I wrote back to Mr. A. R. Z. Dawson, the then clerk of the district court of South Dakota, asking him if he recollected the fact of my taking out my first papers and the fact of the records having been destroyed by fire in 1879; and if so, to please send me an affidavit covering all the facts in the case. He afterwards sent back to me at Honolulu an affidavit, duly certified, comprising all the facts above mentioned. This was in my trunk at the time of my arrest. As I have never been to my room or seen my trunk since then, I do not know whether it is there or not now, as I was told at the wharf that the Government officials had broken open my trunk and abstracted papers therefrom. A. R. Z. Dawson's post-office address is Deadwood, S. Dak.

18. Q. Were any other indignities offered you while under arrest than those you have already stated? If so, tell what they were.—A. When the first steamer arrived from the United States after my arrest I sent an order up through the jailer for a gentleman to get my mail and hold it—Clarence Crabbe by name. The second day after the steamer was in one batch of letters, about four in number, was passed through the bars of the cell to me by the jailer—Mr. Lowe—all open. He said that they had been opened by the marshal. About an hour afterwards another batch of letters was handed me—about ten. They were also open. From the second mail that arrived from the United States I also received some letters in the same condition.

19. Q. What business were you engaged in at Honolulu at the time of your

arrest?—A. Principally grain, hay, and feed. But I was obtaining new agencies from the States nearly all the time; and in the mail which was opened by order of the marshal I had three offers from parties in the States who wished to open business connections with me. I had just received a first shipment of a new brand of soaps specially manufactured for the Hawaiian Islands, and which I was just beginning to introduce into the market when arrested. I had also received notice that a carload of flour of a new brand would be forwarded to me in the month of February; and I also expected other shipments of flour from other parties. I have had no chance to communicate with these firms since I received their letters. I had received a shipment by the Canadian-Australian Steamship Company about the 5th of January, 1895, most of which was on hand at the time of my arrest. There was another shipment sent to me on the 21st of January, and which was still on the wharf at the time I was forcibly deported.

20. Q. State the probable value of your stock of merchandise on hand at the time of your arrest.—A. About \$1,400.

21. Q. The amount that has arrived there since your arrest?—A. I should judge the value to be about \$400.

22. Q. Did you leave anyone in charge of your business?—A. Under the advice of United States Minister Willis I executed a power of attorney on board the steamship *Warrimoo*, written on a scrap of paper with pencil by Mr. Mills, empowering Mr. Clarence Crabbe to transact business for me and do what he could under the circumstances.

23. Q. Who had your business in charge while you were in jail?—A. Nobody; I expected to be let free from day to day.

24. Q. Did you take any part in the politics of the island; and if so, in what way?—A. At one time I belonged to a club of Germans, principally, called the Schützen Club, but it broke up about the month of October. Since then I have had nothing whatever to do with any political party or organization.

25. Q. State, in general terms, the objects of this club.—A. It was to resist monarchy and to support the present form of government as far as practicable, and to obtain the annexation of the Hawaiian Islands to the United States.

26. Q. Did you ever exercise any of the rights of citizenship in that country?—A. No.

27. Q. Did you, while in prison, demand a trial or attempt to get information as to the charges that were preferred against you? And if so, tell all about it.—A. In the first place, there were perhaps about 50 whites who belonged to one party or crowd—that is, who are allowed to exercise together during the day and who are kept apart and separate from the other prisoners. During the first week several were withdrawn from the party, and that kept up until about 32 or 33 were left, of which I was one. At one time the American minister was sent for by the American persons who were present representing the other Americans, viz, a Mr. Ross, Mr. Peterson, Mr. Creighton, and myself. We requested a private interview, which was granted. Among other things, the question of the probable cause of our arrest was discussed. Mr. Willis stated that he had been informed that the most of us had been arrested as precautionary measures—not for what we had done, but for what they thought we might do. At another interview the question of a speedy trial was brought up, and Mr. Willis stated that if we were willing to be guided by his advice we would not ask for any trial at that time. The other gentlemen stated that they were willing to abide by his decision, and he asked me then if I wished for a speedy trial. If I did so, he would demand it. I told him I was willing to leave everything in his hands; that we were absolutely powerless, and whatever he counseled as being for the best I was willing to abide by. He then told me that it would not be policy to ask for a trial at that time. He gave as his reason that the Government was between two fires and was almost in the hands of the mob, and said that every day we delayed the trial it would be so much better for us. This was taken in connection with the previous conversation, and to which we had called Mr. Willis's attention. To a rumor which had reached us in the jail that there were some parties who wished to shoot without trial all persons who had been arrested, natives or whites, Mr. Willis told us that he knew of that fact; and he also informed us that part of the Government were advocating the same stringent measures. He said that he interviewed the President as soon as he heard of it, and protested against any such outrage. He said that the President told him that nothing like that would be allowed to occur, and he guaranteed that all who had been arrested would have a fair trial.

28. Q. Did you have any trial at all?—A. No.

29. Q. Were you called up before anyone and formally condemned?—A. No.

30. Q. Do you know the cause of your arrest? If not actual knowledge, give your belief from circumstances and facts.—A. I do not know to this day why I was arrested and deported, and believe that it was instigated by competitors in business who were strong supporters of the Hawaiian Government and are rich corporations, whose customers in our particular line I was fast obtaining. A corporation took

advantage of the influence they had over the Government at this particular time to have my partner and myself seized, as I verily believe.

31. Q. Did you have anything to do in any shape or form with the alleged insurrection on the 6th of January last?—A. No.

32. Q. Did you at any time advise, incite, or persuade anyone to take up arms against the Government of the Hawaiian Islands?—A. No.

33. Q. Did you in any conversation hold any language antagonistic to the Government as it now exists?—A. No; I was neutral.

34. Q. Did you have or carry any arms?—A. No; never in my life.

35. Q. Were your sympathies in the threatened troubles with the present Government and the natives with the whites or the natives?—A. I was absolutely neutral, but intended, if the natives got control and tried to massacre the whites, to take up arms in defense of myself and would stand back to back with my other white brethren to defend their lives and my own, and this is the pith and substance on the subject of all my utterances.

36. Q. State your opinion and the facts upon which to base it, whether or not, on the charge of treason against the existing Government of the Hawaiian Islands, one can get a fair and impartial trial.—A. Mr. Willis's attention was called specially one day while we were in jail to the fact that attempts had been made by people in the employ of the Government, and others, to manufacture testimony against some of the prisoners. The whole facts were laid before him at the time, and he was told just how the information was derived by us—that they had called two or three of the prisoners up for examination before two men, neither of them lawyers or holding any position in the legal department of the Government—and the prisoners had been told that they must testify to such and such alleged facts, and if they did not do so they would be punished; and some who refused to so testify were separated from their cell-mates and put in close confinement. Mr. V. V. Ashford was about that time on trial; and as he was in the hospital in the yard in which we exercised, the information was conveyed to us that an attempt had been made on his trial to get witnesses to swear that they had seen him at various places supposed to be secret meeting places for the Royalists, and upon cross-examination they were asked the same questions again, and gave entirely different answers. When asked why they had testified against Mr. Ashford, they stated that they were told to say so, or they would be hung. The lawyers in jail with us—Messrs. Peterson and Creighton—stated to Mr. Willis their fear that the Government, with the aid of its innumerable spies—unscrupulous men—would endeavor to do with all arrested what had been attempted to be done with those who had already been tried, and that we in jail would be absolutely powerless to successfully combat a deep-laid plan, with perjured evidence to convict innocent men of grave crimes. They all expressed their fears to Mr. Willis that such would be the fate of all those who had been arrested. Mr. Willis said that he realized that fact very well, and also that we would be placed in a very hard position to clear ourselves.

And further, a day or two before our deportation a man who had been with our party in jail for a day or two—T. B. Walker by name—and who had pleaded guilty to the charge of treason, visited us in the yard one morning and had the word passed around that he was there for the purpose and as an emissary of the Government to invite all those who wished to leave the country to do so, and that he had been told by the judge-advocate-general to inform us that he would use his influence with the Government to see that those who wished were permitted to leave. I myself had no conversation with him whatever except to say "Good morning." I have since learned that this man Walker turned state's evidence in order to secure his release. None of the prisoners accepted the proposition and were highly indignant that such overtures should be made by such a man. Mr. Willis was requested by us to resent the insult, and we learned subsequently that an apology had been tendered with the statement that it had all been a mistake.

37. Q. Did you know any of the men incarcerated with you previous to your own incarceration?—A. Only one; and that one slightly—that man I had tried to sell some oats to.

38. Q. Who paid the passage money on the *Warrimoo*? Tell all you know about it.—A. I do not know who paid the money. The captain informed me that it was paid at the office of the steamship company, and said that they were not losing any money by bringing us over, and that they might have to take us back again, for the authorities might not allow us to land.

39. Q. What kind of passage did you have on the vessel—first or second class?—A. We were in the steerage.

40. Q. How were you clad?—A. I had light underclothing just suitable for a tropical climate, and a very thin coat and no vest. I traded on the steamer for a coat with a fellow-passenger. I suffered severely from the cold, and now have the rheumatism.

41. Q. If the Department of State should desire to communicate with you at any time soon what will be your post-office?—A. I desire all communications to me to be mailed in care of this consulate.

J. Cranstoun, being recalled, on this 12th day of February, 1895, deposes and says as follows:

1. Q. I notice to-day that I failed yesterday to ask you the direct question as to your occupation, and will do so now.—A. Merchant and commission broker.

2. Q. I will also ask you the places at which you resided in the United States; the time, and length of time, at each place?—A. I was in New York City and Brooklyn for eight or nine months. Then I went through Canada, and then to Kansas City, and then to the southern part of Kansas; then into Wyoming; then to Dakota Territory, and stayed there for a number of years; made a trip to Europe, then back to South Dakota; then to Seattle; made a trip to New Mexico; returned to Seattle again, and from thence I went to Honolulu. I stayed at Seattle for about five years before going to Honolulu.

3. Q. I see a statement in the News-Advertiser of this city of the 12th instant to the effect that you were concerned in the blowing up, or attempting to blow up, a church in Honolulu with dynamite, and that this was what you were deported for. Tell what you know about it.—A. I have read the article, and it is a lie from beginning to end, and too silly for me to give it a second thought. I know nothing about dynamite or any explosives in any way whatever; and I never heard, knew, or saw anything of it till I saw it in the News-Advertiser.

J. CRANSTOUN.

Mr. Willis to Mr. Gresham.

No. 87.]

LEGATION OF THE UNITED STATES,
Honolulu, February 16, 1895. (Received March 2.)

SIR: I have received the reply of Mr. Hatch to my request for copies of the record in cases of citizens of the United States tried and to be tried before the military commission. I inclose copies of the correspondence on the subject.

The ex-Queen is still a prisoner. The sentence in her case has not yet been made public or approved as far as known to me.

There are 15 persons in prison who claim to be citizens of our Government. I have had several interviews with the authorities, but thus far without satisfactory results. I hope during the coming week to be able to report to you definitely upon this subject, and also as to the forcible deportation of Cranstoun.

Martial law is still in force and the military trials continue. Up to date about 100 persons have been tried. In addition to these, the prisons are crowded with over 200 political prisoners, besides a hundred or more confined for other offenses. All who bore arms and all prominent "suspects," having been arrested a month ago, it is hoped that normal conditions will soon be resumed; such a result is, I think, desired by the Government.

With high esteem, I am, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 87.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, January 28, 1895.

SIR: I have the honor to request of your Government copies of the record in the cases of the United States citizens tried and to be tried before the military commission now in session. I do this in order that before final sentence is pronounced my Government may, after considering the questions of law and facts therein involved, determine its duty in the premises.

In submitting this request, permit me to convey to you my congratulations upon the prompt reestablishment of the internal peace of the country, and to express the friendly hope and belief that by its magnanimity in triumph, by its wise and conservative action upon the solemn problems yet pending, your Government, uniting its people "in the spirit of unity and with the bond of peace," will still further enforce its claim to a high place among the humane, stable, and civilized nations of the world.

Availing, etc.,

ALBERT S. WILLIS.

[Inclosure 2 in No. 87.]

Mr. Hatch to Mr. Willis.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, February 9, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, in which you request that copies of the record in the cases of United States citizens tried and to be tried before the military commission now in session, be furnished you, in order that before final sentence is pronounced your Government may, after considering the questions of law and facts therein involved, determine its duty in the premises.

Copy of the record of the commission in cases against citizens of the United States will be furnished to you when completed and when acted upon by the President.

I have the honor to inquire of you (1) what persons among those named in the inclosed list are claimed by you to be citizens of the United States and entitled to the protection of your Government, and (2) upon what principle of international law or usage you desire that your Government should have the opportunity to consider the questions of law and facts involved, and to determine its duty in the premises before final sentence is pronounced.

I beg to assure you that any representations which may be submitted by you bearing on the guilt or innocence of any American who has been convicted, or any appeal for executive clemency will be fully weighed by the commander in chief. I am unable, however, to concede any right of review in your Government, and am constrained to withhold the assurance that there will be delay in pronouncing final sentence until your Government may have determined its duty in the premises.

I have, etc.,

FRANCIS M. HATCH.

[Inclosure 3 in No. 87.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, February 15, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant in reply to mine of the 28th ultimo.

Permit me to call your attention to the fact that my letter contained no intimation of a right to review the decisions of your Government. It bore the usual request from one Government to another for correct

official information in matters involving the life, liberty, and property of the citizen. I do not recall any instance where such a request was ever refused.

The principles of international law and usage of which you make inquiry, as understood by Hon. W. H. Seward, former United States Secretary of State, are set forth in an official letter of October 27, 1866, addressed to Sir Frederick Bruce, then British minister at Washington, referring to the cases of Robert B. Lynch and John McMahon who had been tried before the regular tribunals of justice as actors in the assault at Fort Erie, Canada, the question of final sentence being then pending before the home Government.

Mr. Seward says:

It can hardly be necessary to direct your attention to the fact that the Government of the United States is required by the highest considerations of national dignity, duty, and honor to inquire into the legality, justice, and regularity of the judicial proceedings which have thus taken place; and that, after making such a careful scrutiny, we shall expect to make known to Her Majesty's Government such opinions as the President, upon due consideration, shall adopt. With this view the United States consul at Toronto is this day instructed to procure, for the information of this Department, a copy of the record of the trial and conviction of Lynch and McMahon, and also of all further trials and convictions of a similar character which shall take place in Canada. I have now the honor to request you to take such proceedings as you may think proper, to the end that such applications of the consul shall be promptly granted.

It is to be noted that although Mr. Seward claimed as right that which I have asked of your Government as a favor, it was promptly conceded by the British Government.

With sentiments, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, *February 17, 1895.* (San Francisco, Feb. 24.)

Your telegram 8th instant received.¹ Sentences of death not yet known to have been approved by President. Sentences in 25 cases approved and made public, viz: Twenty-three Hawaiians, five to ten years' hard labor; one Englishman, Col. V. V. Ashford, one year and fine; and one American, J. F. Bowler, five years and fine of \$5,000. These two charged with misprision of treason. All required to don prison garb. One hundred and twenty tried, 21 more now on joint trial, 2 acquitted, 3 deported, and 15 of different nationalities released on condition of leaving country. Over 200 yet in prison, of whom 13 are American; latter confined without formal charges or trial. Feeling less extreme.

ALBERT S. WILLIS.

Mr. Gresham to Mr. Willis.

No. 67.]

DEPARTMENT OF STATE,
Washington, February 23, 1895.

SIR: The attention of the Department has been called by Ex-Governor Russell, of Massachusetts, to the case of a young man, Louis Marshall,

¹ See Foreign Relations, 1894, Appendix II, p. 1397.

who, according to newspaper report, is one of the persons recently convicted by military commission in Honolulu for participation in the insurrection there, his sentence being twenty years imprisonment.

Marshall, it is said, was born in Massachusetts on July 12, 1875. At the age of 13 or 14 he left his father's home and supported himself for a year or two working for Harvard College. In 1890, at the request of his uncle, William E. Foster, of Honolulu, he went to Hawaii, and has since resided there. It is not represented that he has ever renounced his American citizenship, and, for aught that is made to appear to the Department, he is entitled to the same consideration and protection as other citizens of the United States similarly situated.

You will investigate his case and report the facts to this Government.

I am, etc.,

W. Q. GRESHAM.

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, February 23, 1895. (San Francisco, March 2).

Gulick, Seward, Wilcox, and Rickard sentences confirmed by President; thirty-five years' imprisonment at hard labor and \$10,000 fine, each. Widemann and Walker, thirty years and \$10,000 and \$5,000 fine, respectively. Gregg and Marshall, latter American, 19 years old, twenty years and \$5,000 fine each. The two Lanes five years and \$5,000 fine each. Nowlein and Bertlemann, leaders in conspiracy, who turned State's evidence, thirty-five years and \$10,000 fine each, but sentence in both cases suspended. Davies, captain of steamer which landed arms, also State's evidence, ten years and \$10,000 fine; sentence also suspended. Ex-Queen, five years and \$5,000 fine.

Mr. Willis to Mr. Gresham.

No. 88.]

LEGATION OF THE UNITED STATES,
Honolulu, February 23, 1895. (Received March 8.)

SIR: I inclose herewith a memorandum of an interview with Mr. Hatch, minister of foreign affairs, on the 18th instant, in regard to the case of J. F. Bowler, who has asked the protection of our Government as an American citizen, and who is now serving his sentence in prison. I also inclose copy of the correspondence on the subject; also copy of the record of proceedings.

It is claimed that Mr. Bowler is not entitled to the protection of our Government because he was naturalized under the Monarchy. He has not taken the oath of allegiance to the Republic. Section 430, Hawaiian Civil Code, sets forth the oath of allegiance as follows:

*The undersigned, a native of ———, being duly sworn, upon his oath declares that he will support the constitution and the laws of the Hawaiian Islands, and bear true allegiance to His Majesty ———, the King.

The taking of the above oath naturalizes the alien and admits him to Hawaiian citizenship. (Reports of Supreme Court of the Hawaiian Islands, Vol. V., p. 169.)

Mr. P. C. Jones, whose letter of inquiry as to his present citizenship I inclose in a dispatch of this date, having taken the oath of allegiance

to the Monarchy, applied in the year 1882 to our Government for information touching his right to protection. Mr. Frelinghuysen replied:

In the absence of a direct judicial determination of the question, I do not feel disposed to deny to Mr. Jones any right or privilege pertaining to his character of American citizenship, and therefore, while the Department will not undertake to express any authoritative opinion on the effect which his course in Hawaii may ultimately have on his status in that regard, you are authorized to extend to him such protection as may be properly due to a citizen of the United States residing in and having acquired a commercial domicile in a foreign State. This protection must, of course, be limited and qualified by the liabilities and obligations incident to such commercial domicile.

If you should conclude that Mr. Bowler is entitled to protection, there are several questions suggested in the record and in the interview with Mr. Hatch, the most important of which is that of jurisdiction.

The record came half an hour ago and I have thought it proper to send without delay.

With assurances, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 88.]

Memorandum of interview with the Hon. F. M. Hatch, minister of foreign affairs, February 18, 1895.

Mrs. Bowler, the wife of John T. Bowler, came to the legation on Sunday night with the information that her husband had been required to don the prison garb, under a sentence of which I knew nothing except from newspaper report of preceding afternoon. I immediately addressed a note to Mr. Hatch, asking him if this sentence had been confirmed, and if so, could I have an interview with him at the earliest opportunity. He fixed 9 o'clock this morning, at which time I met him the at foreign office.

I reminded him of the understanding which had been in existence as to United States citizens who were political prisoners—which was that I should be informed of all the steps taken against them. I said to him that this understanding had been between myself and Mr. Smith, while he (Mr. Smith) was acting as minister of foreign affairs, and also that I had received from him on the 6th instant a similar assurance, and expressed my surprise that I had not been therfore notified of the sentence against Bowler. He said there was some mistake in regard to the matter in the office, and presumed that it arose from the fact that Mr. Bowler was probably a naturalized Hawaiian citizen. I replied that the Government could not have so thought, as it had sent me official notice to attend Bowler's trial as an American citizen, which I had done.

I called his attention to the question of prison garb, and asked him for a copy of the sentence against Mr. Bowler, which he sent for. Upon perusing it, I called his attention to the fact that there was nothing in the sentence of the military commission or of the commander in chief referring to the garb in which a prisoner was to be clothed, and asked him under what law or regulation such action had been taken. He replied that it was a prison regulation. I answered that these prison regulations must be either under the law or beyond the law. If beyond the law they could not be enforced, and if under any law of the Republic of Hawaii, that law, I claimed, was suspended by martial law, and that the imposition of the prison garb was an addition to the punishment. He said the commander in chief could issue an order now requiring this garb to be worn. I said that it was not, as I understood the matter, within the power of the commander in chief to increase a sentence which had once been pronounced. He then claimed that the keeper of the prison himself had the right to put this garb upon a prisoner. I replied that if he could put this garb upon him he could put iron balls around his neck or could increase in any way the physical suffering of a prisoner, and I respectfully denied the right of any jailer to increase a sentence of the military commission approved by the commander in chief. I then called his attention to a different view of it—that, even admitting it was within the strict letter of the law, was it the best thing to be done for the future of the country? Would it not leave in the hearts of these men and their children an undying enmity against the Government when they recalled what they would doubtless conclude was an unnecessary stigma? He replied that it was necessary to make

treason odious, and thus deter other criminals, and referred to the severe punishment of Riel in Canada, who had been let off and who renewed his attack upon the Government, and was most severely dealt with therefor.

I then asked him if any prisoners had been released. He said there had been, and mentioned a man named White, who, he said, was very guilty and ought not to have gotten off—that he was a dynamite-bomb thrower. I then said: "Do you mean to say for your Government that White was guilty?" He said: "Yes; and he ought not to have been released." He said others had been released, they being given the option to leave the country or stand trial. I then made the point that it was not fair to citizens of the United States to subject them to a trial and punishment when an opportunity was given to others of greater guilt—as in the case of Mr. White—to leave the country, and I asked him in this connection if the Government would consent to Mr. Bowler leaving the country on the same conditions as the others. He peremptorily declined this proposition, saying that Mr. Bowler had been tried and found guilty. I then asked him if Bowler's sentence was not the highest sentence of the law. He said that it was. I then asked him if prisoners who had been guilty of actual treason—captured with arms in their hands—had not received a less punishment than Mr. Bowler. He said that some of them had received punishment of five years' imprisonment and a fine; but as they had no money and the fine of \$5,000 would have meant another year's imprisonment, the President had remitted the fine. "Then," I said, "it is evident from your statement that men with arms in their hands have been given less sentence by your Government than this man, who was found guilty of only misprision of treason, and who was not an actual participant."

In connection with the prison garb question, I also asked him if there was any country in the world where political prisoners were required to don the prison garb of the common felon. He said that he did not know that there was, but he was not willing to admit that Mr. Bowler was a political prisoner. I replied that I was satisfied that my Government would consider Mr. Bowler and all of these persons political prisoners, and that we would, under international law as I construed it, be entitled to present the case in that way, and if discrimination had been made in favor of other nationalities it was the duty of our Government and its privilege to inquire into these things.

I then asked him if Mr. Bowler was not permitted to leave the country whether his Government would consent to suspend that part of his sentence (if it was a part of it) which involved the wearing of the prison garb. I said that in my judgment there might be some questions raised as to the legality of the whole proceeding. He said he would prefer that to be done rather than waive the regulation in regard to the prison dress; that they were a small community out in the Pacific Ocean, and must show firmness and enforce laws; that if they withdrew this regulation it would be construed as weakness; that they could not allow to one nationality that which was denied to another; and that there were so many political questions and nationalities now pressing for attention on his Government that it would be impossible to yield.

I then asked him if I could have for my Government a copy of the record and of the evidence, and I would not in this conversation ask for a suspension of any portion of the sentence except that referring to the prison garb. The principal object that I had in view, I said to him in conclusion, was to have an opportunity to present these matters, which involved serious questions of citizenship and of property; that I did not feel it proper to decide questions of such importance without consultation with the home Government.

The conversation then turned upon the question of citizenship. I said that as at present advised I was not prepared to admit that even if Mr. Bowler, or anyone of the other prisoners, had taken out naturalization papers they had deprived themselves of the right to have the protection of our Government; that many persons now supporting his Government still claimed American citizenship, although they had taken out naturalization papers and held public office here, and that I had a communication before me now upon this subject. I said if his Government desired to discuss these questions it seemed to me that it could be made a part of the record; that I did not myself wish, in view of the conflicting opinions that had been expressed in regard to citizenship here, to say to any man that he was not entitled for that reason to the protection of my Government, but that I would reserve that question for the decision of my Government in these different cases; that I had no desire to intrude officiously upon him in behalf of any who were not our citizens, and that as to our citizens I desired to go only as far as my duty in their behalf required me to go; that he would bear me witness that I had not sought in any way to embarrass his Government in its hour of trial, but that he must admit that these arrests and imprisonments of so many American citizens should be inquired into, and in a friendly way I was there for that purpose.

He then asked that I submit the requests I had made in writing, that he might present them to the cabinet—which I agreed to do.

[Inclosure 2 in No. 88.]

*Mr. Willis to Mr. Hatch.*LEGATION OF THE UNITED STATES,
Honolulu, February 18, 1895.

SIR: Referring to the case of J. F. Bowler, an American citizen, who by the sentence of a military commission confirmed by your President, has been required to pay a fine of \$5,000 and to be confined in prison for five years at hard labor, I have the honor to submit to your friendly consideration the following requests:

First. That Mr. Bowler be permitted to leave the country upon the terms extended to other prisoners alleged to be guilty of the same or greater offenses.

Second. That for the information of my Government a copy of the record and evidence in his case be furnished.

Third. That, pending the time necessary to communicate with my Government upon the subject, that portion of the punishment which requires Mr. Bowler to don the prison garb be suspended.

It may not be improper in this connection to suggest that upon a re-examination of the facts and law your Government may come to the conclusion that the proceeding itself, as well as this portion of the punishment, are not sustainable, in which event I feel assured that it will be prompt to take proper action in the premises.

I am, etc.,

ALBERT S. WILLIS.

[Inclosure 3 in No. 88.]

*Mr. Hatch to Mr. Willis.*DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, February 21, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant in respect to the case of Mr. J. F. Bowler, said by you to be an American citizen, in which you make the following requests:

First. That Mr. Bowler be permitted to leave the country upon the terms extended to other prisoners alleged to be guilty of the same or greater offenses.

Second. That for the information of my Government a copy of the record and evidence in his case be furnished.

Third. That, pending the time necessary to communicate with my Government upon the subject, that portion of the punishment which requires Mr. Bowler to don the prison garb be suspended.

The Government has given to this subject the earnest consideration which requests submitted by the diplomatic representative of the United States must always receive.

I have first to point out to you that Mr. J. F. Bowler is a Hawaiian citizen, he having been naturalized as such on March 18, 1885. No irregularity appears in the record of the interior department on this subject.

This Government is therefore compelled to consider him as a Hawaiian citizen only.

I forward for your information a copy of the record in his case. I must point out to you, however, that no inference must be drawn that we at present concede that any question concerning his case can properly be made the subject of discussion between us other than that of his naturalization.

Prima facie, at least, Bowler is a Hawaiian citizen. If any grounds can be shown for questioning the fact of naturalization or the legal effect of it they will receive due consideration, but as a preliminary matter only.

It is difficult to conceive any just reason upon which your first request can be founded. No person who has been convicted before the commission now in session has been set at liberty and allowed to leave the country. The option has been given to several persons held under arrest whose cases have not been reached by the commission to stand trial or depart. The latter alternative has been accepted by them. To make this course a precedent for the release of a convicted person would speedily bring the administration of justice in these islands into deserved contempt. If it once could be understood by foreigners that the greatest risk run in the commission of crime here would be to be given a free passage to the mainland, the attraction of these islands would at once prove irresistible to the criminal classes. Another reason of weight why such a course can not be followed (except under peculiar circumstances) is the impression of inequality which would be made upon the minds of Hawaiian prisoners of aboriginal blood.

To open the jail doors to them upon such conditions would be exile; to a person of foreign birth it is no punishment at all. In a community such as this, made up of persons of so many nationalities, it is especially necessary that all appearance of favor in the administration of the criminal law should be avoided. The Government therefore feel constrained to deny the request that John F. Bowler be set at liberty and permitted to leave the country.

The third request made by you, which involves a question of prison discipline, must be considered as controlled by the foregoing considerations, and is also denied.

I have, etc.,

FRANCIS M. HATCH.

[Inclosure 4, in No. 88.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, February 23, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, and also your two letters of the 21st instant.

At the request of your Government, I furnished a list of citizens of the United States who, in my judgment, are entitled to its protection. One of these, T. B. Walker, I have since learned is a British subject. I note your statement that J. F. Bowler, Charles Creighton, C. F. Gulick, Charles F. Moltino, and A. P. Petersen are Hawaiian citizens. To this, as now advised, I can not agree, but have considered it my duty, in view of the conflict of opinions and decisions upon the subject, to submit the question of citizenship with other questions to my Government and await its decision.

For this purpose I requested copies of the record of the proceedings. The request for copies of record "before final sentence" was, as I have heretofore orally explained, to avoid the appearance of "reviewing" the deliberate final judgment of your Government. Copies of the record in all cases, including those whose status as United States citizens is in dispute, will, as I understand, after final sentence be supplied by your Government. This considerate course will be duly appreciated by my Government.

Of the three requests submitted in the case of J. F. Bowler, your Government has granted the one asking for a copy of the record. The other two you discuss at some length, but decline to hear discussion. I shall refer his case to my Government, and will hereafter present its views.

The inquiry in your letter of the 18th instant as to whether "protection" will be extended to citizens of the United States, irrespective of their having taken part in this insurrection, is, I beg leave to suggest, premature. The "protection" now asked for is that such citizens, upon the question of their guilt as indicated, may be accorded such trial and punishment as can be justified under your law, under treaty, and under international law.

With renewed assurances, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

No. 90.]

LEGATION OF THE UNITED STATES,
Honolulu, February 23, 1895. (Received March 8.)

SIR: I have presented a written protest, embodying the facts heretofore communicated to you, as to the forcible deportation of Mr. J. Cranstoun, who claimed to be an American citizen. In a note received an hour ago, this Government claims that he is a British subject. The fact seems to be that he was born in England and took out his first papers at Deadwood, S. Dak.; where he practiced law. This was in 1878 or 1879. He returned temporarily to England, and had not lived long enough in one place to complete his naturalization. In the above state of facts, I will await your instructions.

As to those yet in prison who claim American citizenship, I inclose correspondence with Mr. Hatch. As to the question of citizenship, I have asked that it be submitted to you for decision.

Eleven political prisoners leave on the steamer to-day. As to those who are citizens of our country, I have informed them that I could not advise them to go or to stay, but they should make their own decision. Several of them, professing absolute innocence of any connection with or knowledge of the uprising, have concluded to go, saying that they did not believe that in the present condition of affairs a fair trial would be given them. They have, without my acquiescence, signed papers, but not admitting any complicity. The charges, if any, are suspended.

I have sent you a telegram giving the sentences in the cases of United States citizens Gulick, Seward, Marshall, and others. These sentences are tantamount to imprisonment for life and confiscation of their entire estates. The informer Nowlein, the self-proclaimed originator of the plan of rebellion, together with Bartelmann, Davis, the two Ferns, who were witnesses against Bowler, and others who turned states evidence, will, it is understood, be released, their sentences having been suspended. The sentence in the case of the ex-Queen will, it is reported, be suspended.

As the delay desired by our Government was voluntarily granted, it did not, I am glad to say, become necessary to present your telegram.

With sentiments of high regard, I am, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 90.]

*Mr. Willis to Mr. Hatch.*LEGATION OF THE UNITED STATES,
Honolulu, February 18, 1895.

SIR: In further reply to your letter of the 9th instant I submit the following names of persons who claim to be citizens of the United States and entitled to the protection of my Government: J. F. Bowler, Charles Creighton, James Durell, Ed. France, C. T. Gulick, H. A. Juen, George Lycurgus, Louis Marshall, Charles T. Molteno, A. P. Peterson, P. M. Rooney, J. Ross, George Ritman, W. F. Reynolds, W. T. Seward, T. B. Walker, H. Von Werthern, Arthur White, and J. Mitchell.

As no formal charges have been presented against these persons, and as nearly all of them have been in prison for six or more weeks, I would respectfully request that at your earliest convenience you will inform me of the nature of the accusation against them and of the probability of their trial.

As you are aware, I have called the attention of your Government to the cases of these citizens several times heretofore, and I sincerely hope you will find it in your power to afford them a trial or permit them to be discharged upon such terms as you may deem proper under the circumstances.

With the highest respect, I am, etc.,

ALBERT S. WILLIS.

[Inclosure 2 in No. 90.]

*Mr. Hatch to Mr. Willis.*DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, February 21, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing a list of persons now under arrest who claim to be citizens of the United States and entitled to the protection of your Government.

Of this list the following are Hawaiian citizens by birth or naturalization: J. F. Bowler, Charles Creighton, C. T. Gulick, Charles T. Molteno, A. P. Peterson, T. B. Walker.

Messrs. Creighton and Walker claimed to be British subjects at the time of naturalization here.

This Government does not concede that any of the above are entitled to the protection of your Government.

Five from your list have been tried. Seven have expressed a willingness to leave the country rather than stand trial. There remain only James Durell, George Lycurgus, J. Ross, W. F. Reynolds, and J. Mitchell from your list whose cases remain undisposed of.

I am aware that you may have called the attention of this Government to the cases of these men several times before. They are held for complicity in the late insurrection. The probability of their trial at an early date is very great. I beg to call your attention to the fact that the commission has been in session almost without intermission since the date of its appointment and that trials are progressing with all the speed consistent with fairness.

I have, etc.,

FRANCIS M. HATCH.

Mr. Gresham to Mr. Peterson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 25, 1895.

Obtain further deposition from Cranstoun as to when he arrived in United States, when and where he was naturalized, and as to whether he took up his residence in Hawaii intending to abide there permanently or indefinitely.

W. Q. GRESHAM.

Mr. Gresham to Mr. Willis.

[Telegram.—Through dispatch agent at San Francisco.]

DEPARTMENT OF STATE,
Washington, February 25, 1895.

With reference to your telegram of the 17th instant, touching the imprisonment or condemnation of numerous persons in connection with the recent disturbance in Hawaii, I observe your statement that 13 American citizens are still in prison without charges and without trial. This Government has no disposition to be exacting with that of Hawaii, especially under present circumstances, but it owes a duty to its citizens to see to it that they are not wantonly subjected to arbitrary treatment. Though martial law has been proclaimed, it does not follow that aliens innocent of participation in the acts which gave rise to its proclamation may be arrested and indefinitely imprisoned without charges and without trial. The existence of martial law, while it may imply the suspension of the methods and guaranties by which justice is ordinarily secured, does not imply a suspension of justice itself. You are instructed to insist to the Hawaiian Government that the American citizens still imprisoned without charges and without trial shall be promptly tried or promptly released.

GRESHAM.

Mr. Gresham to Mr. Willis.

No. 66.]

DEPARTMENT OF STATE,
Washington, February 25, 1895.

SIR: I have to acknowledge the receipt of your No. 86 of the 8th instant, in relation to affairs in Hawaii, and particularly in relation to the forcible deportation on the 2d instant of three men, one of whom, Mr. J. Cranstoun, claims to be a citizen of the United States.

I inclose herewith copies of certain depositions made by Mr. Cranstoun on the 11th and 12th instant, before Mr. Peterson, the commercial agent of the United States at Vancouver. These depositions leave the question of Mr. Cranstoun's nationality in doubt, and Mr. Peterson has been instructed to obtain further statements from him on that subject.

Under these circumstances the Department does not now instruct you to make any representations to the Hawaiian Government in regard to Mr. Cranstoun, but it is proper to express to you, for your own guidance in similar cases, should they arise, the views here entertained in regard to the course of action taken in that case.

It appears that after having been kept in jail for nearly a month, without any charges having been made against him, he was taken under a heavy guard to a steamer, and would, in spite of his request to see you, have been deported without having had an opportunity then to do so had it not been for the accidental, but timely, interposition of the British commissioner.

You state that when you asked the attorney-general for an explanation of the proceeding, he replied that the cabinet had determined to deport the men "in the exercise of the arbitrary power conferred by martial law." As this was the only explanation he gave, it is assumed that it was all he had to offer, and he gave it without suggestion of any question as to Mr. Cranstoun's nationality.

If the position thus assumed be sound, the very proclamation of martial law in Hawaii renders all foreigners there residing, including Americans, liable to arrest and deportation without cause and without any reason other than the fact that the executive power wills it. They may be taken from their homes and their business; they may be deprived of their liberty and banished; they may be denied the ordinary as well as the special treaty rights of residence without offense or misconduct on their part, simply in the exercise of "arbitrary power."

To state such a proposition is, in the opinion of the President, to refute it. "Truly viewed," says an eminent author, "martial law can only change the administration of the laws, give them a rapid force and make their penalties certain and effectual—not abrogate what was the justice of the community before. The civil courts are in part or fully suspended; but, in reason, the new summary tribunals should govern themselves in their proceedings, as far as circumstances admit, by established principles of justice, the same which had before been recognized in the courts." (Bishop's Criminal Law, sec. 45.)

In view of what has been stated, your course in protesting against the position assumed by the attorney-general of Hawaii is approved.

I am, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Willis.

[Telegram—Through dispatch agent at San Francisco.]

DEPARTMENT OF STATE,

Washington, February 26, 1895.

Telegram February 17 received. President disappointed and anxious, because while it acknowledges my telegram of February 8, it communicates no response to reasonable demand therein made, under recognized principles of public law, that execution of death sentence passed on American citizens be delayed until President can have opportunity to examine evidence relied on to support sentence. You will insist that copy of proceedings of trial, including evidence, be furnished for that purpose, and if, in disregard of such demand, the Hawaiian authorities enter upon actual preparation for execution of the sentence or indicate or declare their intention to so execute sentence, you will demand custody of prisoners, that they may be placed on board the *Philadelphia* pending further instructions from the President. You will deliver copy of this telegram to commander of that ship, who, if necessary, is expected to support demand.

GRESHAM.

Mr. Peterson to Mr. Uhl.

No. 12.] COMMERCIAL AGENCY OF THE UNITED STATES,
Vancouver, British Columbia, Feb. 26, 1895. (Rec'd Mar. 7.)

SIR: Pursuant to telegram sent on the 25th instant by the honorable Secretary of State, and received by me to-day, I have taken, and herewith transmit to the Department, the deposition of J. Cranstoun, and you will find attached to the same an affidavit, marked Exhibit A, of A. R. Z. Dawson.

I have, etc.,

W. F. PETERSON,
Commercial Agent.

[Inclosure in No. 12.]

Deposition of J. Cranstoun.

Taken at the city of Vancouver, British Columbia, on the 26th day of February, 1895, at the office of and before W. F. Peterson, commercial agent of the United States of America, pursuant to a telegraphic communication from the Hon. Walter Q. Gresham, Secretary of State of the United States of America, this day received by said Peterson.

Q. 1. State the date of your arrival from England into the United States—that is, the date of the time that you came there from England to reside permanently.—A. In March, 1876.

Q. 2. State when and where you were naturalized.—A. I have never been naturalized fully, but I declared my intention to do so at Deadwood, S. Dak., some time in the fall of 1878.

Q. 3. Have you any evidence of such declaration now in your possession?—A. Yes.

Q. 4. What is the nature of that evidence?—A. It is an affidavit of A. R. Z. Dawson, who was at the time clerk of the district court at said town of Deadwood, S. Dak., the record of declaration of intention having been destroyed shortly after it was made.

Q. 5. Will you file said affidavit as a part of your deposition, marking it A in order to designate it?—A. I received, as you know, this affidavit on yesterday; and you remember that you told, at my suggestion, that you did not think that the affidavit was properly authenticated, from the fact that no clerk of a court of record had certified to the genuineness of the authority of S. C. Polly to administer oaths, and I ought to return it to Deadwood and have this done. But before returning it, which I have done, you caused your clerk, Mr. Schofield, to make a copy of it, and I have looked this copy thus made over and find it correct in every particular, and I will file it now as a part of my deposition, marking it A in order to designate it, and when the original is returned to me I will deliver it to you to be forwarded to Washington.

Q. 6. When you went to the Hawaiian Islands some seven or eight months ago, was it then your intention to reside there permanently or indefinitely?—A. When I went there I did not know whether I should stay there or go down to South America, but after looking the ground over I concluded it was a place where money could be made, and intended, after I got the business fairly started, to make suitable arrangements with parties in Seattle, whereby half of the year would be spent in Honolulu and the other half in the United States, meaning to change off ends so that each party would have a full and complete knowledge of both ends of the line.

Q. 7. Did you continue in such intention up to your arrest?—A. Yes.

Q. 8. Who and what is the address of the parties that you formed such business connections with in the United States?—A. William Barry and A. L. Morris, of Seattle, Wash.

Q. 9. Did anyone else know of this arrangement other than you three? If so, who?—A. Mr. A. Muller knew of it. He was deported at the same time I was, and is now in the city, but I can not say what his future address will be.

Q. 10. Mr. Cranstoun, I want you to state distinctly your business relations with Mr. Morris and Mr. Barry and Mr. Muller.—A. The firm name in Honolulu was to be and is J. Cranstoun; at Seattle the firm name was and is J. Cranstoun & Co. This partnership extended to all business passing through the hands of the firm at Seattle, and also all business which they might obtain there or elsewhere. This firm consisted of W. Barry, A. L. Morris, and myself. In Honolulu the firm name was simply J. Cranstoun, and the firm J. Cranstoun & Co., of Seattle, were to participate

in all the profits arising from the business in Honolulu that might come from or through the firm at Seattle. But I had personally other business connections, and Mr. Muller was my partner at Honolulu in such other business connections, and was also to participate in my profits in the firm of J. Cranstoun that might be received through the firm of J. Cranstoun & Co. at Seattle.

These business connections were formed in about this way: I had an understanding with W. Barry about such business connections before I went to Honolulu, which was to the effect that I was to go over to Honolulu, look about, and decide whether it was desirable to enter business in this way or not; and on my decision was to rest the fact as to whether we would or not go into business. After going over there, to make a long story short, I looked up the matter, and through correspondence with Mr. Barry the business connections were formed as above stated, Mr. Morris coming into the firm after I went to Honolulu. After proceeding in this way for a time, I found it to my interest to take Mr. Muller in on the general terms as stated. I saw Mr. Morris a short time ago depart from here for Honolulu with the understanding and with a power of attorney from me to look after and take charge of our interests at Honolulu. The base of operation was to be at Honolulu, and the business connection in the United States in truth was a branch of that business. For business and financial reasons the business was presented in this manner, for if the business should have appeared as a branch to Honolulu from the United States I would have had to pay \$500 for a license to carry on such business; but making my base of operation at Honolulu, my license to carry it on there only cost me \$50; and as I had other business connections than those with J. Cranstoun & Co., of Seattle, I thought that I could well and truthfully make this presentation of the business to the officials when I went to obtain my license, and did so.

Q. 11. Did you ever take the oath of allegiance to the Hawaiian Government, or make a declaration to become a citizen of that country?—A. No; I never did. I would not renounce my allegiance to the United States to become a citizen of any country. When I went to Honolulu I of course did not know how long I would reside there, but my intention being some day to return back to the United States, of course I term it as an intention to reside there temporarily; and, as an evidence of this fact, I will state that after being at Honolulu for about three months I wrote to Mr. A. R. Z. Dawson for his affidavit of my declaration of intention to become a citizen of the United States, and in a reasonable time thereafter did receive the affidavit, which affidavit is now in Honolulu unless destroyed. At the time I got this affidavit I intended to return with it to Seattle, there to complete my citizenship. I have never, since I came to the United States and looked over the country and made up my mind to become a citizen of the United States, renounced such intention for an instant in my mind, and have never done so by act.

J. CRANSTOUN.

UNITED STATES COMMERCIAL AGENCY,
Vancouver, British Columbia:

I, W. F. Peterson, commercial agent of the United States of America at Vancouver, British Columbia, do hereby certify that pursuant to a telegram purporting to be from the Hon. Walter Q. Gresham, Secretary of State of the United States of America, this day received by me and which is in words and figures as follows, to wit:

W. F. PETERSON,
American Commercial Agent, Vancouver, British Columbia:

Obtain further deposition from J. Cranstoun as to when he arrived in United States, when and where he was naturalized, and as to whether he took up his residence in Hawaii intending to remain there permanently or indefinitely.

W. Q. GRESHAM.

The above deposition was taken at my office, the questions being propounded by me to the above-named J. Cranstoun and the answers taken down in my presence, written by F. J. Schofield, vice and deputy commercial agent at this place; and I further certify that said Cranstoun was duly sworn before giving it, and that he subscribed his name as above to the same in my presence. No one was present but myself and said Schofield.

In witness in all of which I hereunto subscribe my name and affix my seal this the 26th day of February, A. D. 1895.

[SEAL.]

W. F. PETERSON,
United States Commercial Agent.

EXHIBIT A.

STATE OF SOUTH DAKOTA, *County of Lawrence, ss:*

I, A. R. Z. Dawson, of lawful age, being duly sworn, on oath say that in the year 1878, and for a number of years thereafter, I was clerk of the district court in and for the county of Lawrence, Territory of Dakota; that some time during said year

of 1878 one John Cranstoun, an alien, born in Great Britain, appeared before me, and on oath declared his intention to become a citizen of the United States and took the oath prescribed by law to support the Government and Constitution thereof, and that a record of such intention was duly entered in the records of said court. I further swear that on the 26th day of September, 1879, the court-house, together with the records therein contained, including the records of said John Cranstoun's declaration to become a citizen of the United States, were all destroyed by fire and that a certified copy of such record can not be now obtained.

A. R. Z. DAWSON.

Sworn and subscribed to before me this 19th day of February, 1895, at Deadwood, S. Dak.

[SEAL.]

S. C. POLLY, *Notary Public.*

Certified a true copy of the original handed John Cranstoun this 5th day of February, 1895.

W. F. PETERSON,
United States Commercial Agent.

Mr. Gresham to Mr. Willis.

No. 69.]

DEPARTMENT OF STATE,
Washington, February 28, 1895.

SIR: Your No. 84, of the 30th ultimo, confirming the text of your telegram of that date and giving fuller particulars of the proceedings in regard to the persons accused or suspected of participation in the late disturbances, has been received.

Your action, as therein reported, in behalf of persons claiming to be American citizens, is approved. You appear to have anticipated in great measure the telegraphic instructions which were sent to you on the 8th instant.

It is not clearly understood what is meant by the following passage in your dispatch: "The arrival of the *Philadelphia* will of course have a good effect, as this Government" (that of Hawaii), "if it so desired, would have the aid of our Government under proper conditions."

I am, etc.,

W. Q. GRESHAM.

Mr. Willis to Mr. Gresham.

No. 92.]

LEGATION OF THE UNITED STATES,
Honolulu, March 5, 1895. (Received March 20.)

SIR: Referring to my No. 86, of February the 23d, ultimo, in regard to the forcible deportation of Mr. J. Cranstoun, who claimed the protection of our Government, I have the honor to transmit herewith correspondence on the subject to this date.

It appears upon investigation that Mr. Cranstoun, while declaring his intention so long ago and living so many years in the United States, never became a citizen thereof. As, however, he appears to have come to this country on a temporary venture, I have thought he might be regarded, under section 133 of our consular regulations, as a domiciliated stranger, and hence have considered it my duty to present to your attention the questions in his case, including that of his right to claim protection.

With assurances, etc.,

ALBERT S. WILLIS.

[Inclosure in No. 92.]

*Mr. Willis to Mr. Hatch.*LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, February 21, 1895.

SIR: I desire to call the attention of your Government to the case of J. Cranstoun, who as an American citizen has appealed to my Government for its protection.

Mr. Cranstoun, as I am informed, was a member of the Deadwood, S. Dak., bar, and came to Honolulu about eight months ago, locating on Beretarrria street, where he conducted a feed store. He was arrested about six weeks ago, and was forcibly deported on the steamer *Warrimoo*, February 2, 1895. At his request I visited him several times in jail. He always and most earnestly insisted upon his innocence.

On the 2d instant he and two other prisoners were carried under a heavy guard to the steamer *Warrimoo*. As the carriage was on its way to the steamer one of the prisoners succeeded in attracting the attention of Mr. Hawes, the British commissioner, who stopped the sailing of the steamer until I had an opportunity of consulting with the prisoner.

His sworn statement, dated February 2, 1895, on board the *Warrimoo*, is as follows:

I was taken from my cell this morning and was informed by Attorney-General Smith that I would have to leave the country on the steamer in an hour. I said I would not go. Mr. Smith answered, "You have nothing to say about it." I demanded to see Mr. Willis. Mr. Hitchcock, the marshal, said: "You can not see him, and must go whether you like it or not." I said, "I won't go except by force." This occurred in the station house. Mr. Smith said: "If you want to leave a power of attorney you can do so." I refused to do this. I said I had my business here and my clothes and other effects. They called an officer. Mr. Hitchcock said: "G—d— you; you ——— will have to go." He then said: "Sit down." I said I would sit down when I got ready. He then said: "G—d— you, sit down." Some policeman then pushed me into a seat. I resisted to the end. I am absolutely innocent of any participation in or knowledge of this insurrection, and I want a trial. If I had not happened to have had the luck to see the British commissioner while on my way to the steamer, I would have been sent off without any one being the wiser for it. No charge was ever brought against me—not one word of charge was ever brought against me—verbally or otherwise.

I asked him if he fully realized the possible effect of his being allowed to stay here and stand trial. He answered that he fully understood all that it involved, and was anxious to stay. He was, he said, conscious of innocence and did not fear the result of a trial.

After hearing this statement I inquired of the attorney-general, who was on the dock at the time, by what authority this forcible deportation was made. His reply was: "We rest it upon the arbitrary power of martial law." I thereupon entered my protest in the name of my Government against the proceeding, and this protest I now renew to your Government.

Believing it my duty to make a proper representation to my Government of the foregoing facts, I submit them now to your attention. If it is the desire of your Government to make any statement in connection therewith, it will give me pleasure to forward it.

With assurances, etc.,

ALBERT S. WILLIS.

[Inclosure 2 in No. 92.]

Mr. Hatch to Mr. Willis.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, Hawaiian Islands, February 23, 1895.

SIR: I have the honor to acknowledge on the 23d the receipt of your letter dated the 21st instant, relative to the case of one J. Cranstoun, who appealed to you as an American citizen, informing me that you consider it your duty to make a proper representation of the facts to your Government, and that it would give you pleasure to forward at the same time any statement that this Government might desire to make in connection therewith.

I beg to thank you for the courtesy extended. I will not, however, avail myself of the opportunity further than to point out that Cranstoun is of British birth, and I should be glad to have the question of nationality disposed of before further discussing this case.

I do not wish to be taken as having conceded the accuracy of Cranstoun's statement in any respect.

I have, etc.,

FRANCIS M. HATCH,
Minister for Foreign Affairs.

Mr. Willis to Mr. Gresham.

No. 93.]

LEGATION OF THE UNITED STATES,
Honolulu, March 7, 1895. (Received March 28.)

SIR: On the 1st instant I received a certified copy of the record of the trial before the military commission, on a charge of treason, of C. T. Gulick, William H. Ricard, Thomas B. Walker, and William T. Seward, which is herewith transmitted.¹ Messrs. Ricard and Walker are British subjects. Mr. Gulick and Mr. Seward claim to be American citizens. This claim as to Mr. Seward is not disputed by this Government. As to Mr. Gulick, however, it is denied on the ground that he was naturalized under the Monarchy. The same question occurs in the case of J. F. Bowler, to which I have referred in my No. 88 of the 23d ultimo. The opinion of our Government upon this subject was, as therein stated, declared by Mr. Frelinghuysen in the case of P. C. Jones, citing 8 Opinions, 139: "To constitute repatriation there must be an actual removal, followed by a foreign residence, accompanied by authentic renunciation of preexisting citizenship." A similar question was decided by Mr. Bayard in his No. 61 of September 30, 1887, who seems to have based his opinion largely upon the political conditions then existing here. Cognate inquiries have been answered by the Department in No. 63 of August 18, 1887, and No. 71 of January 5, 1888. I inclose copies of the correspondence on the subject.

These decisions, that without express renunciation of allegiance our citizens did not under the Monarchy forfeit their right to protection, seem to be borne out by the constitutional provisions of the present Government on the subject.

Section 2 of article 19 reads: "Every person receiving letters of denization shall take the oath prescribed in article 101 of this constitution, and shall thereupon be subject to all of the duties and obligations of a citizen." The oath mentioned is "to support the constitution, laws,

¹ Not printed.

and Government of the Republic of Hawaii," which I construe by reason of the words in italics to be equivalent to the "oath of allegiance," the taking of which made a naturalized citizen under the Monarchy. That something more than this is necessary to absolve the citizen from his allegiance to his former government is shown by article 18, section 2, which requires of an alien desiring citizenship to take "the oath prescribed in article 101, and an oath abjuring allegiance to the government of his native land and of allegiance to the Republic of Hawaii."

Without undertaking to discuss the question of citizenship, I have ventured, while awaiting your instructions, to offer the above suggestions touching one phase of it. The questions other than that of citizenship I have not felt at liberty thus far to discuss with this Government.

With renewed assurance of high regard, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 93.]

Mr. Putnam to Mr. Porter.

No. 125.]

UNITED STATES CONSULATE-GENERAL,
Honolulu, Hawaiian Islands, August 1, 1887.

SIR: The new constitution of Hawaii, which was recently drawn by a committee of citizens and promulgated by the King, contains an oath which raises many inquiries by Americans here. They wish to know whether they can take the oath prescribed and retain intact their citizenship at home. The new obligation does not use the word "allegiance" as the old "denization" act did, but only requires a declaration of fealty to the constitution and laws of the Kingdom without relinquishing allegiance to their Government abroad. But does not the constitution and law practically constitute the Government; and is not an oath of fealty to them in reality fealty to the Kingdom? It is not a question as to their ability to throw off their Hawaiian citizenship on returning to their homes, as that has been settled by former decision, but as to whether the changed wording of the oath will permit them to exercise the privilege of Hawaiian citizenship here and at the same time be entitled to the protection accorded to American citizens. In short, can they be citizens of two countries at the same time?

I inclose a copy of the new oath.

I have, etc.,

J. H. PUTNAM,
Consul-General.

[Inclosure 2 in No. 93.]

Mr. Porter to Mr. Putnam.

No. 63.]

DEPARTMENT OF STATE, August 18, 1887.

SIR: I have to acknowledge the receipt of your dispatch No. 125, dated the 1st instant, in reference to the effect on citizens of the United States resident in the Hawaiian Islands of taking the oath of fealty promulgated as a part of the new constitution of Hawaii.

In reply you are instructed that citizens of the United States who take the said oath remain citizens of the United States and are entitled to be regarded and protected by you as such.

I am, etc.,

JAS. D. PORTER,
Assistant Secretary.

[Inclosure 3 in No. 93.]

Mr. Putnam to Mr. Adec.

UNITED STATES CONSULATE-GENERAL,
Honolulu, Hawaiian Islands, December 5, 1887.

SIR: I have the honor to submit to the Department a question of importance in this Kingdom at the present moment. The status of American citizens here who do

not renounce American allegiance in civil and political affairs was clearly settled by Department dispatch No. 63, of the 18th of August last, but a new feature has been introduced which attaches to the same subject. There has been a military organization in existence here for some time known as the Honolulu Rifles. It is composed largely of young Americans, and heretofore has been entirely independent of any authority of the Government. It was an active force in the recent semirevolution, although it committed no overt act as a military body, and its influence was thrown with the revolutionists. The organization now desires to become legalized and to put itself under the authority and subject to the commands of the Government, and a bill is now before the legislature having that object in view. My inquiry is whether Americans can be members of this body, subject to the military laws of this country and to the commands of its officials, and still retain American citizenship, although they have not verbally relinquished their allegiance to the United States? Or, to be terse, can Americans in foreign countries put themselves in position to be required, should emergencies occur, to support those Governments by arms, against countries with which we are at peace, or even against the United States itself?

[Inclosure 4 in No. 93.]

Mr. Rives to Mr. Putnam.

No. 71.]

DEPARTMENT OF STATE,
Washington, January 5, 1888.

SIR: In answer to the question propounded in your dispatch No. 133, I have to inform you that citizens of the United States do not lose their nationality by enlisting in foreign armies.

I am, sir, etc.,

G. L. RIVES,
Assistant Secretary.

Mr. Willis to Mr. Gresham.

No. 94.]

LEGATION OF THE UNITED STATES,
Honolulu, March 7, 1895. (Received March 20.)

SIR: Martial law still prevails. The military commission adjourned on the 4th instant for a week, having completed its work. The circuit court was in session last week and had before it the cases of Messrs. Bush, Nawahi, and Crick, charged with conspiracy to commit treason. The cases, after pleas by the defendants, were continued. The accused are now out on bail.

On the 2d instant Mr. Hatch, minister of foreign affairs, notified me that "no persons charged with complicity in the insurrection are now held except such as have been tried," and that the following persons who claimed to be American citizens had been released from custody, viz: J. Ross, James Durell, George Lycurgus, W. F. Reynolds, and J. Mitchell. These men were unconditionally discharged, no accusation having been brought against them. They all claim to have suffered both in person and property, and several have asked me to intervene in their behalf to secure redress. I have requested them to submit a sworn statement of the facts.

Messrs. A. P. Peterson, Charles Creighton, Edward France, H. A. Juen, P. M. Rooney, George Ritman, H. von Werthern, and Arthur White, all claiming American citizenship, were permitted to leave the country, not to return without permission of the minister of foreign affairs. These persons also claim to have suffered in body and estate because of their imprisonment and exile.

Robert W. Wilcox, Alexander Smith, and several others, born here of American fathers, have appealed for protection, which I have been unable to extend, they being at present under foreign jurisdiction, with no law or treaty exempting them from the usual rule.

The advisory council met on the 4th instant and appropriated an additional \$25,000, making a total sum of \$75,000, to defray the expenses of the rebellion. Minister Hatch introduced an indemnity act, copies of which I inclose, which was referred to the judiciary committee.

The sentences of the commander in chief in the cases of American citizens are, as heretofore telegraphed: Maj. W. T. Seward, thirty-five years at hard labor and \$10,000 fine; Charles T. Gulick, thirty-five years at hard labor and \$10,000 fine; Louis Marshall, twenty years at hard labor and \$10,000 fine; John F. Bowler, charged with misprision of treason, five years at hard labor and \$5,000 fine. All political prisoners have been required to don the prison garb.

Major Seward is about sixty years old; was in our army, and for a time on General Hawley's staff. Mr. Gulick was born in New Jersey, is about fifty-two years old, is related to the prominent missionary family of that name, and held, under the Monarchy, a cabinet position and other important offices. Marshall is 19 years old, a mere boy in appearance; has influential connections here, but is himself without means. The fine of \$5,000 to him and to all who can not pay it means another year of imprisonment. Why Marshall's fine should be allowed to stand, while that imposed upon fifty or one hundred Hawaiians who were equally or more guilty and equally or better able to pay [was remitted], I am unable to explain.

Many of the most prominent participants, including Nowlein, who incubated the plot and who procured the only bombs that were to be used; Bertelmann, another half-white, whose house at Waikiki and office in Honolulu were rallying points for the rebels, and who shot from ambuscade one of the Government officers; Davis, whose vessel brought the arms; Warren and Townsend, who assisted in landing the arms; Clark, who was captain in charge of the ex-Queen's residence; the Fern brothers, and twenty or more less important prisoners whose willingness to do harm was only limited by their capacity, were released without either fine or imprisonment. The ground of their discharge was, that they had testified for the Government. Twenty-five Hawaiian guards at the ex-Queen's residence, sentenced to five years' imprisonment and to the payment of a fine of \$5,000 each, were also released.

Whether these and other facts to be hereafter presented indicate inequality of treatment among those charged with the same offense is a question which is submitted to the decision of the President and yourself.

With renewed assurances of high esteem, I am, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

No. 95.]

LEGATION OF THE UNITED STATES,
Honolulu, March 20, 1895. (Received April 2.)

SIR: An order was promulgated by the President on the 18th instant revoking martial law. On the same day the military commission was discharged. Several new laws bearing upon the late situation have just been enacted, copies of which I inclose.

Her British Majesty's ship *Nymphe* arrived here from San Diego on the 17th instant.

Seven hundred and ninety-one Japanese laborers, of whom all but 145 were under contract, arrived two days ago. It is estimated that there are now over 26,000 Japanese in these islands.

Sentences upon all prisoners have been confirmed. All who are not disabled by sickness have been put to work on the public roads.

Referring to your No. 69, in which you inquire as to the meaning of a passage in my No. 84, I will state that it was written on the same day of my telegram, and had reference to the condition then prevailing here, which was the probability of mob violence. As there were Americans confined in jail thus threatened, I assumed that our Government, if notified by this Government, would render its aid to protect them. These were the "proper conditions" to which I had reference.

With sentiments of high regard, I am, etc.,

ALBERT S. WILLIS.

Mr. Thurston to Mr. Gresham.

HAWAIIAN LEGATION,
Washington, D. C., March 23, 1895.

SIR: In my communication to you under date of January 20 last the statement was made that "the British commissioner in Honolulu, Mr. Hawes, has called upon the Hawaiian Government to give him assurances that no capital punishment will be inflicted upon the insurrectionists."

Fuller information from my Government concerning such matter, received since the date of such communication, is to the effect that the calls of Mr. Hawes on the subject of capital punishment were unofficial, and I am instructed by my Government to so inform you.

With renewed assurances, etc.,

L. A. THURSTON.

Mr. Willis to Mr. Gresham.

No. 97.]

LEGATION OF THE UNITED STATES,
Honolulu, March 28, 1895. (Received April 15.)

SIR: I inclose a certified copy of the record¹ in the case of Louis Marshall, an American citizen, and others tried before a military commission on the 17th, 18th, and 19th days of January, 1895, on a charge of treason.

In addition to the questions presented in the record, it may be proper to note the fact that, while over fourscore citizens of this country who were actively and prominently connected with the uprising have been punished by imprisonment for five years without fine, this young man, who is not proven to have fired a shot, and who seems to have been drawn into the affair by a boyish spirit of adventure, has been, although without means, fined the sum of \$10,000 and imprisoned at hard labor for a term of twenty years. More than twenty Hawaiians, who at the time of the disturbance were stationed at the ex-Queen's residence, well armed and ready for action, were released without punishment. Thomas Pool, also Hawaiian, the self-confessed slayer of Hon. Charles L. Carter, was sentenced to ten years' imprisonment without fine.

Whether such apparent discrimination against a citizen of the United States can be justified under our treaty or under international law is one, among other questions in this case, now submitted for your consideration.

With renewed assurances, etc.,

ALBERT S. WILLIS.

¹ Not printed.

Mr. Gresham to Mr. Willis.

No. 74.]

DEPARTMENT OF STATE,
Washington, April 5, 1895.

SIR: It appears from your No. 88, of February 28, that on the 22d of that month J. F. Bowler was convicted before a military commission sitting at Honolulu for participation or complicity in the disturbance or uprising in Hawaii early in January, and sentenced to imprisonment at hard labor for five years and to pay a fine of \$5,000; that he now claims protection as an American citizen, and that the Hawaiian authorities assert he is not entitled to such protection because he is a naturalized citizen of that Government.

When Mr. Bowler left this country and went to Hawaii does not appear, but on March 18, 1895, he voluntarily took an oath to support the constitution and laws of the Hawaiian Islands and bear true allegiance to the King, without expressly renouncing or reserving his allegiance to the United States. Section 432 of the statute prescribing this oath (Compiled Laws of Hawaii, 1884) provides that every foreigner so naturalized shall be deemed for all purposes a native of the islands, subject only to their laws, and entitled to their protection, and no longer amenable to his native sovereign while residing in the Kingdom, nor entitled to resort to his native country for protection or intervention; that for every such resort he shall be subjected to the penalties annexed to rebellion, and that, having been thus naturalized, he shall be entitled to all the rights and immunities of a Hawaiian subject. I am informed that the supreme court of Hawaii has held that the taking of this oath operates to naturalize the alien and admit him to full citizenship. It is not claimed that, since 1885, Mr. Bowler ever returned to the United States or resided elsewhere than on the islands.

This Government has never held to the doctrine of perpetual allegiance; on the contrary, from its organization it has maintained that the right to throw off one's natural allegiance and assume another is inalienable. "Expatriation," said Attorney-General Black in 1859, "includes not only emigration out of one's native country, but naturalization in the country adopted as a future residence." The effect of naturalization is to place the adopted citizen in the same relation to the Government as native citizens or subjects. The right of the Hawaiian Government, with his consent, to adopt Mr. Bowler as fully as if he had been born upon its soil is as clear as his right to expatriate himself. He manifested his intention of abandoning his American citizenship by taking the oath to support the constitution and laws of Hawaii and bear true allegiance to the King, and, so far as is known, he manifested no contrary intention before his arrest. That oath is inconsistent with his allegiance to the United States. By taking it he obligated himself to support the Government of his adoption, even to the extent of fighting its battles in the event of war between it and the country of his origin. He could not bear true allegiance to both Governments at the same time.

The President directs that you inform Mr. Bowler he is not entitled to the protection of the United States; that in similar cases you will be guided by the views herein expressed, and that you furnish the minister for foreign affairs with a copy of this instruction.

I am, etc.,

W. Q. GRESHAM.

Mr. Willis to Mr. Gresham.

No. 104.]

LEGATION OF THE UNITED STATES,
Honolulu, April 25, 1895. (Received May 13.)

SIR: For the past week there have been rumors of trouble on the Island of Maui, which to-day are renewed. To these the Government attaches very little importance. Business is reviving. Conditions are peaceful and orderly, and the feeling of excitement and resentment consequent upon the recent insurrection has largely abated.

Col. V. V. Ashford, a prominent English resident, who was a few weeks ago tried before the military commission for misprision of treason and sentenced to a year's imprisonment and the payment of \$1,000 fine, was on the 12th instant pardoned on condition that he leave the country, never to return. The pardon, it is stated, was because of his physical condition.

On the 14th ultimo the German steamer *Independent* brought 761 Japanese contract laborers, and on the 4th instant another German steamship—the *Braunfels*—arrived from the Azore Islands with Portuguese contract laborers, numbering, with their families, over eight hundred persons. These immigrants have been distributed among the plantations.

On the 12th instant Mr. Thurston arrived here from Washington.

On the 25th instant your decision in the case of John F. Bowler was made known to this Government, and on the following day Mr. Bowler, through his attorney, was informed of it.

With high esteem, I am, etc.

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

No. 109.]

LEGATION OF THE UNITED STATES,
Honolulu, May 8, 1895. (Received May 1.)

SIR: The British Government has just announced its decision as to the citizenship of W. H. Ricard, T. B. Walker, and A. M. Hewett, according to which the first two mentioned, not having voluntarily and knowingly renounced their British citizenship or received certificates of naturalization here, are held to be entitled to the protection of their native country. Mr. Hewett's claim to British nationality is denied, as he had complied with all the conditions and had accepted a certificate of Hawaiian nationality.

I am, etc.,

ALBERT S. WILLIS.

Mr. Uhl to Mr. Willis.

No. 83.]

DEPARTMENT OF STATE,
Washington, May 14, 1895.

SIR: I have to acknowledge the receipt of your dispatch, No. 100,¹ of the 11th of April last, transmitting the sworn statement of eight persons asking the intervention of this Government to secure for them indemnity for wrongs done them by the Hawaiian Government. Under date of April 30 last, Senator White, of California, sent the Department sworn memorials of six persons invoking the aid of this Government

¹ Not printed.

for the same purpose. Of the six whose claims have been presented through Senator White, four are among those who had made their claims through you. Altogether, then, there are ten persons now seeking aid of this Government for redress of wrongs which they consider themselves to have suffered through the unjustifiable treatment of the Hawaiian Government. They are Karl Klemme, John Ross, Henry von Werthern, Henry A. Juen, Peter M. Rooney, John Mitchell, Arthur White, Nicholas Petersen, C. F. Moltano, and James Durell.

White, Von Werthern, Rooney, Juen, Petersen, and Klemme state in their complaints that at the breaking out of the late insurrection in Hawaii they were seized and imprisoned without warrant or any accusation of crime and held in imprisonment under circumstances of great hardship and indignity until, under duress of such imprisonment and through fear of being subjected to the arbitrary proceedings and judgment of the court-martial then sitting for the trial of persons charged with complicity in the insurrection, they signed an agreement to leave Hawaii and never return again during the term of their natural lives. The other persons named above complain of being subjected in like manner to imprisonment without warrant or accusation of crime against them, and of indignities and hardships suffered during a confinement of fifty days in jail, although when released they were not required to leave the Islands.

All these persons, with the exception of Durell, were living in Hawaii at the time of the subversion of the Monarchy and of the election held in May, 1894, for members of the constitutional convention. Leaving out of view for the moment other tests of their bona fide American citizenship or their right to American protection, it is important to ascertain whether they took the oath required for participation in that election or did actually participate in the same. You are desired to inform yourself accurately on this point and communicate the result to the Department.

Even if none of these applicants for American protection did take the requisite oath or participate in the election for members of the constitutional convention, it is plain that one of them, at least, never had, and questionable whether several of them have not abandoned, any right to the protection of this Government. The one referred to, who never had any right to American protection, is Klemme, who was born abroad and has never been fully naturalized as an American citizen.

John Mitchell was admitted, it appears, to special rights of citizenship under a provision of the new constitution of Hawaii, conferring such rights on persons who actively participated or otherwise rendered special service in the formation of the Provisional Government. Having thus personally taken part in the subversion of one Government and the establishment of another in a foreign country, it is questionable whether he has not so completely identified himself with the Government which was finally established, as to have lost his right to American protection, notwithstanding he appears to have intended to reserve that right.

Von Werthern and Juen have both held official position under the Hawaiian Government—the former as a detective under the Provisional Government and the latter as a custom-house officer and police captain under the Monarchy, and again as a police captain under the Provisional Government. The acceptance of civil office in a foreign country indicates such an identification of the person accepting it with the country he serves as to raise serious doubts whether he can rightfully claim, as against that country, the protection of his original nationality.

Molteno was born in Hawaii, and, though naturalized here, returned there some years ago, and has continuously resided there since. This fact unexplained raises at least a presumption of his abandonment of any right to our protection, such a presumption being more easily entertained in the case of a foreigner naturalized here and returning to his native land than in the case of a native American taking up his residence in a foreign country.

Rooney, Ross, and Peterson appear, from their own statements, to have made their permanent domicile—their home—in Hawaii, and to have cast their lot with the people of those islands.

It is incumbent upon all of these persons to rebut in a satisfactory manner the presumption of abandonment of their American character by showing that they contemplated a return to this country to participate in the obligations as well as to share the rights of its citizens. The same remark is applicable—though the presumption of abandonment of American character is much weaker in his case than in those of the others named—to Arthur White, who seems to have been in Hawaii about eight years, but who does not appear definitely to have made his permanent home there.

Durell having only arrived in Hawaii in September last, of course no presumption of abandonment of his rights as an American has arisen, from the mere time during which he has been there.

It is desired that you will carefully inquire into the matters above suggested as affecting the right of the parties named to the protection of the United States, and report fully upon the same.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Willis to Mr. Gresham.

No. 113.]

LEGATION OF THE UNITED STATES,
Honolulu, June 1, 1895. (Received June 17.)

SIR: I have to acknowledge your No. 83, of the 14th ultimo, in regard to the claims of sundry persons who asked indemnity for wrongs done them by the Hawaiian Government, and instructing me to report upon certain matters in connection therewith.

Karl Klemme and N. Peterson were informed before they left here that they were not entitled to the protection of our Government, both having been abroad and never fully naturalized. Klemme is, I am informed, in California, but Peterson has been permitted to return here.

Henry von Werthern, Henry A. Juen, P. M. Rooney, and Arthur White are in the United States. I am at present unacquainted with their address, but think it is San Francisco. If desired, I will endeavor to secure their statements as to whether, when here, they contemplated a return to the United States to participate in the obligations incumbent upon its citizens. John Ross, John Mitchell, C. F. Molteno, and James Durell are in the Hawaiian Islands. Molteno can not, however, at present be located. He was born here of an English father. He went to America in 1876, returning here in 1882. While in the United States he voted in two Presidential elections.

I transmit additional statements of Ross and Durell and Consul-General Mills upon the question referred to in your dispatch, by which it will be seen that von Werthern, Klemme, and Mitchell appear to be

the only registered voters. Further information may be secured on the return from the United States of Mr. Taylor, who is the custodian of the election returns.

I am, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 113.]

Statement of John Ross.

HONOLULU, OAHU, *Hawaiian Islands*, ss:

I, John Ross, of Waikiki, Honolulu, aforesaid, being duly sworn, depose and say that I am a naturalized citizen of the United States, as appears by the records of 1859 of the city and State of New York. Furthermore, that I was in the service of the United States Navy from December, 1861, from which, as will appear from the records of the Navy Department at Washington, D. C., I was honorably mustered out with the rank of acting ensign, U. S. N.

I further depose and say that I have never, directly or indirectly, by any oath of allegiance, word, or deed, committed or done any act whatsoever to waive, lose, or prejudice my rights as an American citizen, or to forfeit my allegiance to the United States or my rights and privileges to the protection of its flag.

I further depose and say that I have never committed or attempted to commit any offense against the Hawaiian Government punishable either by the civil or military laws of that Government.

I make this solemn statement as supplementary to the one sworn to by me before the United States consul-general at Honolulu, Hawaiian Islands, on the 6th day of April, 1895, and which to the best of my knowledge and belief has already been presented to the United States Government through the United States envoy extraordinary and minister plenipotentiary accredited to the Hawaiian Government at Honolulu.

JOHN ROSS.

Sworn and subscribed to before me, Ellis Mills, consul-general of the United States, this 1st day of June 1895.

[SEAL.]

ELLIS MILLS, *Consul-General*.

[Inclosure 2 in No. 113.]

Statement of James Durell.

HONOLULU, OAHU, *Hawaiian Islands*, ss:

I, James Durell, of Honolulu, aforesaid, being duly sworn, depose and say that I am an American citizen by birth, having been born in the city of New Orleans, State of Louisiana, United States of America, on the 1st day of August, A. D. 1853, my father being James Durell, and my mother Isabelle, his wife, whose maiden name was Thautier. Owing to my having left New Orleans when a mere boy, I have no papers of identity with me.

Until September, 1894, I resided continuously within the jurisdiction of the United States, and since that time in Honolulu.

I further solemnly swear that I have never, directly or indirectly, by any oath of allegiance, word, or deed, done or committed any act whatsoever to waive, lose, or prejudice my birth rights as an American citizen, or to forfeit my allegiance to the United States or my rights and privileges to the protection of its flag.

I further say that I have never committed or attempted to commit any offense against the Hawaiian Government; and I make this statement as supplementary to my statement of April 9, 1895.

JAMES DURELL.

Sworn and subscribed to before me, Ellis Mills, consul-general of the United States, this 31st day of May, 1895.

[SEAL.]

ELLIS MILLS, *Consul-General*.

[Inclosure 3 in No. 113.]

Statement of Consul-General Mills

CONSULATE-GENERAL OF THE UNITED STATES,
Honolulu, Hawaiian Islands, May 31, 1895.

HON. ALBERT S. WILLIS.

SIR: In accordance with your verbal request to me to ascertain if John Ross, Henry von Werthern, Henry A. Juen, P. M. Rooney, John Mitchell, Arthur White, C. F. Molteno, James Durell, Nick Peterson, or Karl Klemme registered as voters, to take part in the election of delegates to the constitutional convention of May, 1894, or actually participated in said election, I have the honor to say that I first endeavored to procure a copy of the printed polling list. None of these could be found in the office of the commissioner of agriculture, who, in the absence of Mr. Wray Taylor, is the custodian of the election records.

I then visited several of the printing offices in town, thinking I might possibly be able to procure an old proof. I found the office where the lists were printed, but all the old "copy" and proofs having been thrown away, I was, of course, unsuccessful.

I then called on the minister of the interior and the chief clerk of the interior office, but they could throw no light on the matter, and referred me to Mr. Marsden, the commissioner of agriculture.

Returning to the office of the commissioner, I asked permission to examine the books. This was granted. After searching for some time I found a book labeled "Special Election, May, 1894." This, Commissioner Marsden informed me, contained the names of all who registered for the election in question. The book was not arranged alphabetically, but I went carefully through all the names and found the following entries: "Henry von Werthern, March 27, district 3, precinct 2; C. Klemme, April 10, district 1, precinct 2."

I discovered that the book did not contain a full list of the registered voters, as there were names well known to me that did not appear therein. After further search I found an indexed book of the registered voters, and there, in addition to the two names before mentioned, I discovered the name of John Mitchell.

The three persons named—Von Werthern, Klemme, and Mitchell—appear to be all out of the list you gave me who registered. I then endeavored to ascertain if they had actually voted, and searched the records of the various precincts with that end in view. I could find nothing to throw light upon that part of your inquiry. Mr. Marsden informed me that he was unable to help me in the matter, but Mr. Taylor, if present (Taylor is in the United States), could doubtless do so.

I am, etc.,

ELLIS MILLS,
Secretary of Legation and Consul-General, U. S. A.

Mr. Willis to Mr. Gresham.

No. 116.]

LEGATION OF THE UNITED STATES,
Honolulu, June 3, 1895. (Received June 17.)

SIR: The legislature will meet in called session on the 12th instant. Under the constitution the present advisory council will terminate at that time, and also the present cabinet, unless confirmed. The main object of the called session is reported to be the enactment of a land law.

Under the auspices of the George W. De Long Post, G. A. R., Memorial Day was celebrated here with elaborate ceremonies, in which fully 5,000 people participated. The *Philadelphia* battalion acted as escort to the post. Six companies of the Hawaiian forces were in line, followed by civic and military representatives of our Government and of this Government in carriages. The address on the occasion was delivered by Hon. L. A. Thurston.

The habeas corpus case in the matter of Prince Cupid, who was convicted of misprision of treason, is pending before a special session of the supreme court. The proceedings will present for review the action of this Government in the declaration of martial law and the legality of the military commission.

W. N. Armstrong, member of the board of labor commission, left for Japan on the 1st instant, ostensibly on business connected with that position. It is probable, however, that he will inquire into the political situation as affecting these islands.

Business has improved and the situation is at present without sensational features.

I am, sir, etc.,

ALBERT S. WILLIS.

Mr. Olney to Mr. Willis.

No. 98.]

DEPARTMENT OF STATE,
Washington, June 12, 1895.

SIR: The Department's instruction to you, No. 83, of the 14th ultimo, briefly reviewed certain complaints presented by persons claiming American citizenship and alleging wrongful treatment by the Hawaiian Government during and following the recent disturbances at Honolulu.

As to certain of these persons you were instructed in the Department's No. 83 to submit further information in the direction indicated for guidance here in determining whether they were entitled to the protection of this Government.

The case of James Durell is not embarrassed by any such preliminary question. I herewith inclose a copy of his affidavit received here with your dispatch, No. 100, of April 11 last, from which it appears that Durell was born in the State of Louisiana in 1858, and resided in the United States until September 14, 1894. He then went to Honolulu and obtained temporary employment as a cook at the Arlington Hotel, in that city. On November 8, 1894, he purchased the lease and good will of a cigar store and soda-water and fruit stand, and gradually built up a lucrative business. On the 9th of January last, while quietly seated in his store, he was arrested without explanation or information of any charge against him, confined in jail on common prison fare until the 27th of February following—a period of seven weeks—and then discharged without any trial, charges, explanation, or opportunity of defense; nor has he since his release been informed of the cause of his arrest.

He declares that he has never by word or deed forfeited his allegiance to and his right to protection by this Government; that he has neither done nor spoken anything directly or indirectly against the Government of Hawaii or its laws; that he has never expressed sentiments antagonistic to that Government or in any manner counseled, encouraged, aided, or abetted its enemies either in armed rebellion or secret plotting; and that he never possessed any information which under existing laws it was his duty to report to that Government.

These statements establish, in the opinion of the President, a prima facie claim for substantial indemnity from the Hawaiian Government to Mr. Durell. You will bring the case to the attention of the Hawaiian authorities, leaving no doubt in their minds of the confidence here felt that the Government of Hawaii will not refuse to tender adequate reparation to this injured citizen of the United States, nor hesitate to take prompt measures to exonerate him from the imputation which this arbitrary treatment has left upon his good name.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 98.]

HONOLULU, OAHU, *Hawaiian Islands*, ss:

I, James Durell, being duly sworn, depose and say, that I am an American citizen, having been born in the city of New Orleans, State of Louisiana, United States of America, in the year 1858. That when 9 years of age I left the said State to reside at Seattle, in the State, then the Territory, of Washington, in which State I resided for about twenty years, and for the six years last past previous to my arrival at Honolulu, Hawaiian Islands, on board the Canadian-Australian steamer *Warrimoo* in September, 1894. Being a cook by profession, I worked for about six weeks at the Arlington Hotel, Honolulu, at my occupation. On November 8 of that year I purchased the lease and good will of a cigar store and soda-water and fruit stand in a good location at the corner of Beretania and Nuuanu streets, Honolulu, and was gradually building up a lucrative business. On the morning of Wednesday, January 9, 1895, while quietly seated in my store attending to my business, I was arrested, martial law having been established on the 7th instant, by armed officers or special policemen, one of whom is known as "Dicky" Davis. I was not informed of any ground for my arrest, and no explanation or information in connection therewith was given to me. I was taken to the police station, no questions being asked of me, and kept in confinement there from 11 a. m. until about 4 p. m., when I was escorted by armed guards through the public streets to Oahu Prison, where I was thrown into a cell without any blankets until 1 p. m. on the next day. In this prison I was confined for forty-nine days, or until my discharge on Wednesday, the 27th of February—confined to my cell, living on common prison fare, and allowed only four hours a day for exercise. During the whole of this period I was kept in absolute ignorance of the cause of my arrest. No questions were asked of me, no charges were made against me, and no explanations were accorded to me; nor since my release have I been enabled to obtain any explanation of my unjust and causeless arrest and confinement. My sufferings were great, and the moral effect of the imprisonment, as an unconvicted criminal, combined with the aspersions of the public press on myself and other prisoners released after long imprisonment, without trial or explanation, has been disastrous to my business interests and prejudicial to my future career, for I have no document to prove to inquirers that I was innocently imprisoned or honorably discharged, while the fact will ever remain that my reputation can always be attacked for having served forty-nine days in criminal confinement and on criminals' food in Oahu Prison. I have lost the good will and lease of my business, and in ill health and under every discouragement and opposing conditions have to make another start in life, while the stigma and reproach of my imprisonment will prejudicially attach to me throughout life. I affirm most solemnly and sincerely that upon no occasion have I by word, act, or deed forfeited my allegiance to and my right of protection by the Government of the United States of America, nor have I by any act or word acted directly or indirectly in opposition to the Government of the Republic of Hawaii or its laws, or expressed sentiments detrimental to said Government, or in any manner counseled, encouraged, aided, or abetted its enemies, whether in armed rebellion or secret plotting. I have never possessed any information which under the existing laws it was my duty to report to the Government, and consequently have not made myself amenable to said laws. Under laws recently enacted I am, so far as practical results may be assumed, debarred from obtaining any satisfaction or redress through the courts of the Republic, and am consequently compelled to appeal for the assistance and protection of my native country and my flag for justification and redress. I therefore humbly, but with all confidence in the justice of my cause and the wisdom and firmness of the Government of the United States, ask that due investigation and examination be made as to the truth of this my statement, and that such redress for my false imprisonment be obtained from the Government of the Republic of Hawaii, and such damages be accorded to me as may meet the justice of my complaint. I place the estimate of such damages at the sum of \$25,000, in addition to a full vindication of my character and an apology for the wrongful injury done to me.

JAMES DURELL.

Subscribed and sworn to before me, Ellis Mills, consul-general of the United States at Honolulu, this 9th day of April, 1895.

[SEAL.]

ELLIS MILLS.

Mr. Olney to Mr. Willis.

No. 99.]

DEPARTMENT OF STATE,
Washington, June 12, 1895.

SIR: Referring to my instruction, No. 98, of even date, in the case of James Durell, I have to enjoin upon you the duty of satisfying yourself

that this person had not taken the oath of allegiance to the Hawaiian Government prior to his arrest, and that the statements of his affidavit as to his arrest and imprisonment are true. His arrival in Honolulu subsequent to the proclamation of the present Government and to the last elections held there, and the brevity of his stay, exclude any unfavorable presumption that he may have, by some voluntary act, renounced his right to protection as an American citizen; and, in the light of his positive declarations that by no act of omission or commission he has impaired his status as a citizen of the United States or violated any obligation to the Republic of Hawaii, his case seems to be especially meritorious.

When you shall have become satisfied upon the points above indicated, you will present the case to the Hawaiian authorities as instructed.

I am, etc.,

RICHARD OLNEY.

Mr. Willis to Mr. Uhl.

No. 122.]

LEGATION OF THE UNITED STATES,
Honolulu, June 26, 1895. (Received July 10.)

SIR: The U. S. S. *Bennington* arrived here from San Francisco June 5, having made the trip in seven days and eleven hours. The admiral left on the *Philadelphia* the 17th instant.

The first meeting of the legislature, called in special session, was held on the 13th instant. The diplomatic and consular corps and representatives of the United States Navy were present by invitation. The message of the President was devoted chiefly to the proposed land policy of the new Government. A new advisory council has been appointed, the President having the selection of five and the two branches of the legislature five each, making fifteen in all.

The various cabinet, diplomatic, and other officers appointed heretofore by the President have been confirmed, including Hon. William R. Castle, successor to Mr. Thurston, against whom objection was urged in certain quarters, but on what grounds I am not prepared to state.

Among the items of the appropriation bill presented by Mr. Damon, minister of finance, is one, under the head "Permanent settlements," of \$4,000 for Kaiulani for the twelve months commencing April 1, 1895.

Conditions are very peaceful, and a more friendly feeling prevails among all parties.

I have, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Olney.

No. 124.]

LEGATION OF THE UNITED STATES,
Honolulu, July 5, 1895. (Received July 22.)

SIR: On yesterday 45 political prisoners, all Hawaiian, sentenced to five years each, were released from prison, their sentences having been suspended, subject to remand on the order of the President.

In the following cases the sentences were commuted: C. T. Gulick, thirty-five years, to twenty years; W. H. Ricard, thirty-five years, to twenty years; W. H. Seward, thirty-five years, to twenty years; R. W. Wilcox, thirty-five years, to twenty years; T. B. Walker, twenty years, to fifteen years; Carl Widemann, thirty years, to fifteen years;

Lewis Marshall, twenty years, to sixteen years; W. H. C. Greig, twenty years, to fifteen years.

Of the above, Gulick, Seward, and Marshall claim to be American citizens.

Very respectfully,

ALBERT S. WILLIS.

Mr. Peterson to Mr. Uhl.

No. 18.] COMMERCIAL AGENCY OF THE UNITED STATES,
Vancouver, British Columbia, Aug. 5, 1895. (Rec'd Aug. 12.)

SIR: The inclosed letter from J. Cranstoun will explain itself.

He applied to me for passport, but the question of his citizenship being a matter that is still pending before the Department, I told him to make out a statement of the facts and I would forward it to the Department.

A reference to my dispatch, No. 10, of February 12, 1895, and No. 12, of February 26, 1895, and No. 13, of March 13, 1895, and the inclosures will show the facts as to his situation in reference to his troubles at Honolulu.

I have, etc.,

W. F. PETERSON,
Commercial Agent.

[Inclosure in No. 18.]

Mr. Cranstoun to Mr. Peterson.

VANCOUVER, BRITISH COLUMBIA, August 3, 1895.

DEAR SIR: In connection with my suit brought in the courts of British Columbia against the captain and owners of the steamship *Warrimoo* for forcibly bringing me away from Honolulu against my will on the 2d day of February, 1895, at the time of the alleged revolution in the Hawaiian Islands, the defense have had a commission appointed to take testimony on their behalf at the city of Honolulu during the present month. An application has been made at the courts, and is now pending, for a postponement, on my behalf, of such commission, on the grounds that the present Government of Hawaii had passed a law on the 6th day of March, 1895 (thirty days after my forcible and unlawful deportation), making it a criminal offense, punishable by two years' imprisonment or \$5,000 fine, or both such fine and imprisonment, for anyone to return to the Hawaiian Islands who had been convicted of any offense by the court-martial, and who had escaped or who had been deported by authority of the President, without such person first obtaining permission from the minister of foreign affairs to return.

From the names of some of the witnesses they propose to examine, I know the attempt will be made to produce perjured testimony, and it is absolutely necessary that I return to Honolulu in order to protect my interests from the result of such testimony, and the application for postponement of the commission is made for the purpose of sending a request to the minister of foreign affairs at Honolulu, by my counsel, for permission for my return to Honolulu in order to attend the session of the commission and to obtain testimony on my own behalf.

I now wish to ask, if in the event of such permission being granted, will the United States, to whose Government I claim allegiance, furnish me protection while in Honolulu and all necessary aid to enable me to

obtain testimony on my own behalf. I ask this, knowing fully the unscrupulous character of the men who are in control of the Government of Honolulu, and am fully advised by affidavit that they have offered men the paltry sum of \$20 apiece and to be taken care of to give false testimony against me. Men who will stoop to suborn a witness will offer larger sums for the commission of greater crimes. I feel that without the protection of the United States my life and liberty will be endangered, yet I must be present to face my accusers.

I am asking this protection in advance of knowing whether permission will be granted me to return or not, for the purpose of avoiding delay should the reply be favorable, and to have all necessary documents ready to start for Honolulu as soon as possible thereafter.

Will you kindly lay this matter before the Government of the United States, my forcible deportation and the facts of my citizenship being already in its hands for action thereon by affidavits taken before you.

I take this opportunity to lay before the Government you have the honor to represent, both on behalf of the other two gentlemen who were deported at the same time and myself, the rare kindness of heart and sympathy shown us by you on our arrival, friendless and alone, at Vancouver, and to thank you with all our hearts for the many kindnesses shown us. Words can not convey our feelings of gratitude.

I am, etc.,

J. CRANSTOUN.

Mr. Willis to Mr. Olney.

No. 129 bis.]

LEGATION OF THE UNITED STATES,
Honolulu, August 12, 1895. (Received Aug. 27.)

SIR: Referring to my No. 97, of March 28, 1895, and to the Department's No. 67, of February 23, 1895, I have the honor to inform you that on the 10th instant Louis F. Marshall, an American citizen, was, for the reasons set forth in the letter of Mr. Hatch herewith inclosed, granted a conditional pardon. He is still in the hospital, but when sufficiently recovered will be allowed to leave the country. Mr. Grieg, an English subject, was pardoned at the same time and under the same conditions. This result is satisfactory to the parties concerned and will, it is hoped, be equally so to their Governments.

I am, etc.,

ALBERT S. WILLIS.

[Inclosure in No. 129.]

Mr. Hatch to Mr. Willis.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, Hawaiian Islands, August 10, 1895.

SIR: I have the honor to inform you that a pardon, conditional upon departure from this country, was this day granted by the council of state to Louis F. Marshall, an American citizen, now under sentence of imprisonment for treason.

This pardon was granted in consequence of enfeebled physical condition of said Marshall, resulting from a fever, said by the house physician of the Queen's Hospital to be "continuous" and of a typhoid character. Marshall, upon the development of this fever, was removed

from the Oahu prison to the Queen's Hospital, where he has received the best care, medical attendance, and nursing which the country can furnish. He is now convalescent.

The pardon has been granted in order to avoid the chance of a recurrence of the illness if again committed to prison in his weakened condition.

I have, etc.,

FRANCIS M. HATCH.

Mr. Willis to Mr. Olney.

No. 130.]

LEGATION OF THE UNITED STATES,
Honolulu, August 14, 1895. (Received Aug. 27.)

SIR: The legislature which has been in session during the past six weeks will adjourn on the 16th instant.

The Government proposition to make an allowance of \$4,000 per annum for the ex-Princess Kaiulani was defeated.

On the 12th instant an agreement was entered into between this Government and Z. S. Spaulding, of this city, for the construction of a cable connecting the several islands of the Republic of Hawaii with San Francisco. This Government agrees to pay the contractor an annual subsidy of \$40,000 for twenty years from the date of the establishment of the cable, provided that the construction thereof shall begin before May 1, 1897, and such telegraphic communication be established by November 1, 1898, and provided further that the Government of the United States shall join in the undertaking by the grant of substantial assistance to the contractor. This grant, which is exclusive, is not to conflict with the treaty rights of foreign Governments. The agreement thus entered into by this Government was ratified by the legislature on the 14th instant, at which time Minister Hatch made this statement:

The United States has three propositions to consider: First, the laying of an exclusive telegraph cable to be owned by the United States; second, the question of granting consent to the British Government to lay a cable to Necker Island and thence to these islands; third, the laying of a cable by a private corporation, such as that proposed by Colonel Spaulding. If the first two should be dropped, the only possible proposition left would be the third, namely, the laying of a cable by a private corporation. The whole matter was subject to the approval of the United States. If the measure was favored by the United States work would be begun immediately.

On the 26th ultimo Mr. Hatch, responding to the Senate's request, submitted my letter in reference to the claim of Mr. Durell. When the final answer of this Government is received I will transmit the full correspondence.

On the 13th ultimo this Government took formal possession of French Frigate Shoal.

Conditions remain peaceful.

I am, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Adec.

[Abstract.]

No. 133.]

LEGATION OF THE UNITED STATES,
Honolulu, September 4, 1895. (Received Sept. 18.)

SIR: The Government has pardoned 44 political prisoners connected with the recent uprising. All of these are Hawaiians or half-castes.

Of these, the principal are Jonah C. Kalanianaʻole ("Prince Cupid"); Carl Widemann, son of Hon. H. A. Widemann, late commissioner to Washington of the ex-Queen, and the four Lane brothers.

I am, etc.,

ALBERT S. WILLIS.

Mr. Rockhill to Mr. Peterson.

No. 21.]

DEPARTMENT OF STATE,
Washington, September 16, 1895.

SIR: I have received your dispatch No. 18, of the 5th ultimo, transmitting a letter from J. Cranstoun, in which he asks whether this Government will furnish him protection in case he should return to Honolulu for the purpose of obtaining testimony for use in his suit against the captain and owners of the steamship *Warrimoo* for forcibly bringing him away from Honolulu against his will in February last.

In reply I have to say that, as it appears from Mr. Cranstoun's own sworn statement, forwarded to the Department in your dispatch No. 12, of February 26 last, that he is not an American citizen, but has only declared his intention to become such, he is not entitled to claim the protection of this Government. He can not be granted a passport, of course.

I am, etc.,

W. W. ROCKHILL,
Third Assistant Secretary.

Mr. Willis to Mr. Olney.

No. 140.]

LEGATION OF THE UNITED STATES,
Honolulu, October 20, 1895. (Received Nov. 8.)

SIR: Mr. Frank Godfrey, who claims to be an American citizen, has asked the intervention of our Government on two grounds—(1) his detention in the cholera hospital (where he was a voluntary patient) for one day longer than necessary, and (2) because of an assault upon him on the night of the 17th ultimo by four or five masked men, who beat him severely and then covered him with tar and feathers. The supposed cause of this attack was certain reports circulated by Godfrey as to the management of the hospital.

I did not feel at liberty to consider his first complaint, for the reason that it seemed trivial and unjustifiable. As to the assault, he claimed to know two of the assailants, but has neither taken out warrants for their arrest nor brought suit for damages. I therefore said to him that the assault being the act of individuals and not of this Government, his claim would not, in my opinion, be entertained by you until he had exhausted the local judicial remedies and could satisfy you that there has been a denial of justice to him.

There was also, as I said to him, doubt as to his right to claim protection. He has been a continuous resident of this city since March, 1879. He was a voter under the Monarchy, but claims that he declined "several lucrative positions offered by King Kalakaua, on account of non-desire to expatriate himself." He asserts that in 1887 and in 1891 he "reported to the American legation for service, for which he was court-martialed in a local corps;" that in 1893, when there were rumors of an attack on United States forces, he "reported for service under

the American flag." He exhibited copy of a letter to President Dole, of that date, informing him (Dole) of this position. In September, 1894, he was granted special "letters of denization," a copy of which, at his request, I inclose. Article 19 of the Hawaiian constitution refers to such letters and gives the oath required, which oath Mr. Godfrey signed, and by virtue of which he voted for members of the constitutional convention. He has held various positions under the Government, as "clerk, proof reader, compiler, and in special service" (under the marshal), but he claims that such employments were "temporary, none of them over three months, and that he took no oath and received no commission."

He states that in 1890 he "went to San Francisco to make necessary arrangements for returning thither with his family to reside. The illness of his wife caused his return. Of later years the unsettled condition of affairs here and the hope of a possible closer union of this country with the United States has caused his remaining here."

Mr. Godfrey served for three years (1863 to 1866) in our Navy, is now a journalist by profession, and claims to have been the "Hawaiian representative of the Associated Press of the United States and a correspondent to many leading papers in the United States, which practice of the profession makes him of use to newspapers in the United States and is a special plea for continued residence in this country, combined with regard for the health of his family."

Mr. Godfrey has furnished me with a lengthy communication, with seven exhibits, from which I have made the foregoing extracts, covering the material and some of the immaterial statements bearing on the question of his citizenship. In view, however, of the telegram of the Department of April 21, 1894, and of its dispatch No. 83, of May 14, 1895, I informed him that until further instructed I could not admit his status as an American citizen.

I am, etc.,

ALBERT S. WILLIS.

[Inclosure in No. 140.]

Copy of certificate of denization.

REPUBLIC OF HAWAII.

To whom these presents shall come, greeting:

Know ye that in pursuance of the power conferred upon the executive council by the constitution of the Republic of Hawaii, all of the privileges of citizenship, including the right to vote, are by these letters of denization conferred upon Frank Godfrey, a native of the United States of America, who has resided in the Hawaiian Islands for a period of fifteen years prior to the date of the promulgation of the constitution, on the 4th day of July, A. D. 1894.

These letters are without prejudice to his native allegiance and subject to his accountability to the laws of this Republic and his performance of all the duties and obligations of a citizen.

In testimony whereof we have caused these letters to be made patent and the great seal of the Republic to be hereto affixed at the executive building this 28th day of September, A. D. 1894.

SANFORD B. DOLE,
President.

FRANCIS M. HATCH,
Minister of Foreign Affairs.

J. A. KING,
Minister of Interior.

J. M. DAMON,
Minister of Finance.

WILLIAM O. SMITH,
Attorney-General.

[GREAT SEAL.]

Mr. Olney to Mr. Willis.

No. 121.]

DEPARTMENT OF STATE,
Washington, November 13, 1895.

SIR: I have to acknowledge the receipt of your No. 140, of the 20th ultimo, in relation to the complaint of Mr. Frank Godfrey on the grounds, first, of detention in the cholera hospital for one day longer than he alleges to have been necessary; and, secondly, because of an assault upon him on the night of the 17th ultimo by four or five masked men, who beat him severely and then covered him with tar and feathers.

I quite agree with you as to the questionable nature of this claim upon its merits, even were Mr. Godfrey's right to claim protection established. It appears, however, from your relation of his statements and from the annexed copy of the certificate of denization granted to him, that his case is indistinguishable from those of other American citizens who have acquired local citizenship in Hawaii. Under the decisions of my predecessor, his taking the oath and voluntarily subjecting himself to accountability to the laws of the Hawaiian Republic and to performance of all the duties and obligations of a citizen thereof constitute naturalization of all Hawaiian purposes while within Hawaiian jurisdiction, and the phrase that "these letters are without prejudice to his native allegiance" can have no significance either as to his status within Hawaiian jurisdiction or as to his status within the jurisdiction of the United States should he return hither, for in the latter case it would be determinable by the laws of this country and not by any administrative act of Hawaii.

If, as Mr. Godfrey asserts, two of his masked assailants are known, he should be referred to the local courts for redress, either criminal or civil.

I am, etc.,

RICHARD OLNEY.

Mr. Willis to Mr. Olney.

[Extract.]

No. 145.]

LEGATION OF THE UNITED STATES,
Honolulu, January 6, 1896. (Received Jan. 20.)

SIR: The principal, if not the only, event of importance during the past two months was the release on parole of the remaining political prisoners, which occurred on the 1st instant.

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I have, etc.,

ALBERT S. WILLIS.

ALLEGED VIOLATION OF THE UNITED STATES NEUTRALITY
LAWS.

Mr. Thurston to Mr. Gresham.

HAWAIIAN LEGATION,
Washington, D. C., February 15, 1895.

SIR: I have the honor to inform you that evidence has come into the possession of my Government tending to show that the arms and ammunition used in the late insurrection in Hawaii were procured in the United States and forwarded from San Francisco to Honolulu by the

American schooner *Wahlberg*, Captain Martin, under conditions which constitute a violation of the United States neutrality laws.

The circumstances connected with the matter, as I understand them, are as follows:

The material was purchased either directly or indirectly by one Major Seward, now resident in Honolulu, and put on board the said schooner by a tug in the harbor of San Francisco, about the 1st of December, 1894, the schooner sailing immediately thereafter, proceeding to the Hawaiian Islands, where, about the end of December, 1894, she ran close in shore at night and landed a part of the arms and ammunition by boat on Rabbit Island, a small island lying off the northeast coast of Oahu, and distant about 15 miles from Honolulu. The schooner then stood out to sea, and on or about January 1, 1895, transferred the remainder of her arms and ammunition to the Hawaiian steamer *Waimanalo*, which landed them later at a point near Honolulu, at which point they were distributed to the insurrectionists.

I inclose herewith the statements of Chas. T. Wilder, Hawaiian consul at San Francisco; Captain Davis, of the steamer *Waimanalo*, and Geo. Townsend, bearing upon the subject.

I am informed by my Government that one of the rifles seized was a carbine rifle numbered 462248 B. I am informed by the Winchester Arms Company that such rifle was sold through their New York agency, but I have not been able to obtain definite information as to when or to whom.

I would also state that the importation of arms and ammunition into Hawaii, except by the Government, is prohibited by Hawaiian law.

I understand that there is other corroborative proof in the hands of the Government in Honolulu which can be made available if required. Consul Wilder will also furnish to the United States authorities any other information coming into his possession concerning the matter.

I respectfully request that appropriate proceedings may be instituted by the proper officers of the United States Government to bring to trial the parties who may be found to have violated such neutrality laws.

With assurances, etc.

L. A. THURSTON.

[Inclosure 1.]

Extracts from statements of Hawaiian Consul Wilder, at San Francisco.

The American schooner *H. C. Wahlberg* was sold on November 20, 1894, by the United States marshal, and was purchased by one Mathew Martin. On the same day of her sale she was towed to Sausalito by the American tug *Ida W.*, captain, Dan James; owner, Mr. Tietjen.

On November 23 the tug *Ida W.* took stores from the Howard street dock to Sausalito and transferred them to the schooner, which was at anchor off Sausalito, and the same evening the tug towed her to sea, leaving Sausalito some time between 10 and 11 o'clock.

Upon obtaining the above information I thought it advisable to see the captain of the tug and if possible to have him make a statement to me regarding his part in the work; consequently, I sent word to him that I would like to see him at my office; to which he replied that the Hawaiian consul could go to hell, etc.; whereupon I immediately called upon the owner of the tug (Mr. Tietjen) and informed him that I was in possession of evidence enough to complicate his tug in the shipping of arms to Honolulu, but if the captain of the tug would make a clean breast of the whole matter to me I would not enter my complaint against the tug; if not, I would have him turned over to the authorities. This threat seemed to work nicely, as the owner immediately demanded the captain to call upon me, which he did the following day. I had a long conversation with him, and, as I had expected, he denied that he was a party to any such work. He however admitted that he took stores from the

Howard street dock to the schooner, but did not know what the stores consisted of. His statement is as follows:

"Took on stores at Howard street dock on the afternoon of November 23. Left the dock about 5.30 p. m. Steamed over to Sausalito. Went alongside the schooner *Wahlberg* and transferred the stores, after which I towed her to sea, leaving Sausalito about 7 o'clock in the evening and returned to my dock (Mission street) not later than 9.30 p. m."

I questioned him very closely regarding the general appearance of the stores, and he stated as follows:

"Some six or seven sacks of potatoes and onions; one large case about 3½ or 4 feet square by about 4 feet long; several cases similar to potato crates, but tightly boxed. None of the cases seemed to be very heavy, as two men handled the largest without any great exertion. Was paid by Martin \$10 for towing schooner to Sausalito, and \$15 for transferring stores and towing to sea. Do not know where stores came from. Saw two drays deliver stores on dock. Do not know who drays belong to. Could not identify drays. Did not suspicion anything wrong. Looked upon stores as general ship's stores."

After the above interview I learned that the first mate of the *Wahlberg* (Mr. Lucas) had left the schooner the day of his departure for the reason that he could not get any definite information from Martin as to his plans and destination. After considerable work I managed to locate him (Mr. Lucas) on one of the coasting steamers, but as the steamer was going to sea the same day I was unable to have a very lengthy conversation with him. What he did state is about as follows:

"Was first mate of the schooner *Wahlberg*. Left her because I suspected something mysterious about her mission. Could not obtain any definite information from the captain regarding his mission. Was instructed by the captain (previous to my refusal to go on the voyage) to select a place in the hold to store 28 cases about 40 inches long by 15 inches square. Captain did not state what cases contained; only said that they must be stored where they could not get wet. Saw the tug come over from the city the same evening and put stores on the schooner. It was in the early part of the evening. Was standing on the dock at Sausalito at the time. Do not know where the stores came from, but am almost positive that they came from a wholesale grocery store on Market street, within three blocks of the ferry landing, on the right-hand side of Market street. When I return from this trip, which will be in about ten days, I will hunt up a man that left the schooner about 9.30 o'clock that night. Do not know his name, but could find him if I had a little time. He, no doubt, can give more definite information than I, as he helped transfer the stores from the tug to the schooner. I think that he can tell you where the stores came from. Watched the tug until she towed the schooner to sea. They left Sausalito about 11 o'clock. Can not state the exact time, but I will make oath that it was after 10 o'clock."

After my conversation with Mr. Lucas I sought an interview with one of the deck hands of the tug. He stated as follows:

"Was not working on the tug on November 23. Commenced work about the first part of December. Know a man that was working on the tug the night of November 23. Do not know where he resides. See him occasionally around the water front. When I see him again will bring him to you."

Since the above interviews I have been looking for the above-described men, and yesterday located the former deck hand of the tug at Dunsmuir. Last evening I dispatched a man whom I have working for me to Dunsmuir with instructions to find the man, if possible, and obtain from him a sworn statement regarding the affair. Expect my man to return some time to-morrow.

I have had several conversations with the manager of the Winchester agency in this city, but he will not give any information whatever regarding what sales he has made during the last three months. I gave him the number of the rifle you sent me and asked if he would be kind enough to tell me if such a number was ever in his stock. Later he replied by letter, stating that he had written to the factory regarding the matter, and would advise me in about two weeks. Some few days ago I received a letter from him, in which he stated that the gun was sold from the factory and was shipped through New York. This is all the information he would give, notwithstanding the fact that I tried to get him to tell me who the purchaser was and to whom the goods had been shipped.

[Inclosure 2.]

Extracts from statement of Capt. William Davis before Attorney-General Smith.

I am master of the steamer *Waimanalo*. W. R. Castle has a mortgage on her. I am running her for myself. I bought her, but she is mortgaged to him. Last week,

Thursday, I landed arms and ammunition from the steamer *Waimanalo* at Waikiki. I was engaged to go and get them ten days before by W. R. Rickard.

I was to receive \$10,000, \$1,000 in cash, to bring those arms ashore. I was to go off *Waimanalo*. There had been a schooner lying off there with them for a week. He did not tell me the name of the schooner. He did not tell me where she came from. I found out afterwards that she left San Francisco. He did not say when the schooner was to leave San Francisco. He did not say when she was expected; he simply said she was there off *Waimanalo*.

I left Honolulu to go and get the arms on a Friday. I started for Kaneohe on the 28th day of December. The instructions Rickard gave me were to go about 25 miles off *Waimanalo*. North-northeast there was a schooner. I should take off the things on board and come back to Rabbit Island. By "things" I mean the arms and ammunition. I did not ask Rickard what kind of arms they were. I did not know of any cannon. I knew there were rifles.

George Townsend went too; he was sent by Rickard. I know this because Townsend told me so. He did not tell who or what he was. I went to Kaneohe and landed some paddy; that was on Monday. I left Kaneohe and put to sea on Sunday night, or maybe Saturday afternoon. From Kaneohe I went to *Waimanalo*, and then stood off to sea north-northeast until Tuesday. Monday we saw nothing at all. On Tuesday at 12 o'clock we sighted the schooner; she was plainly in sight. She had a boat in the water and we sent a boat off to meet her. George Townsend and my men and the men on the schooner brought the arms on board. They made two trips. The captain of the schooner came aboard. The name of the schooner is the *W. Hicert* or the *H. Wichert*; some such name as that. There were two names on an angle around the stern. San Francisco was in small letters underneath. She was from San Francisco. The captain said he was twenty-five days out. I met him on Tuesday, the 1st day of January—on New Year's day. The arms given me were carbines. I don't know how many. They were delivered to Townsend, not to me. Yes; I was chartered to go and get them, but Townsend was acting for Rickard, and I kept no account of them. There were supposed to be 300. There were seven or eight gunny sacks full of ammunition. I don't know how many cartridges there were. There was nothing else landed except the arms and ammunition. I don't know where the schooner was going to after that. He said something about wanting ballast, and Townsend told him to go to the leeward side of Lanai and he could get ballast there. The schooner was about 75 tons burden. Townsend told me that she was towed out of San Francisco and the arms put on board of her by a tug. The arms were on the tug and were put on board the schooner outside. I got the arms on board about noon. Then went to Rabbit Island, off *Waimanalo*. Got there about 9 o'clock in the evening and sent a boat ashore. Townsend and two of my men went in the boat. He came back. He was away about two hours. He came back and he brought another man back with him. He did not tell me what he went ashore there for, but Rickard told that it was to send word to Honolulu. He came back and we stood off to the north about twenty-four hours and came back to Diamond Head. A boat came off to me from the shore. Some natives and Rickard were in it. There were six or seven men in the boat. W. H. Rickard came aboard and stayed aboard. The boat returned to land. A letter was sent back by Rickard addressed to C. T. Gulick. After the boat left us I stood off southwesterly about 25 miles, and then came back to Waikiki—back to the same place. I was under Rickard's instructions. Two boats came off. I think they must be Bertlemann's boats; there are no other whaleboats out there. We were expecting to land the arms at Kaakaako. Rickard went ashore and sent word back by the same boat he went ashore in not to land them there—to land them some place else or throw them overboard. While he was ashore Wilcox came aboard in a canoe and consulted with Townsend. Wilcox said, "No; you don't throw them overboard." They gave no reason for the delay. I think they were not ready; that is all. I talked with Wilcox, and he said they wanted to be too smart; he meant Rickard. After Wilcox and Townsend consulted, the native boys took the arms ashore in the boats—the guns and ammunition. They were landed about 1 o'clock. Then I came on to Honolulu at night. I came in about half past 4 in the morning.

When I came round in the neighborhood of Diamond Head I took the precaution to put my lights out so as not to be seen. The boats came out for the arms. They were ordinary whaleboats. I picked up Rickard and stood off to the south about 20 miles. I could not have been seen from Diamond Head. I met no vessels. The schooner I got the arms from was an ordinary fore-and-aft schooner. She had no

topsail. She had one topmast. She had no foretopmast; it was gone. She had a maintopmast and flying jib. The flying jib was in. She was just such a looking craft as the *Norma*. She was painted black, and had a big cabin. She had a straight bow. I do not think it was the *Norma*, though she looked just like her. Her name was the *H. W. Wichert* or *Hichert*. I don't know much about the *Norma*. I have seen her at the wharf. This schooner was just such a vessel. She had two whaleboats—one on each side—hanging on the upper deck right on top the poop. I didn't notice whether she had a bobstay under the bowsprit—what we call a martingale. I was within 100 yards of her. She had about four men on board. There were three white men and a negro. The captain was a German. His name was Martin—Captain Martin. He was a big, tall man, stooped a little in the shoulders; florid complexion. I have seen the mate down here somewhere. I don't remember his name. He is a medium-size man, German appearance.

* * * * *

The guns were all on deck in cases, loose. The cases were not aboard my ship. They were taken out of the cases. I don't know who shipped the goods from San Francisco or who paid for them. I heard that they were put aboard a tug and the tug put them on the schooner. I didn't hear the name of the tug or whose tug it was. I heard that the captain of the schooner was a cousin of somebody interested in this movement. I don't know who. Rickard didn't tell me the date the schooner left San Francisco; he told me she was there. Rickard did not tell me he had heard from her. He told me she was there; that was sufficient. I heard the signals were showing a blue light off the island and answering with a red light. Townsend said he was there when they saw the signal and answered with a red light. This was at Rabbit Island. Townsend said he was on the lookout for her for ten days. He said nothing about receiving information from San Francisco, nor did he say where she sailed from. I don't know where the schooner was to go to. He was asking for ballast, and Townsend told him to go to the lee side of Lanai. I don't know who this letter was from that Townsend gave the captain of the schooner. I don't know where the schooner was going after getting ballast.

[Inclosure 3.]

Extracts from evidence of George Townsend, given under oath before the court in Honolulu January 21, 1895.

George Townsend—age, 39 years in July; born in the islands; been seafaring man; was first approached in this matter on December 8 by Charles Clark; Clark said Sam Nowlein wanted to see witness; saw Nowlein in rear of Bertelmann's office; he wanted witness to go to Koolan; witness could go up on 5 o'clock car to end of line; would be met near cemetery by boy and Charles Warren with horses and ride to Koolan; didn't meet horses until 7 o'clock, near Shaefer's place; met John Lilli on beach; went to house near Makapuu Point; stayed there watching for schooner until near Christmas; was given letter for captain of schooner and six lights; Nowlein told witness and Warren to go to Koolan and remain until schooner arrived; schooner would bring 400 rifles and revolvers; revolvers were to be landed at Rabbit Island; further notice was to be given as to landing rifles; schooner was sighted on December 19; witness and three others were present when schooner was sighted; knew schooner by signal lights; vessel showed blue light; we answered with red; schooner responded with bright light according to agreement; witness went off in boat; before getting alongside captain called for password; witness replied, "Missionary;" was then told to come aboard; captain of schooner asked witness before he went aboard if he had a letter; witness said yes, from the major; thought letter was from Major Nowlein; captain gave the witness no letter; soon as got the stuff sent off men to town to let parties know everything was all right; brought revolvers to Rabbit Island; put them in sacks and buried sacks in sand; men started for town at daylight; told them to go around town and tell schooner had been met; witness waited at Rabbit Island until men returned; they returned 10 o'clock Friday night; witness reported to Nowlein on December 21; was told to go and get *Waimanalo* to meet schooner and land arms; went back to Rabbit Island; picked up boat and instructed to land part of arms at Kaakako and balance at fish market; Davies was captain of *Waimanalo*; saw him Thursday; letter witness gave captain schooner was addressed "Captain of schooner;" it was dirty, and rolled up like a cigar; witness noticed handwriting.

Waimanalo left Thursday evening, December 27; witness went down to steamer about 4 in the afternoon; went to sea Friday night; Nowlein gave witness a letter to give Captain Davies when steamer got out to sea; two letters were in one envelope; witness read both letters; one gave Davies instructions to lay 25 miles off Rab-

bit Island until schooner was met; other letter was copy of letter received by captain of schooner; after getting arms on board *Waimanalo* the steamer was to cruise around for fifteen days; if cargo not taken off in that time the steamer should go to the southern coast and dispose of cargo; Nowlein gave witness letter to deliver to captain of schooner; writing on letter given witness to give Captain Davies when out to sea resembled that of one delivered by witness to captain of schooner; put to sea on *Waimanalo* on Friday evening at 9 o'clock, last part of December; daylight next morning was 30 miles offshore; cruised around Monday and Monday night; early Tuesday morning saw schooner about 35 miles offshore between *Waimanalo* and island; witness knew schooner at once; came alongside schooner on New Year's Day; arms on board were ready to be landed; gave captain letter; after reading, captain said all right; arms were passed from schooner into boats; came back and got second load; someone said there was whisky and cigars aboard the *Waimanalo* for captain of schooner; Captain Davies, witness, William Hutchinson, a Norwegian, and two Chinamen were on the *Waimanalo*; Warren was on schooner; schooner named *W. C. Wehlborn*, and was from San Francisco; witness thought captain of schooner was a Swede; had but little talk with him; captain asked how things were in Honolulu; wanted to get some ballast, but didn't care to go anywhere where he would get into trouble; witness told captain to go to Lanai; after getting arms on New Year's Day *Waimanalo* went back to Rabbit Island; got there about dark; anchored and put out signal; got no answer; witness went over to Rabbit Island in boat and roused men up; told them we'd got arms all right; went to sea again in northeast direction; ran in again; *Waimanalo* was to get message off Diamond Head; whaleboat came alongside about 11 o'clock; W. H. Rickard and four other men were in boat; Pau, the long-haired native, was steering.

Rickard came aboard the *Waimanalo* and went into cabin; Rickard said can't go in to-night; not ready in Honolulu; had 285 guns, ammunition, and belts on *Waimanalo*; ammunition was in five little square sacks; Rickard pulled out letter from inside pocket; asked Warren how many arms he had; letter had some blank spaces; in these Rickard put number of arms; he said steamer couldn't run in at fish market on account of dredger being there; after Rickard filled in letter in pencil gave it to Pau to take ashore; Rickard remained on shore and told Captain Davies to put to sea; we took course south-southeast; witness was sent to wheel by Captain Davies; next day (Thursday), at sea, got short of coal; ripped up some planking; came in Thursday night; met two whaleboats off Diamond Head; Pau was in one; one was white; other white and blue stripes; Wilcox came alongside in a canoe; said can't land at Kaakako, as place guarded; Rickard went ashore; sent letter back to Captain Davies telling him to either go to sea or land arms at some safe point; Captain Davies said dump them overboard; Wilcox said to land them; arms were put in two boats and started toward Isenberg's place; landing was made along the beach; one load was buried in sand; one was taken to Black Point and hid; Wilcox, Warren, and witness were together; rifles were afterwards taken out and distributed among natives; they are same as used by Wilcox and others in fight with Government troops on Sunday and Monday; they were short sporting rifles; witness was captured at Black Point on Tuesday afternoon; been under arrest ever since; Rickard talked with Captain Davies; heard nothing about any office he or anyone else was to hold.

Mr. Thurston to Mr. Gresham.

HAWAIIAN LEGATION,

Washington, D. C., February 26, 1895.

SIR: With further reference to the alleged violation of the United States neutrality laws by Captain Martin of the schooner *Wahlberg*, I have the honor to inform you that I have received from Mr. Wilder, Hawaiian consul at San Francisco, a further statement concerning the witnesses. He states that he has found a deck hand of the tug alleged to have delivered the arms on board of the *Wahlberg*, who makes a clear and direct statement, making a valuable witness. He further states that the cook and mate of the *Wahlberg* were discharged from the *Wahlberg* upon her recent arrival at San Diego, and are now in San Francisco; also, that all of these men are liable to ship on outgoing vessels at an early date, so that if their evidence is to be obtained it will have to be soon, or it will become unavailable.

With renewed assurances, etc.

L. A. THURSTON.

Mr. Thurston to Mr. Gresham.

HAWAIIAN LEGATION,
Washington, D. C., March 15, 1895.

SIR: Referring further to the alleged violation of the United States neutrality laws by Captain Martin of the schooner *Wahlberg*, I have the honor to further state that I am this morning informed by telegram from San Francisco, by Mr. W. A. Kinney, an attorney in the service of the Hawaiian Government, that he arrived in San Francisco yesterday with Mr. Townsend, the witness mentioned in my first statement upon this subject, and Mr. Warren, whose evidence is of a similar character to that of Mr. Townsend, with instructions from the Hawaiian Government to render to the United States authorities all assistance within his power in connection with the prosecution of those who may have been deemed to have violated the neutrality laws of the United States in the case referred to. Mr. Kinney also telegraphs me that he is informed that the *Wahlberg* has been released from custody and that Captain Martin, now at San Diego, Cal., is about to leave the country.

For the purpose of informing my Government as to the status of the matter, I respectfully request to be informed what, if any, action has been taken by the United States authorities concerning the alleged violation of the United States neutrality laws; and also what, if any, action is proposed to be taken by the United States Government concerning the same.

I desire, further, to point out to you the extreme importance to the Hawaiian Government of securing the punishment of those so violating the neutrality laws, if such violation has taken place, as the recent insurrection, which was attended with the loss of life and great pecuniary loss to the Government and people of Hawaii, was made possible only by the use of the arms landed by Captain Martin from the *Wahlberg*; and if such action can be repeated with impunity it will constitute a standing menace to the peace and security of Hawaii.

I desire also to submit that the facts heretofore submitted to you in this connection constitute a violation by Captain Martin of the neutrality laws of the United States, more particularly of section 5286 of the Revised Statutes, and respectfully urge that he may be prosecuted therefor.

With renewed assurances, etc.,

LORIN A. THURSTON.

Mr. Uhl to Mr. Thurston.

No. 3.]

DEPARTMENT OF STATE,
Washington, March 16, 1895.

SIR: I have the honor to acknowledge the receipt of your notes of the 15th and 26th ultimo; also of the 15th instant, all relating to the alleged violation of the neutrality laws of the United States.

In reply I have to say that copies of these notes were promptly transmitted to the Attorney-General, that from you of the 15th instant having been communicated to him yesterday.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Castle to Mr. Olney.

HAWAIIAN LEGATION,
Washington, D. C., November 19, 1895.

SIR: Permit me to call your attention to a matter which has, I believe, hitherto been the subject of some correspondence. I refer to the schooner *Wahlberg*, of San Francisco, Cal.

This vessel, in the latter part of 1894, transported a quantity of arms and ammunition from San Francisco to a point near Honolulu, in Hawaii, and there delivered them to certain persons to be used in an insurrection against the Hawaiian Government. They were so used, and that affair is now a matter of history. Early in the year, perhaps in February or March, 1895, on her putting into San Diego, Cal., the *Wahlberg* was seized by the United States authorities, but was subsequently released. With the history of that I have no knowledge except hearsay. It was reported that she was seized for alleged violation of the neutrality laws. If this is so her release seems to have been the only course open, and was undoubtedly correct. So far as I know nothing further was done.

Referring to the files of this legation, I find some correspondence with reference to her on the 15th and 16th of March, 1895.

Certain rumors are reported to me of an intended descent upon the Hawaiian shores. They have no greater definiteness than those which preceded the insurrection of January, 1895, but they are firmly believed by some people, who refer to that affair as sufficient ground for belief. The Hawaiian Government is put to very great expense and anxiety in keeping up a force sufficient to repel any further attempt at its overthrow. Not the least ground for the maintenance of such preparations is the belief by disaffected persons in Hawaii and certain lawless individuals in this country that any vessel may carry arms and munitions to Hawaii and then deliver them to purchasers (to be used for unlawful purposes) with immunity. The case of the *Wahlberg* seems to justify such a belief, for certainly there could hardly be a more flagrant case of aid and assistance in an unlawful purpose.

Pardon me if I trespass upon your time and patience to recite briefly the facts:

The *Wahlberg*, of 28^{3.0}/₁₀₀ tons burden, built in 1892 in Oregon, with her home port in San Francisco, had a license to fish in the Northern and Southern Pacific Oceans. She had no register, but was enrolled under section 4321, Revised Statutes of the United States. In 1894, late in the year, December 6 or 7, I think, she took on board, while leaving the port of San Francisco, and near Sausalito, not far from the Golden Gate, from 300 to 400 carbines, a considerable number of revolvers, and a quantity—about 29,000—of cartridges. They were placed on board of her in the nighttime by a tugboat which came down the bay and approached without lights. The name of this tugboat, I am informed, is the *Ida W.* After receiving these things the *Wahlberg* went to sea, and late in the month of December or early in January met a boat in the night near the shores of Oahu, and delivered the revolvers, and another night delivered the carbines and sacks of ammunition on the Hawaiian steamer *Waimanalo*. These arms and ammunitions were used a few days later in the attempt of January 6, 1895, to overthrow the Hawaiian Government.

The object of this communication is to respectfully suggest to your consideration whether the *Wahlberg* was not, and is not now, liable under sections 2337-4364, Revised Statutes of the United States. The

facts are easily shown. If my impression is correct, a proceeding may not be instituted by a citizen, certainly not by a citizen of a foreign country. Allow me also to refer you to the following cases: *Ocean Spray*, 4 Sawyer, 106; *The Lark*, 1 Gale, 55; *The Julia*, 1 Gale, 43; *The Active*, 7 Cranch, 100.

You may ask what concern Hawaii can have in this matter. My answer is that if, in your opinion, or in that of the law officers of the United States, the *Wahlberg* is so liable, and proceedings should be instituted, it would do very much to check further reckless attempts on the part of vessels of the United States at any rate to engage in such enterprises, and so will correspondingly lessen the causes for anxiety on the part of the Hawaiian Government.

Permit me, sir, etc.,

WM. R. CASTLE.

Mr. Olney to Mr. Hatch.

No. 1.]

DEPARTMENT OF STATE,
Washington, December 11, 1895.

SIR: Referring to the case of the *Wahlberg*, about which I had some correspondence with your immediate predecessor, whose letter on the subject was transmitted to the honorable Attorney-General, I have the honor to inclose herewith copy of a letter from the Attorney-General dated December 9, and also copy of the inclosure referred to in said letter, to wit, a copy of a letter of the United States attorney for the southern district of California, dated December 3.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

Mr. Harmon to Mr. Olney.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 9, 1895.

SIR: I have the honor to transmit herewith a copy of a letter of the United States attorney for the southern district of California, of December 3, with relation to the *Wahlberg*, about which you wrote me under date of November 20 last.

I have directed the attorney to transmit the papers in his possession to the United States attorney for the northern district of California for proper action.

Very respectfully,

JUDSON HARMON,
Attorney-General.

[Subinclosure.]

Mr. Denis to Mr. Harmon.

LOS ANGELES, CAL., December 3, 1895.

SIR: I have the honor of acknowledging receipt of your letter of November 27, 1895 (A. G., 3068-95), together with its inclosures; a letter from the honorable Secretary of State, of date November 20, 1895, and a copy of a letter of the Hon. William Castle, Hawaiian minister to the United States, in which you instruct me to investigate

and report whether a case can be made against the schooner *Wahlberg* for violation of sections 4337 and 4364 of the Revised Statutes.

I take the liberty of reviewing briefly the case of the *Wahlberg* as presented to me: The collector of customs for the San Diego customs district seized the *Wahlberg* for violation of the neutrality laws, under sections 5281 and 5283, Revised Statutes, and reported the seizure to me, with a request that I proceed against the vessel. I gave as my opinion that, under the authority of *The United States v. The Itata*, a case arising in this district and which had been affirmed by the circuit court of appeals, the seizure of the *Wahlberg* was not authorized by law. After communication with the Secretary of the Treasury, as I am informed, the collector of customs then requested that proceedings be had against the *Wahlberg* by libel for violation of section 4197, Revised Statutes. Upon this request I advised the collector that the penalty denounced by section 4197 was a personal penalty, recoverable by an action against the master or owner, and that the vessel was not subject to an action in rem for its collection, and I relied upon the case of *The Strathairly*, reported in 124 U. S., at page 558. My opinion, as I am informed, was approved by the honorable Attorney-General, your predecessor.

Replying to the instructions contained in your letter of above date, I have the honor to state that if section 4337, or 4364, of the Revised Statutes has been violated, the prosecution should be instituted in the northern district of California, within which is situated the port at which the vessel complained of was registered or enrolled. I have the honor to suggest, further, if it will not be considered an impertinence by you, that the master of the *Wahlberg* should be prosecuted for perjury in that district, of which crime he was unquestionably guilty, if the facts submitted by the officers of the Hawaiian Government and the collector of customs at San Diego can be relied upon. I made this suggestion both to the Hawaiian consul and to the collector of customs at San Diego as early as March last.

I do not believe that the vessel in question, or her master, is within the jurisdiction of this district.

If the conclusion reached by me does not meet with your approval, I beg that you will instruct me what further steps you require in the premises, and I will very cheerfully obey instructions.

Very respectfully,

GEORGE J. DENIS,
United States Attorney.

RECALL OF MINISTER THURSTON.

Mr. Gresham to Mr. Willis.

No. 65.]

DEPARTMENT OF STATE,
Washington, February 21, 1895.

SIR: I regret to be constrained to bring to your attention, and through you to the knowledge of the Hawaiian Government, certain acts of its representative in the United States of which this Government has just ground to complain.

In order to set forth the facts with desirable clearness it becomes necessary to recite fully what occurred at two interviews which I had with Mr. Thurston at this Department, on the 16th and 18th instant.

The recent seizure of a ship at San Diego, Cal., for alleged violation of our neutrality laws in carrying arms to Hawaii was the occasion of

his first call. After a brief conversation on this subject, I took occasion to remark that I had information that he was not pleased with your action in connection with recent events at Honolulu. Mr. Thurston desired to know why that view was entertained here, whereupon I handed him a clipping from a New York newspaper of the 13th instant, of which a full copy is hereto appended (Inclosure 1).¹

After he had read this article, I asked him if he had furnished the matter to the paper for publication. He at once said he had furnished the paragraph which he pointed out, reading as follows:

There has been a great reaction among the more prominent royalists who were not concerned in and did not approve of the late insurrection, and a number of them have taken the oath of allegiance to the Republic. Others had stated that as long as the Queen claimed that she should be reinstated, and there was hope of receiving help from the United States Government to reinstate her, they felt in duty bound to support restoration. Now that the Queen has abdicated, and further action on the part of the United States looking to restoration is hopeless, they propose to accept the situation and work for annexation, which many of them say they have all along considered the best course for all concerned, but have been prevented from advocating it by what they considered their duty to the Queen.

I then desired to know if Mr. Thurston had also furnished to the same paper the concluding paragraphs, purporting to be extracts from a letter written by "a prominent lawyer in Honolulu," and reading thus:

Mr. Hawes, the British representative, has confined his action to a diplomatic request to the Government, if not inconsistent with the interest of the Government, that capital punishment proposed to be inflicted on any British subjects may be postponed until he can communicate with his Government, while his whole manner is friendly to the Government. Upon the publication of the instructions of Secretary Herbert to Admiral Beardslee in the local papers, declaring that no protection would be given to Americans who either opposed or supported the Government, a number of Englishmen applied to Hawes to know whether his course would be similar to that of the American Government. He immediately replied that, on the contrary, he considered it highly proper for all English citizens to do all in their power to support the Government, and by so doing they violated no international law and would forfeit none of their rights as English citizens.

Had the insurrectionists not been discovered at the time they were, and had they once succeeded in getting into the city, there would have been savage butchery, as they were well supplied with dynamite bombs, and the evidence which has been developed shows that their plans were to march into town at 2 o'clock in the morning along the main avenue leading to the city, blowing up the residences of the principal supporters of the Government as they advanced, regardless of the women and children therein, in order to prevent support reaching the Government. Their plans also were for an uprising of the natives in the city, attacks simultaneously to be made on the palace, the Government buildings and station house, and the telephone station. The arms and dynamite bombs stored at the Queen's residence were to play an important part in the plans. A marked feature of the situation is the large number of natives who rallied to the support of the Government. They volunteered to the number of nearly three hundred to go the front. The final capture of most of the rebels who remained in the mountains was effected through the thorough search made by Capt. Robert Parker, a three-quarters native, and 50 native police, who, with their thorough knowledge of the country, scouted the hills from Honolulu to the east end of the island.

Mr. Thurston answered that he had furnished nothing to that or any other paper, but that he had permitted an employee or agent of one of the press associations to copy at his legation a private letter or letters which he had received, and added that the published paragraphs did not contain all that was in the private letter or letters. I thereupon said that I was aware this was so, and that I knew the private letter or letters did not appear in full in the last paragraphs as printed. Handing him a typewritten paper, I asked if the omitted parts were not contained in the following passages:

There is intense feeling being manifested by the people at what is looked upon as Mr. Willis's unwarranted interference in connection with the present trials.

¹ Not printed.

He is doing everything that he can to protect the royalists and harass the Government. Many of our best men feel it imperative for our future safety that some examples should be made. While the Government is master of the situation for the present, the danger is not entirely over. Much indignation is also felt from the fact that, although direct information was given to Minister Willis last November, before the shipment of arms was made at San Francisco, that such shipment was intended, nothing appears to have been done to stop the shipment. It is felt that the Hawaiian Government has strong ground for complaint against the United States Government on the score of its indifference, if not at its active conniving at this flagrant breach of neutrality. Whether or not the Hawaiian Government will make a claim by reason of the breach of the neutrality laws it is not yet known, but there is strong feeling here that it should be done.

The action of Mr. Hawes, the British representative, is in marked contrast to that of Mr. Willis.

* * * * *

An analysis of the growth of the feeling and facts leading up to the insurrection showed that it is based almost wholly on the encouragement given to the royalists by President Cleveland and his announced and constantly reiterated opinion that the Queen ought to be restored, and a feeling which, rightly or wrongly, was disseminated throughout the royalist sympathizers that upon the slightest opportunity Cleveland would take occasion to assist the royalists if they could get control to a sufficient extent to give him an excuse for so doing.

* * * * *

Another letter received here from Honolulu says:

"The most serious feature is the attitude of Willis and Hawes; they are in constant attendance at the trials. Neumann, the attorney defending the insurrectionists, is constantly in close consultation with them."

Having read this paper, and after some apparent hesitation, Mr. Thurston said he did not know what right I had to thus interrogate him. I replied that he had already admitted he had allowed the published matter to be copied from letters at his legation, but that the publication was not full, and I did not suppose he would deny that the paper I showed him contained a correct copy of the omitted parts. He said the letters containing the omitted passages were submitted by him to the representative of the press association to be copied for publication, not as expressing his official or personal views, but as showing the state of feeling in Honolulu.

I then remarked that all I desired to know was whether he had furnished the matter for publication, and he repeated that he had not furnished it in his representative capacity, or as expressing his personal views, but merely as information, and that in doing so it was not his purpose to injure the Administration, the President, or Mr. Willis. I remarked that he had permitted the letters, including the omitted parts, to be copied for publication, and that he, no doubt, was disappointed that the omitted parts did not appear, and I asked him if he thought he could with propriety, as the representative of a foreign Government at this capital, furnish newspapers with such matter. His reply was that he had simply furnished it as news or information which the public might like to hear from Honolulu, and that Senator Kyle had received a letter even more severe in its terms, which had been given to the public; to which I rejoined that Senator Kyle was a citizen of the United States, and as such might say and do things which a foreign minister could not say or do with propriety. Here the interview ended.

When Mr. Thurston called at the Department two days later he informed me that there was a further statement he desired to make. After being told that if he wished to say anything more on the subject it should be in writing, he at once proceeded: "I simply desire to say, Mr. Secretary, that I realize I was guilty of official impropriety in furnishing for publication the matter mentioned in our former interview.

I did not realize this at the time, but do now. I regret what I did, and apologize for it."

I replied that, in order to avoid any possible misunderstanding, the minister's statement should be in official form, and requested that he prepare and submit such a communication. He declined to do this, saying he did not feel called upon to make a written apology, and that he would trust to my fairness in reducing to writing what he had said.

You are instructed to make this incident known to the minister for foreign affairs by reading this instruction to him, and should he so desire, giving him a copy. You will express the surprise and dissatisfaction with which this Government naturally regards the conduct of a foreign envoy who thus covertly uses his influence through the press to bias public opinion in the country whose hospitality he enjoys. And you will add that the President would be pleased were Mr. Thurston replaced by another minister from Hawaii in whom he may feel that confidence which is essential to frank and cordial intercourse.

I am, etc.,

W. Q. GRESHAM.

Mr. Willis to Mr. Gresham.

No. 105.]

LEGATION OF THE UNITED STATES,
Honolulu, May 2, 1895. (Received May 14.)

SIR: On the 29th ultimo I sent the following telegram, which I now confirm:

Your No. 65, of February 21, 1895, has just been received per *Gaelic* from Hongkong, marked "missent to Hongkong." Two other letters, one of which was from Washington, were received inclosed as above.

On the morning of the 30th ultimo I called upon Mr. Hatch, minister of foreign affairs, and explained to him that on the previous afternoon I had found in my box at the post-office a dispatch from you, indorsed with the words "missent to Hongkong," and on that morning I had received by steamer *Coptic*, just arrived, a duplicate of the same dispatch, which I was instructed to read to him in person. Thereupon I read to him your dispatch of February 21 last, and left with him a copy of the same.

It appears from newspaper clippings, which I inclose, that the subject-matter of your dispatch was before the executive and advisory councils yesterday afternoon. What conclusion, if any, was reached is unknown to me.

With assurances, etc.,

ALBERT S. WILLIS.

Mr. Willis to Mr. Gresham.

No. 107.]

LEGATION OF THE UNITED STATES,
Honolulu, May 7, 1895. (Received May 21.)

SIR: In my No. 105, of the 2d instant, I informed you of the receipt of your No. 65, of February 21 last, in regard to Mr. Thurston, late Hawaiian minister at Washington, and the communication of its contents to this Government.

I have the honor now to inclose herewith copy of a note from this

Government, dated the 3d instant and received to-day, the substance of which was sent you by telegram of this date.

I also inclose copy of my note of acknowledgment.

With assurances, etc.,

ALBERT S. WILLIS.

[Inclosure 1 in No. 107.]

Mr. Hatch to Mr. Willis.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, May 3, 1895.

SIR: Referring to our interview on the 30th ultimo, in which you intimated that the President of the United States would be pleased if the Hawaiian minister at Washington should be recalled for personal reasons, and upon which occasion you read to me a dispatch from the Secretary of State to yourself on this subject, dated February 21, but which had been sent to Japan by mistake, I have the honor to inform you that Mr. Thurston is now in Hawaii and will not return to the post of Hawaiian minister at Washington.

I regret extremely that the presence in Washington of the late minister is no longer agreeable, and that the matters referred to by the Secretary of State should have been considered of sufficient gravity to call for the action taken.

I have, etc.,

FRANCIS M. HATCH.

[Inclosure 2 in No. 107.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, May 7, 1895.

SIR: I have the honor to acknowledge the receipt to-day of your note of the 3d instant relating to the termination of the mission of Hon. L. A. Thurston, late minister from your Government to the United States. From it I quote the following:

Referring to our interview on the 30th ultimo, in which you intimated that the President of the United States would be pleased if the Hawaiian minister at Washington should be recalled, for personal reasons, and upon which occasion you read to me a dispatch from the Secretary of State to yourself on this subject, dated February 21, but which had been sent to Japan by mistake, * * *

As this passage may lead to a misconception of what occurred, of which I have already informed my Government, you will permit me to recall the fact that the interview referred to by you was limited to the reading of the dispatch of my Government, an explanation of its apparent miscarriage to Hongkong, and the declaration that the regret expressed in the dispatch at the incident was shared by me.

I will at once transmit your note to my Government for its consideration.

With assurances, etc.,

ALBERT S. WILLIS.

Mr. Uhl to Mr. Willis.

No. 93.]

DEPARTMENT OF STATE,
Washington, June 1, 1895.

SIR: Referring to your No. 107, of the 7th instant, of which routine acknowledgment by subject was made in my No. 89, of the 22d instant, I have to commend your course in reminding Mr. Hatch that your communication to him of Mr. Gresham's instruction No. 65, of February 21 last, was unaccompanied by any separate intimation from you "that the President would be pleased if the Hawaiian minister at Washington should be recalled for personal reasons," as stated in Mr. Hatch's note to you of May 7.

The circumstances which made Mr. Thurston no longer an acceptable representative of the Hawaiian Republic at this capital having been fully set forth in the instruction aforesaid, of which you gave Mr. Hatch a copy after reading it to him, as you were directed to do, and no other intimation in this regard having been made, it is clear that the "personal reasons" mentioned by Mr. Hatch could only be those stated in Mr. Gresham's communication as having rendered Mr. Thurston personally unacceptable; and it was quite proper for you to make this point plain in order that Mr. Hatch's statement might not lead to any misconception of what had occurred between you and him.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Telegram.]

Mr. Willis to Mr. Uhl.

LEGATION OF THE UNITED STATES,
Honolulu, June 3, 1895.

Mr. W. R. Castle commissioned to-day successor to Thurston.

WILLIS.

HONDURAS.

MURDER OF CHARLES W. RENTON.

Mr. Uhl to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 19, 1895.

Naval investigation establishes Renton's murder. Urge Honduras Government to take prompt action lest delay enable guilty parties to escape punishment.

UHL, Acting.

Mr. Young to Mr. Uhl.

[Telegram.]

LEGATION OF THE UNITED STATES,
Guatemala, March 23, 1895.

Honduras promises to act promptly.

YOUNG.

Mr. Uhl to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 24, 1895.

President disappointed in not being advised that Honduras's promise to act promptly in Renton case has been fulfilled. Atrocity of murder and violation of property call for instant efficient justice. Urge action. Report progress.

UHL, Acting.

Mr. Young to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Guatemala, May 26, 1895.

Have again impressed upon Honduras necessity of vigorous action and speedy report upon Renton case. Have received assurance from that Government that they are prosecuting investigation with utmost diligence and vigor, and hope soon to report satisfactory results. Will embark for United States 29th unless otherwise directed.

YOUNG.

Mr. Pringle to Mr. Uhl.

No. 187.]

LEGATION OF THE UNITED STATES,
GAUTEMALA AND HONDURAS,
Guatemala, June 15, 1895. (Received July 5.)

SIR: I beg leave to inclose copies of documents, with translations, relating to the Renton case, which were received two days ago.
I am, etc.,

D. LYNCH PRINGLE,
Charge d'Affaires ad interim.

[Inclosure in No. 187.—Translation.]

Señor Bonilla to Mr. Young.

TEGUCIGALPA, *May 29, 1895.*

MR. MINISTER: Complying with my promise in the telegram of the 25th instant, I have the honor to remit to your excellency the annexed copies of the proceedings taken in order to ascertain who were the authors of the murder committed in Brewers Lagoon on the person of the North American subject, Mr. Charles Renton.

I do not think it amiss to report to your excellency that my Government has taken and is still taking genuine interest in properly bringing to light the crime alluded to, to which end no means have been or will be omitted; but so far obstacles have been met with which it has been impossible to overcome, and which have greatly hindered the attainment of their ends—such as the deed having taken place in so desolate a locality; nearly all the witnesses being foreigners and speaking another language; the refusal of some of them to speak the truth, and the absence from the Republic of the greater number of those who were present.

Notwithstanding these reasons and circumstances, my Government has issued new and positive orders to the authorities of the Mosquitia to go on with the corresponding trial until they exhaust all means of investigation, endeavoring to display therein all possible energy and activity, and opportunely I hope to send to your excellency certified copies of the further steps that may be taken.

Meantime I have the pleasure, etc.,

CESAR BONILLA.

[Subinclosure 1 in No. 187.—Translation.]

In Sanlala, margin of the River Guanguí, on the 23d day of the month of March of the present year, I took the oath to speak the truth from Señor Ascencion Jimenez, who promised to speak the truth so far as he knew, and might be asked; declaring that he is of age, belonging to this place, single, a carpenter by occupation; that he is not comprised within the legal restrictions in regard to the deceased, Mr. Charles W. Renton. The penalty that the law assigns to those who give false evidence was explained to him, and declaring the act at the head of the proceedings in proper form, he said that on the 16th of March of the year 1894, about 8 o'clock in the morning, in company with Sebastian Montesino, Macario Matules, Francisco Arroyo, and Mercedes Castillo, he arrived at the banks of the Lake Brus Lagoon, just in front of the house of Mr. Renton; that from the Cayo they came to land at the village mentioned; that at the moment when he was about to land, the American, Arthur E. Isert, presented himself, ordering the witness and the rest of his companions who were in the boat to halt; that at the time the youth Alfonso Lacayo came out, and said that one should come on shore, but at the same moment the said Lacayo told them that the aforesaid American forbade their coming on shore, and then he perceived that in

that place there was a meeting of armed men; that he could perceive that among those men figured Fernando Eude, John G. Dawe, Mr. Sandahan, Eduardo Eude, A. E. Isert, Mr. Ketele, McCay Brinton, Charles Johnston, who carried rifles every one of them; that on arriving there he thought that something was happening on account of the reports of the firearms they carried, as they were firing on the house of Mr. Renton, especially Mr. Arthur E. Isert, whom he saw distinctly place himself at the corner of the house of the Creole Macas, and from there made discharges from the rifle that he carried on the house of the above-mentioned Renton; that when observed that by landing in that place they might run a risk, as they had no arms, they decided to retire, at which instant the youth Lacayo again appeared and told them what the event that was happening there was; that the individuals he has mentioned were assassinating Don C. W. Renton, who was already in the agony of death, in consequence of the balls fired at him; that they held him and the wife of Renton prisoners in the house Zambo Caka; that the said wife of Renton was wounded in the hand, and that through fear of these people they had not been able to escape, as they threatened to kill them so that they should not give information of the crime they were perpetrating; that after the declaration Lacayo made he returned to the house, where they held him prisoner, and the deponent retired with the rest of his companions to the east side of the village, and remained a short distance off, going on shore; and even from there they heard the shots and saw the flashes of the rifles; that about 2 o'clock in the afternoon he saw the house where Mr. Renton lived on fire, that is, on the 16th of March; that he and his companions did not see what caused the fire, but is to be imagined that the fire in the house in question was caused by the individuals he has mentioned; since even from a letter that Lacayo sent to the deponent it is evident that the people of the Cayo killed Renton, that is to say, the same mentioned; that Lacayo also declared to them that Fernando Eude said to him that if he would rather go with the wife of Renton to Cape Gracias a Dios, giving him \$200, or would prefer to die, as, if he did not accept, they proposed to strangle him, said Señor Lacayo, to save his life, retired from that place, and came away with the wife of Renton.

Asked if he knew where they buried the body of Renton, he said that he does not know, nor has heard tell.

This being read over, he ratified it and signed with me and the witnesses.

CLAUDIO GREEN.
ASCENCION JIMENEZ.
RICARDO RAMOS.
J. PAIVA.

Afterwards the said witness, and under the oath he had just taken, was asked if he knew of any property and real estate belonging to Don Carlos W. Renton, and said that he knew of property such as cattle and mules, but could not specify the number; but that the cattle were numerous and he knew a gray mule; that the Creole Macas stated to him that after the death of Mr. Renton the Frenchmen who figure in the foregoing declaration had sent him to embark cattle of Mr. Renton in a schooner; that said shipment of the cattle alluded to took place in the bar of Bras Lagoon of this jurisdiction.

He ratified this and signed with me and the witnesses.

CLAUDIO GREEN.
ASCENCION JIMENEZ.
RICARDO RAMOS.
J. PAIVA.

A faithful copy.
Port Burchard, April 8, 1895.
[SEAL.]

CLAUDIO GREEN.
RICARDO RAMOS.
J. PAIVA.

This is correct.
Tegucigalpa, May 28, 1895.

J. A. DOMINGUEZ,
Sub. Secretary.

[Subinclosure 2 in No. 187.—Translation.]

SUPERINTENDENCY OF THE TERRITORY OF MOSQUITIA,
Iriona, September 13, 1894.

MR. JUSTICE OF THE PEACE, *present:*

Accompanied by your respective director, you will go to the place called Brewer's Lagoon to make the proper investigation relative to the assassination of the American citizen Charles Renton, perpetrated on the 16th of May of the present year, to which end you will interrogate an American residing in Foca Macho named Johnson,

who, it is said, being in the house of Renton on that occasion, received a bullet in his leg.

In Patook you will interrogate Wyland Wood as to whether in the month of March he saw the wife of Mr. Charles Renton; if she was wounded; who accompanied her; in what house she was lodged; the route she took and in whose company.

From the declarations of Johnson and Wood, as also of some other residents, some light may be thrown on the deed in question, and in that case without loss of time you will issue an order of arrest against the persons who may be accused or culpable, causing them to come to this court under proper security.

With the merit of the proceedings that you institute you will give an account to this office as speedily as possible.

Your obedient servant,

J. LUIS REFMAN.

OFFICE OF THE JUSTICE OF THE PEACE,
Iriona, September 13, 1894.

Whereas in the foregoing note I am ordered to make due investigation in reference to the assassination of the American citizen Charles Renton, perpetrated the 16th of March of the present year, in the place called Brus Lagoon, in this jurisdiction: Therefore, for the bringing to light of the crime and its author or authors, let the proper inquiry be instituted in the place where the event happened, and in accordance with the result let such steps be taken as may be proper in law.

CLARO PACHECO.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

OFFICE OF THE JUSTICE OF THE PEACE OF IRIONA,
Poca Macho, September 14, 1894.

It being necessary to appoint an interpreter to take the declarations of some of the American witnesses who are not acquainted with the Spanish language, let Mr. Cesario Avilez be nominated for that purpose, and he shall be advised thereof for his acceptance and swearing in.

CLARO PACHECO.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

The interpreter, Don Cesario Avilez, being notified on the same of the preceding act, he accepted the nomination conferred upon him, swearing to comply with his obligation, and he signed.

PACHECO.
CESARIO AVILEZ.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same date there appeared in my office the American, Samuel Davis, and being legally sworn he promised to repeat with truth all he knew and might be asked; and requested to declare all he knew about the act at the head of these proceedings, he said that as to the occurrence to which the act that has been read to him refers, he knew nothing for a certainty, for although on the date asked about the deponent was in the locality called Camon Island, adjacent to where Charles Renton lives, as he has already stated, he knows nothing about the matter; that he has heard say that the Mosquitians, Damaso and Williams, knew something of said occurrence, but that to him personally they have declared nothing, and he only knows it from hearsay. Asked if he does not know, on the date set forth in the act which has been read to him, and which corresponds to the 16th of March of the present year, it was said publicly that Mr. Renton had been assassinated in his own dwelling house, situated in the place called Brus Lagoon, having in consequence the said Mr. Renton disappeared from that very date, he said that he does not know anything, as he had said already; that as to the disappearance of Mr. Renton from his place of residence, yes, he had heard it mentioned, without being able to fix the date, as he does not remember.

Asked if he heard say, or is aware that any other person knows anything about the occurrence, he answered that he knows nothing more than is stated in his former answers.

The declaration that is written being read to him by means of the interpreter appointed, he ratified it, stating that he is of age, a native of the United States, a resident of this place, single, a blacksmith by trade, and he signed.

PACHECO.
SAMUEL DAVIS.
CESARIO AVILEZ.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

OFFICE OF THE JUSTICE OF THE PEACE OF IRIONA,
Brus Lagoon, September 17, 1894.

Having to interrogate the witness William Wood, who is not acquainted with the Spanish language, and not being present the interpreter who was appointed in the preceding act, let Mr. Philip S. Burchard be nominated as such, who shall be notified of his nomination for the legal effects.

Let it be published.

PACHECO.
 FAUSTINO HERNANDEZ.
 CARLOS GONZALES.

On the same date the interpreter, Mr. Philip S. Burchard, was notified of the foregoing nomination; and made aware of it he said that he accepted, swearing to comply with his obligation, and he signed.

FELIPE S. BURCHARD.
 PACHECO.
 FAUSTINO HERNANDEZ.
 CARLOS GONZALES.

On the same day Wyland Wood appeared in my office, and, legally sworn, he promised to repeat with truth all that he might know and might be asked; and being asked as to whether in the month of May he had seen the wife of Mr. Renton, if she was wounded, who accompanied her, in what house she was lodged, what route she took, and in whose company, he said that he saw Mrs. Renton, without being able to fix the date, but recollecting that it was in March; that he does not know if she was wounded, nor who accompanied her; that he saw her staying in the house of a Mr. Frank, without knowing whether she was going from there or in whose company.

His declaration was read over to him by means of the interpreter; he confirmed it, ratifying its contents and declaring that he is 24 years of age, single, a native of the United States, with residence in this place, where he is occupied in the position of a clerk, and he signed.

CLARO PACHECO.
 WYLAND H. WOOD.
 FELIPE S. BURCHARD.
 FAUSTINO HERNANDEZ.
 CARLOS GONZALES.

OFFICE OF THE JUSTICE OF THE PEACE OF IRIONA,
Brus Lagoon, September 19, 1894.

Having to take the declaration of some Sambo witnesses, and an interpreter being necessary, with that object let Mr. Gregario Torres be appointed, who shall be notified for his acceptance and swearing in.

Let it be published.

CLARO PACHECO.
 FAUSTINO HERNANDEZ.
 CARLOS GONZALES.

The interpreter, Don Gregario Torres, being notified of the preceding act, accepted the nomination conferred upon him, swearing to comply faithfully with his obligation, and signed.

PACHECO.
 GREGORIO TORRES.
 FAUSTINO HERNANDEZ.
 CARLOS GONZALES.

On the same date the Sambo Williams appeared in my office and, legally sworn, offered to repeat with truth all that he may know and that may be asked of him, and requested to state what he knows about the act at the head of these proceedings, he said that he knows nothing about the occurrence concerning which he is questioned, since, although he is a resident of the place where it happened, he was absent on the date mentioned, and that he has not known or heard anything about the matter since; and having been asked as to whether he knows that on the day cited in the act which has been read to him it was said publicly that Mr. Renton had been assassinated in his own dwelling house, situated in this place, the said Renton having, in consequence, disappeared on the same date, and whether he knows whether any other person can declare about the occurrence, he said that, as he has already stated, he knows nothing about the event referred to, and that he has only heard say that Mr. Renton had disappeared from the place, being ignorant of the motive and the date on which this happened, as he does not recollect; that, as he has already stated, he was absent, and knows nothing, still less can he indicate what person or persons can declare about the matter.

His declaration having been read to him by means of the interpreter appointed, he ratified it, stating that he is of age, single, laborer, a resident of this place, and can not sign.

CLARO PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same date the Sambo witness, Pedro Conti, appeared in my office, and being sworn in legal form, promised to repeat with truth all he may know and may be asked, and requested to declare what he knows about the act at the head of these proceedings, he said that respecting the deed to which the act which has been read to him refers, he can declare nothing about it, since, although he resides in the place of the occurrence about which he is questioned, his dwelling house is a mile distant from the one that belonged to Mr. Renton, and that consequently he could not have any knowledge of what had happened; that afterwards, though unable to fix the date, as he does not remember it, he had heard say that Mr. Charles Renton had disappeared from the place, the deponent being ignorant if it was on account of his having been assassinated or from some other reason, adding that he does not know if any other person can declare about the matter referred to.

His declaration having been read to him by means of the interpreter appointed, he ratified it, stating that he is of age, single, laborer, resident in this place, and can not sign.

CLARO PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same day the Sambo Damaso appeared in my office, and being legally sworn, promised to speak the truth in what he might know or might be asked, and requested to state what he knows about the act which heads the proceedings, he said that he knows nothing for certain of the deed to which the act that has been read to him refers, since, although it is a fact that he resides in this place, on the date that is cited in the act alluded to he was in Camon Island, and on that account is ignorant of what took place; that days after the date mentioned he knew that Mr. Renton was not to be found in this place, the deponent being unaware of the cause of this disappearance; that he does not know what persons can declare about the matter referred to, since, as he has already stated, he knows nothing on the subject.

His declaration having been read to him, he ratified it, declaring that he is of age, single, laborer, a resident of this place, and can not sign.

PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same day the Sambo Granvel appeared in my office, and being sworn in legal form, promised to speak the truth in all that he might know or might be asked, and requested to state what he knows concerning the occurrence referred to in the act that has been read to him, he knows nothing, as on the date cited, and when the occurrence about which he is questioned took place, the deponent was up the river Patook bringing down lumber, where he remained some time; nor has he heard what became of Renton, since, as he has already stated, he remained away from the place for a long time.

His declaration having been read to him by means of the interpreter appointed, he ratified it, stating that he is of age, single, laborer, a resident in this place, and he did not sign, not knowing how.

PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same day the Sambo woman Cooka appeared in my office, and being sworn in legal form, she offered to repeat truthfully all she may know or may be questioned upon, and requested to state what she knows about the occurrence that caused the act that heads these proceedings, she said that she ignores absolutely everything connected with the deed to which the act that has been read to her refers, as the deponent was not in this place, and that neither on the date which is cited nor afterwards has she known or heard anything relating to the fact about which she is questioned; and having been interrogated as to whether she knew what had become of Mr. Charles Renton, she answered that she was ignorant thereof.

Her declaration having been read to her by means of the interpreter appointed, she ratified it in all its parts, declaring that she is of age, a spinster, a cook of this place, and can not sign.

PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the same date the Sambo woman Lubaina appeared in my office, and having been sworn in legal form, promised to repeat the truth in all that she might know or might be questioned about, and requested to state what she knew about the deed that gave rise to the act heading these proceedings, she said that she absolutely ignores everything relating to the occurrence about which she is being questioned, on account of her having been absent from the place, occupied in making a corn-patch, and having returned long after the event that causes this inquiry, and that neither on the date cited nor afterwards has she known or heard tell anything relating to the deed mentioned; that as regards the disappearance of Mr. Renton from the place, she can declare nothing, being ignorant of it.

Her declaration having been read to her by means of the interpreter appointed, she ratified it, and stated that she was of age, spinster, cook, and a resident of this place, and could not sign.

PACHECO.
GREGORIO TORRES.
FAUSTINO HERNANDEZ.
CARLOS GONZALES.

On the 24th of the same month the American Charles Johnson appeared in my office, and being sworn in legal form, he promised to repeat truthfully all he might know or might be asked, and requested to state what he knew about the act heading these proceedings, he said that on the 14th day of March an individual with a cargo of provisions was going by; Renton forbade him to pass there in front of his house, and ordered the deponent to fire on him if he should pass there again; that on being reprimanded the person resolved to retire, but immediately returned, and that Renton on seeing him again he fired a shot at him, the deponent not believing that it was with evil intention, but that afterwards he heard the report of a firearm, feeling himself wounded in the leg, but ignoring where the shot came from; that on the following day, being in bed in the house of Renton, Renton being standing in the house, he heard him exclaim, "Jesus Christ, they have killed me;" but as he was in bed he was ignorant as to who fired the shot; that a few moments afterwards the wife of Mr. Renton, who was outside milking a cow, appeared, saying that they had wounded her, but that he only saw a scratch on her, which he believes she made intentionally; and being asked as to whether he knew that on the date cited Mr. Renton disappeared, he answered that he does not know where he went to.

His declaration having been read to him by means of the interpreter, Mr. Felipe S. Burchard, appointed in the act of the 17th of the present month, he ratified it, declaring that he is of age and a resident of this place, and signed.

CHAS. V. R. JOHNSON.
FELIPE S. BURCHARD.
CLARO PACHECO.
CARLOS GONZALES.
FAUSTINO HERNANDEZ.

OFFICE OF THE JUSTICE OF THE PEACE,
Iriona, September 27, 1894.

The present interrogatory proceedings being concluded, and having to remit the originals to the superintendent of this district, let testimony be given for the further legal effects, and let it be forwarded on the same date.

CLARO PACHECO.
CARLOS GONZALES.
J. PAIVE.

On the same date these proceedings were forwarded in seven pages. Q. C. Pacheco and for the legal effects I give as finished the present copy, which agrees with the original in Iriona, on the 27th day of September, 1894, which I sign and seal in the presence of the witnesses of the office.

Office of the justice of the peace of Iriona, district of the Mosquitia.

[SEAL.]

CLARO PACHECO.
J. PAIVE.
RAFAEL CASTELLANOS B.

It is correct.
Tegucigalpa, May 28, 1895.

J. A. DOMINGUEZ, *Sub. Secretary.*

Mr. Lazo Arriaga to Mr. Olney.

No. 59.]

LEGATION OF HONDURAS AT WASHINGTON,
Narragansett Pier, R. I., June 17, 1895. (Received June 20.)

Mr. SECRETARY: The minister of foreign relations writes me, under date of May 25, that he received a telegram on that day from the United States minister accredited to the Government of Honduras, whereby the said minister informs him that his Government is not satisfied with the result of the investigations relative to the murder of Mr. C. W. Renton, and the aforesaid minister of foreign relations consequently instructs me to furnish the following explanations to your excellency:

Mr. C. W. Renton is said to have been murdered on the 16th day of March, 1894, in his own dwelling house, in the uninhabited portion of the Mosquito Territory; it is suspected that his murderers were persons of foreign nationality, several of them being Americans, while no natives or citizens of Honduras appear to be charged with complicity in this criminal act.

The region in which it is stated that the deed was committed is the most lonely part of Honduras; in it there are no towns, even of minor importance, and, as a consequence, the action of the authorities can not be as easy or as efficient as it could in a district that was inhabited, or at least near to cities or towns enjoying the advantages of civilized life.

For this reason, and also perhaps because some of the few persons of foreign nationality who live in that section may have been interested in preventing this matter from coming to light, some time elapsed before Renton's death came to the knowledge of the authorities; the latter, as soon as the case was brought to their notice, held a suitable investigation and made every effort to detect the guilty parties; their efforts, however, have thus far been unsuccessful, either owing to the difficulties peculiar to that wild region, or mainly because some of the persons who could have assisted the authorities with their testimony, thus clearing up the mystery which surrounds this crime, have left Honduras—their whereabouts being unknown—and the others, who are of foreign nationality, have refused to testify; and, as there are not sufficient data to warrant coercion, it has been impossible to compel them to testify concerning the occurrence without giving cause for the presentation by their Governments of complaints or claims against the Government of Honduras on the ground that their citizens or subjects have been wrongfully coerced.

My Government, Mr. Secretary, which is most deeply interested in having all crimes and offenses committed within the Republic brought to light and punished according to law, has endeavored with all possible diligence to cause the authorities to investigate, as they have done and are still doing, in order to find out who was guilty of the murder of Mr. C. W. Renton, and who were guilty of complicity in that crime, to the end that they may be brought to justice. In taking this course my Government has endeavored to fulfill its constitutional duty of seeing that the laws are enforced and that justice is promptly and faithfully administered by the authorities, and at the same time, by the diligent investigations which have been made (as is shown by the reports of proceedings—a copy of which has already been sent to the American minister residing at Guatemala—and by those which as I am authorized to give your excellency the most positive assurance, will be made hereafter), my Government, I repeat, seeks to give that of your excellency the most conclusive evidence of its desire that foreigners in general, and Americans in particular, shall enjoy in Honduras the same

guaranties that are enjoyed among all other enlightened nations by the citizens and subjects of other countries.

The copy to which I refer, and which I presume has already been sent to the Department of State by the United States minister, confirms my assertions; and the proceedings which are now being held, and which will be continued until all means of investigation have been exhausted, and a copy of which I will send your excellency in due time, will not leave the slightest doubt, I trust, at the Department under your worthy charge that Honduras has done everything that can in justice be required of a Government that is constantly giving evidence of its desire and its firm purpose to fulfill its international obligations.

Be pleased, Mr. Secretary, etc.,

ANT. LAZO ARRIAGA.

Mr. Pringle to Mr. Olney.

[Telegram.]

GUATEMALA, *June 25, 1895.*

Minister for foreign affairs of Honduras telegraphs three arrests made in the Renton case.

PRINGLE.

Mr. Uhl to Mr. Young.

No. 183.]

DEPARTMENT OF STATE,
Washington, July 2, 1895.

SIR: I inclose for your information and files a copy of a letter from the Secretary of the Navy of March 28, 1895, covering a full report of the commander of the U. S. S. *Montgomery* of his investigation of the killing of Mr. Charles W. Renton at Brewers Lagoon, Honduras.

The Department suggests your careful perusal of this report.

Upon the expiration of your present leave of absence you will proceed, en route to your post, to Tegucigalpa, and there learn as to the present status of the case all that you may be able, and personally impress upon the authorities of Honduras the confident hope of the President that the persons implicated in the murder of Mr. Renton may be speedily brought to trial and, upon conviction, made to suffer the extreme penalty of the law. The President has reason to feel a deep concern at the apparently unnecessary delay which has been permitted in this case. His just expectation now is that the Government of Honduras will act promptly and energetically in bringing to justice all persons guilty of this atrocious murder.

You will urge these views upon the Government of Honduras and report fully the situation there.

I am, etc.,

EDWIN F. UHL.

[Inclosure in No. 183.]

Commander Davis to the Secretary of the Navy.

U. S. S. MONTGOMERY (AT SEA), *March 20, 1895.*

SIR: I have the honor to report that, in obedience to the Department's order of February 19, and the subsequent telegram of February 26, I left Mobile on the after-

noon of March 1. The weather was bad on that day, and as it was raining hard and very thick it was necessary to proceed with the utmost caution in the river and dredged channels, so that I did not reach the lower bay until after dark. The wind was blowing a gale from the southeast, and the sea breaking heavily on the bar, so I judged it prudent to anchor in the lower bay, and I did not get to sea until the morning of March 3. I reached Truxillo on the morning of March 7. Immediately upon my arrival I proceeded with the business of investigation in the Renton case. I appointed a board of three officers to assist me in collecting evidence, and in all cases in which it was possible and witnesses were willing to be sworn I took testimony myself under oath, availing myself of the authority conferred by General Order No. 441, of January 29, 1895, and submitting these sworn statements to the board. Their report is based mainly upon this sworn testimony. In no case did a witness object to testify under oath.

During my stay at Truxillo the official courtesies were exchanged. I visited the governor, who is a civilian acting in the temporary absence of the military commandante, and he returned my visit on the following day, and was shown over the ship. Among the papers at the United States consular agency at Truxillo is a copy of the will of the late Mr. Charles W. Renton, in which mention is made of the record of his title to his property at Brewers Lagoon. Before leaving Truxillo I deemed it advisable to ascertain if this record existed at Truxillo. I therefore called upon the governor for this information. This was the first intimation I had given the governor of the object of my visit to Honduras, though he must have become aware of it through common report. I found that no record of title existed in Truxillo. Mr. Renton held his land under a concession of the Government. His title was what is known as an agricultural title. The land had been part of the public domain, and the mere act of settlement was in itself a title during occupation, conferring, however, no right to sell or bequeath. Still, I am of the opinion that some record of Mr. Renton's concession might be found at Tegucigalpa.

On the day before my departure from Truxillo I received, through the United States consular agent, a message from the governor to the effect that he hoped to see me again before I sailed. I waited upon him immediately. Upon the occasion of his visit to the ship he had informed me that he would telegraph the fact of my presence in Truxillo to the President of the Republic, and I had begged him to convey to the President the expression of my respects and compliments. He now showed me a complimentary telegram from the President, directed to me through himself, and he then informed me that he had received another telegram from the President directing him to commence at once a new judicial proceeding in the Renton case.

In the conversation that followed the governor admitted to me voluntarily, that the previous investigation or investigations of the affair had been one-sided and partial, and that no witnesses had been examined except those who would testify in favor of the Brewers Lagoon Wood and Produce Company, either through interest or intimidation. The governor also asked me if I would carry with me to Brewers Lagoon an officer to be detailed by him to conduct an investigation in my presence. This I refused to do. I had full confidence in my own power to collect sufficient information to place the facts in the hands of the Department, unaided by any act of the Honduras Government. I reminded the governor that I had made no request or demand upon him for any action in the matter and that such steps as the Government might now see fit to take would be regarded by me as purely voluntary and as evidence of a friendly desire on its part to fulfill the obligations of the treaty with the United States. I had already collected enough evidence in Truxillo to convince me that the murder of Mr. Renton was a deliberate and brutal crime, and that, up to the present time, at least, there had been a persistent effort on the part of most of the foreigners on the coast and on the part of the Government authorities to excuse and justify this outrage upon an American citizen. I ascribe this effort (and I think the evidence justifies the assumption) to the fact that the Brewers Lagoon Wood and Produce Company was not only the wealthiest and most prosperous concern on the coast, but that they had, by a course of high-handed lawlessness and perversion of justice to a certain extent terrorized the whole coast, so that even in Truxillo people were afraid to openly condemn their acts. But their career of domination seems to be near its close. Only two weeks before my arrival at Truxillo Fernando Eude, a leading member of the firm and one of the four murderers of Mr. Renton, had deliberately shot and killed the captain of a British schooner from Belize on the quarter-deck of his own vessel at Brewers Lagoon in a quarrel over a question of money amounting to about \$30, and later in the same day he and Dave (the manager of the company) had returned to the schooner, and, intimidating the crew with their pistols, had taken the body of the murdered captain into their canoe, carried it ashore, and buried it on their stronghold at Cannon Cay. Up to this time his murderous enterprises had taken the safe form of attacks on the defenseless Indians or the assassination and abduction of American citizens, but as this latest victim was a British subject Mr. Eude though, it prudent to abscond, and is now a fugitive

in Nicaragua. Another brother and member of the company, Leo Eude, a resident of Truxillo, was arrested the day before I left Truxillo for smuggling. This man had been the company's agent with the authorities. During the investigation of Mr. Renton's murder the commandante under whose authority the investigation was held, and whose power in the province is supreme, was a guest in Leo Eude's house. The inference is sufficiently obvious, and the arrest of this man for the simple offense of smuggling would seem to indicate that the power of the company is on the wane. I mention these circumstances as having only an indirect bearing on the question under investigation, but as serving to establish the character of the perpetrators of the outrage upon Mr. Renton. The governor, in commenting on these crimes, intimated that the time had come when the Government must call the company to account. I had ascertained that it would be necessary for me to touch at Port Burchard and Tocomache on my way to Brewers Lagoon, in order to find certain witnesses whose testimony was of extreme importance to a clear understanding of the case. The governor was earnest in his solicitations that I would take his officer on board, and after discussing the question, and upon mature deliberation, I decided to assent to the governor's offer so far as to carry this officer to Port Burchard, upon the distinct understanding that I did so at the governor's own solicitation and as a compliment to him, and that I disclaimed all desire or intention of thereby interfering with or dictating to the Government in a proceeding which it voluntarily undertook, or of seeking the assistance of the Honduras Government in the prosecution of my investigation. There is no regular means of communication between places on this coast, and the officer's journey would be indefinitely delayed, and I reflected that the proximity of a magistrate might facilitate the investigation on my own part at Port Burchard and Brewers Lagoon. Accordingly, upon my departure from Truxillo I received this officer on board, and landed him within a few hours on the same day at Port Burchard. This officer's status was that of justice of the peace (*juiz de paz*), and his mission was to take testimony in the Renton case and to assist me in the collection of information should I call upon him to do so. I found no occasion to avail myself of his services and no difficulty in collecting sufficient evidence to make the case clear, and I had no further communication with him after landing him at Port Burchard (where I only stayed an hour) until my return to that place (where I had to touch again before final departure in order to discharge my Carib surfman), when he called upon me and offered his further services, which I declined. I consider that the act of the Government in placing this officer at my disposal was evidence of a desire to facilitate the object of my voyage and of a conciliatory spirit toward the United States, and in fact I consider that the moral effect of the presence of this ship on the Honduras coast has been extremely good.

As I had no great confidence that the steps proposed by the Government would lead to serious results or that any earnest effort to bring manifestly criminal parties to trial would be made without pressure, and as I had no authority to make such a demand, although the evidence collected by me would, in my opinion, have justified it, while every facility existed for the escape of the guilty parties should they become suspicious of further action, I decided before leaving Truxillo to send my cipher dispatch of March 13 and letter of confirmation dated March 13, 1895.

Before parting with the governor I notified him that in my investigation at Brewers Lagoon I might find it necessary to send my parties on shore with arms, and that such an action must not be regarded as an invasion of Honduras territory but as a precaution for my own safety, and he gave me full authority to land in force if I found it necessary.

I left Truxillo on the morning of March 13, touched at Port Burchard, and anchored off Tocomache the same afternoon. I reached Brewers Lagoon on the 14th.

There are no inhabitants at this place except the officers and employees of the Brewers Lagoon Wood and Produce Company, who occupy Cannon Cay and a cattle ranch on the south side of the lagoon, and a few Indians (*Waikas*) who live in scattered clusters of huts about the shores of the lagoon. When I reached Brewers Lagoon there were only two of the party implicated in the murder of Mr. Renton present, viz, Dawe, the manager, and Jesse Kittle. Of the others, Isert, who was only a guest of the company but the self-constituted leader and captain in the attack on Mr. Renton, had been examined at Tocomache; Fernando Eude had absconded after the murder of the English captain, as above noted; Edgar Eude had gone to the United States in the last vessel which loaded at the lagoon, and Sandham was at Sarataska. Charles Johnson, who was wounded in the first attack on Renton's house and was carried to the cay the next day by Dawe, was drowned about three months ago. The negro Johnson had left the service of the company and disappeared.

Immediately upon my arrival I addressed a letter to Dawe, a copy of which is herewith inclosed, offering to him and the others the opportunity to make any statement they might wish to have go on record in relation to the case. In a verbal message in reply Dawe expressed satisfaction that the matter was to be cleared up, and on the following day he and Kittle came on board and were examined. On the

16th, which by a coincidence happened to be the anniversary of the murder, I visited, with the members of the board appointed by me, the property of Mr. Renton on the south shore of the lagoon. On Sunday, the 17th, I sailed from Brewers Lagoon and left the Honduras coast for Mobile.

In regard to the investigation of the Renton case, I inclose herewith for the information of the Department the report of the board to me and the statements of the several witnesses examined on the coast, at Truxillo, Tocomache, and Brewers Lagoon. In regard to the report of the board, it has my fullest approval, and I desire to adopt it as my own. The evidence submitted will be sifted in the Department, and I believe it will be found that the simple statement of the facts is, in each case, fully borne out by the evidence, and that Mrs. Renton's original statement is a literal and explicit account, and is true in every particular. It is fully corroborated by the testimony of Sam Davis, who is the most important witness. Mrs. Renton's statement is the testimony of an eyewitness. Sam Davis had his story from the mouths of the murderers themselves. These two persons have not seen each other since a month before the murder, and have had no communication since, and their stories tally in every particular, because they are literally true. Contrast these two statements with the perjured evidence of Isert, Dawe, and Kittle, no two of which agree, and compare them with Dawe's confession. Even the smallest points may serve to establish the truth or falsity of evidence. Mrs. Renton states that when the house was burned her trunks were left in it, and that she was only allowed one small trunk and a few clothes. Isert testifies that McCoy carried off Mrs. Renton's trunks and appropriated them and their contents. I myself picked up in the debris of the ruins of Renton's house a trunk lock and fragments of thin metal which I easily identified as trunk trimmings. The board calls out the fact that Renton had been subjected to a systematic course of annoyance and persecution for sometime previous to the murder. It points to the fact that the point seized by Dawe as an embarcadero was actually less convenient for the uses of the company than the western point, which was unclaimed land. I would go further than the board, and say that the evidence shows that not only this, but the use of the Indian trail across Mr. Renton's land, which was a long way around to their ranch (see statement of Sam Davis), and the constant passing of armed men along this trail and within 20 yards of the house, were all a part of the system of annoyance which was deliberately planned to provoke Mr. Renton to the last pitch of exasperation and bring on open hostilities. One can imagine the effect of this upon a high-spirited man, who saw his business ruined and his home invaded and could get no legal redress because the law was bought by the other side. One can also guess what other causes of hatred might have existed from the fact that the aggressors and their apologists have sought to justify their crime by blackening the character of Mr. Renton and besmirching the reputation of his wife. Even the United States consular agent at Truxillo, who knew that these men invaded the property, burned the house, murdered the owner, and abducted the wife and niece, and who knew that one of these men was then a fugitive on account of another murder, testified that the company were honorable men and that the Rentons were bad people.

A very different character was given to the Rentons by Sam Davis, their staunch friend through all the trouble, and by their humble neighbors of the Indian village, who worked for them and who feared the company. And when the crime was finally consummated it became necessary for the perpetrators to set up a story at variance with the truth to justify their acts and to make it appear that Mr. Renton had fled—disappeared—after an open battle in which he had been the aggressor, and that Mrs. Renton had left the country of her own accord. They could intimidate the Waika Indians, who had been driven from their village on the day of the murder, with threats and abuse; they could terrorize the coast so that even reputable citizens at Truxillo became their apologists; they could buy the law so that its officers became their agents; but they could not invent a plausible story. Some color might have been given to the romance if Mr. Renton had been killed outright when shot on his own threshold by men in ambush on his own land at daylight on March 16. But, though grievously wounded, he lingered through the long hours of the day. He survived the plunder of his property, the burning of his house, and the carousal and dispute which must have attended what Isert calls the "council of war" which decided his fate—the forcible abduction of his wife and niece. And when the night was sufficiently advanced, and the village deserted by its terrified inhabitants, the four assassins—Isert, Fernando Eude, Sandham, and Kittle—dragged him forth before the smoking ruins of his desecrated home and murdered him in cold blood. Compare this statement of the truth with the flimsy fiction invented by Dawe, that when her husband ran into the bush Mrs. Renton begged for money to leave the country because she knew that he would not come back.

With regard to the money indemnity claimed by Mrs. Renton, it is impossible to obtain a just estimate of the valuation of the property destroyed or stolen. Those who agreed in palliating the crime also agreed in undervaluing the property. I

myself saw the evidence of thrift and industry at Renton's place. I saw many young cocoanut trees, and lemon, lime, and orange trees in various stages of growth. I saw the wire fencing, and the ruins of the house, and the foundation of the new house which Renton was building. My movements were watched from the cay, and when my boats were seen to leave the ship Kittle was dispatched at once to precede me, and the two mules were loosed from the company's ranch and were grazing at their old home on my arrival. I learned from the Indians that they had been owned and used by the company and had appeared on Renton's place that morning just before my arrival. I saw the neglected flower garden and the overgrown walk, and the gate hanging from its rusty hinges. I saw the cocoa patch and the cow corral, and the choked-up well. I saw the cooking stove and fragments of china and cooking utensils in the ruins of the house. I learned that the lumber destined for the new house, and the shingles siezed by Dawe and used by him to build a house on the cay for his Waika mistress, had been hewn out by Renton from the timber felled in the pine ridge by the labor of his own hands, and that only the sills and flooring were of lumber imported from the United States. I could not put a money value on these things. I know that Renton's whole fortune was in this place, and that he was robbed and murdered, his property destroyed, and his wife driven forth from a country in which protection is guaranteed by a treaty to American citizens. Mrs. Renton's statement of the crime is literally true and not exaggerated. I should incline to accept her estimate of the damages as true also.

The witness, Sam Davis, is an intelligent American negro, a blacksmith by trade. His evidence was straightforward and unaffected, and convincing by its simplicity. He had been by turns cajoled and threatened by the members of the company, and when examined in the investigation which followed the murder he was allowed to state only such facts as he had witnessed, and was quickly dismissed. Only a few weeks ago Edgar Eude offered him \$150 to go with him to New Orleans in a steamer then loading at the lagoon, but Davis refused, though very anxious to reach home, because he believed that Eude would murder him on the voyage. After testifying to me, he believed that his life was no longer safe in Honduras and appealed to me for protection. I should have attached less weight to his apprehensions but for the recent crimes of the Eudes and the facility and impunity with which murder may be committed in this country; and I should have hesitated to withdraw so important a witness were it not for the fact that under the laws of Honduras, in trials for murder, testimony of eyewitnesses is alone accepted, and circumstantial evidence is not admitted. I believe that his fears were well grounded, and I could not resist his appeal for protection. He left behind him his tools, some little property he has in Truxillo, and a claim amounting to \$700 for wages from the Brewers Lagoon Wood and Produce Company. This proves the sincerity of his fears. I have enlisted him on board this ship as a coal passer.

Another person whose testimony was taken, and whose statement also appears in the papers forwarded by the Department, is James Hardy, an American citizen. I found this man in the utmost destitution at Truxillo. Believing him to be a worthy object for protection, and on the strength of a consular certificate of distress, I have brought him to the United States and shall land him at Mobile.

* * * * *
I have the honor, etc.,

C. H. DAVIS,
Commander, United States Navy.

ANNEX A.

Report of board to Commander Davis.

U. S. S. MONTGOMERY (AT SEA), March 18, 1895.

SIR: In obedience to your order of March 1, 1895, appended to this report, the board convened on board this vessel on Saturday, March 2, 1895, and proceeded to examine and consider the documents forwarded by the Navy Department under date of February 19, 1895. Subsequently, from time to time other meetings of the board were held to receive statements from and examine persons having knowledge of the circumstances, and to consider statements made under oath to the commanding officer relative to the matter under investigation.

The board also personally visited the property occupied by the late Mr. Charles W. Renton, at Brewers Lagoon, Honduras, and satisfied themselves concerning the locality and present condition of said property.

We find the facts of the case to be as follows:

Charles W. Renton and wife, citizens of the United States, about seven years ago went to Brewers Lagoon, Honduras, and settled upon a tract of land conceded to Mr. Renton by the Government of Honduras, on the southern shore of the lagoon,

near the mouth of the Patook River, about 11 miles from the entrance of the lagoon from the sea. Mr. Renton appears to have been a very industrious man, of good and temperate habits, working to establish himself permanently in this new home which he had selected. He built a good-sized dwelling house, which was destroyed by the hurricane during the summer of 1893. At the time of his murder he was living in a 1-room house and was engaged in building a large 2-story house, of which the small one was to be a portion. The material for these dwellings he imported partly from the United States, and the remainder he cut in the pine ridge about 5 miles distant from his home. He laid out the grounds about his house, having a flower garden in front and a vegetable garden at the side, while in the rear was a pasture for his cows. He had inclosed his entire property by a substantial wire fence, and in front of the house he had a picket fence with swinging gate.

He had under cultivation a large number of orange trees of different ages, some of them having reached the bearing state. He had also cocoa plants, lemon, lime, and coconut trees. A great quantity of mining machinery brought from the United States was lying near the site of the house.

The Rentons had for neighbors a number of native Indians, whose huts were within earshot to the eastward of the house. From the statements made by these Indians, it appears that the Rentons always treated them fairly and paid them for their labor. The next nearest neighbors were the inhabitants of another Indian village about a mile to the westward.

Mr. Renton kept a store at his house and traded with the natives, buying their rubber, hides, sarsaparilla, etc., and seemed to be well liked by them all. It also appears that the natives preferred to do their trading with Mr. Renton to any other foreigner in the neighborhood.

From one to two years after the Rentons had settled upon their concession a company known as the Eude Bros. (Frenchmen) obtained a concession from the Honduras Government to cut and export mahogany from the vicinity of Brewers Lagoon. Upon first arriving, the Messrs. Eude lived at the house of Mr. Renton, and continued friendly until they had some personal disagreement, when they moved to Brewers Lagoon village.

This company continued in operation for about nine months, and after a lapse of about a year their concession was taken up by the Brewers Lagoon Wood and Produce Company, of Balize, British Honduras, the Eude brothers receiving a certain part of the stock of the new company, the money for this enterprise being supplied from Balize and London. The management of the works of the company was given to a young Englishman named J. G. Dawe, who established the headquarters of the company on Cannon Island, in Brewers Lagoon, about 4 miles from the entrance from the sea. The company built houses and conducted a store for their employees, and for their protection mounted four cannon, found on the island, and supposed to have been left there by buccaneers.

The members and attaches of the company concerned in the affair under investigation are as follows: J. G. Dawe, Fernando and Edgar Eude, Arthur Sandham, Jesse J. Kittle, Arthur Isert, and a negro named Johnson.

Mr. Dawe is a man about 30 years of age, had a good reputation before he came to Cannon Island, but, being of a weak nature, was easily led by the unprincipled men who were with him. He married a woman, half negress and half Indian, from Balize, and besides, kept an Indian mistress, both living on the cay or island. In the presence of this board he confessed to having committed perjury, and acknowledged his complicity in the murder of Mr. Renton.

Fernando Eude appears to be a desperado of the worst type. He has terrorized the natives and Indians of the whole lagoon, and especially is this the case since the Renton murder, as, upon interrogating people of the neighborhood, fear of him was repeatedly expressed. His latest crime is the murder in cold blood, in the latter part of February, 1895, of the captain of an English schooner, on board his own vessel, and for which he is now in Nicaragua a fugitive from justice.

Edgar Eude appears to be a man of the same general character as his brother, and is especially notorious for having made threats against the Rentons before the final accomplishment of their desires, the murder of Mr. Renton and the seizing of his property; and since the murder he has been particularly active in attempts to silence all persons who might give unfavorable testimony. He has always openly expressed his satisfaction at the finishing of Renton, and his regret that Mrs. Renton and her child were not also done away with.

Jesse J. Kittle is an American from Texas, 24 years of age, a thoroughly unprincipled tool in the hands of his master, and innately a hardened villain. The fact of his having committed perjury is clearly shown by his sworn statement relative to the murder of Mr. Renton, when taken in connection with the confession made by Mr. Dawe.

The board did not have an opportunity to interrogate Mr. Arthur Sandham, but his low character is clearly established by the testimony of others before the board.

Each of the above-named men kept one or more native mistresses.

The negro Johnson was simply an employee of the company, capable of doing their bidding in any criminal matter.

Arthur Isert is an American from Pittsburg, Pa., about 40 years of age, and evidently of good education. He claims to have been educated in Germany as a mining engineer, and to have come to Honduras from California in 1889, being for a time engaged at his profession in the mines of that country, and finally drifted to the Gulf coast, where he has since been engaged in various callings. He now lives on a small plantation near Tocomache, and at the time of the Renton murder was sub-commandante of that district, and was then and had been for the previous three months, with his wife, on Cannon Island, as a sort of charity guest of the company. He is a desperado of the most dangerous type, clever and unscrupulous, and by his superior education has become a leader among the less educated and ignorant persons with whom he associates, and is generally feared by both natives and foreigners living along the coast.

Leo Eude, a brother of the above-mentioned Eudes, and a member of the company, is a resident of Truxillo. He has had great influence with the authorities at that place; the commandante at the time of the murder living at his house. He (Eude) is now in jail at Truxillo, serving a ten months' sentence for smuggling.

Soon after the Brewers Lagoon Wood and Produce Company took up their headquarters on Cannon Island they had a dispute with Mr. Renton, who had, in addition to the land occupied on the south side of the lagoon, planted a number of cocoanut trees on the point which formed the eastern side of the entrance to the lagoon. The company decided that they wanted this land and proceeded to take it for use as a landing place for their mahogany in squaring their logs for shipment. In occupying this land they pulled up a number of Mr. Renton's cocoanut trees. It may be noted in connection with this that the opposite side of the entrance to the lagoon was not claimed by anyone; was on the channel leading to the deeper water of the lagoon, nearer the island and also nearer the open seas; thus evidently offering many advantages for purposes of the company over that land seized by them from Mr. Renton. Mr. Renton protested and disputed the right of the company to seize his land, but they, with their influence with the local government, got a decision in their favor. This action of the company made Renton very unfriendly toward them, and they in turn continued incessantly to annoy and injure him in every way possible.

Two years before the murder there was another dispute about the use of an Indian trail which led through Renton's fenced land; the Government was appealed to and a decision rendered against Renton, after which the company had a free access to the trail. There were mutual charges from time to time of stealing and killing of each other's cattle, but neither appears to have proved the correctness of the charges against the other until after the murder of Renton, when it is known that the company did appropriate to its own use Renton's live stock.

Throughout all these annoyances Renton showed a sturdy front, a determination to maintain his rights, and a disposition to fight all encroachments to the bitter end.

It appears that the company then determined to do away with Renton and to obtain possession of all his property and rights and waited for the first favorable opportunity to accomplish this purpose.

This opportunity seems to have presented itself on the morning of March 15, 1894, when negro Johnson was sent with a pack horse carrying supplies to the company's ranch in rear of Mr. Renton's home, where they kept their work cattle. As this negro carried a rifle in passing Renton's house and through his property, Renton objected to his going through with this rifle, and after some conversation upon the subject, the negro left his horse in front of Renton's home and returned to the Indian village, about a mile back, to report to Kittle, who had charge of the work cattle. There he found Dawe and Fernando Eude, who had left the cay that morning.

Dawe instructed Johnson to go back, and said that they would follow behind in the bush and protect him, at the same time directing Johnson to entice Renton out of his house by means of threats and abuse. This the negro did, finally succeeding in causing Renton to come out, followed by Mr. Charles Johnson, an American, temporarily in the employ of Mr. Renton. Shots were exchanged between the negro and Mr. Renton and Mr. Johnson, but it is not clear who began the firing. Dawe, Kittle, and Eude immediately opened fire from their positions in the bush, not more than 50 yards distant, wounding Mr. Charles Johnson, the American, in the leg. Mr. Renton then dragged the wounded man into his house, where he remained upon the earnest solicitation of his wife. After waiting some time, the negro Johnson continuing his abuse of Renton, Dawe returned to the village and wrote to the cay for reinforcements, while Kittle and Eude crossed the lagoon in a boat to prevent Renton escaping from the other side should he attempt to do so. They finally brought up at Cannon Cay, after chasing a boat containing an Indian woman and child who were fleeing from the village, being frightened by the firing, and whom they suspected to be Renton escaping. At the cay they joined the remainder of the gang, and all left for the village where Dawe was as soon as the weather would permit, this being about 11.30

or 12 o'clock at night, all being well armed and prepared for the proposed work. To reinforce their courage they carried with them from the cay a demijohn of anisette.

The party now consisted of Isert, who took the lead, Fernando and Edgar Eude, Dawe, Kittle, Arthur Sandham, and negro Johnson. They divided into two parties, surrounded the house, and awaited the appearance of Renton. This was about daylight of March 16, 1894. When he came out to milk the cow, as was his custom, Renton had hardly stepped across the threshold of his door when they fired upon him, one shot striking him on the right side, passing out of the back on the left side below the heart. Renton fell back into the house, his wife closing the door, and in this act she received a wound in the wrist from a buckshot, evidently fired by Isert, who was the only one of the party armed with a shotgun loaded with buckshot cartridges.

There was then a parley, Mrs. Renton offering to give up the house if their lives were spared. Finally there was a complete surrender. The wounded men (Renton and Johnson) and Mrs. Renton and the child were taken to an Indian hut about 50 yards from the house, and there kept under guard. The house was then robbed of everything of use to the gang, Mrs. Renton being allowed only a few portable articles, and was then set fire to and burned to the ground. Soon after the burning of the house the wounded man Johnson was taken to the cay by Dawe, who, as the manager of the Brewers Lagoon Wood and Produce Company, later on supplied Mrs. Renton with \$100 cash and an order on a Mr. Cockburn, of Cape Gracias, for \$185, this being claimed by Dawe as payment for the lumber and shingles belonging to Renton, and which were afterwards appropriated by the company. This money was in Honduras currency.

About 7 p. m. of that evening (March 16) Mrs. Renton, with her niece, was forcibly sent away in a boat guarded by Edgar Eude, a negro named McCoy, and with some Indians accompanying them. She was taken across the lagoon to Patook, where she was detained a close prisoner for several days, while Eude held communication by means of messengers with his confederates on the cay; finally moving on to a place 12 miles to the eastward, where he was joined by Isert, Kittle, Sandham, and Fernando Eude. It appears that they intended to kill Mrs. Renton and the child, but becoming alarmed by the speed of the news along the coast that she was a prisoner in their hands, they concluded to abandon this idea.

They then ordered her to proceed on into Nicaragua, and threatened to kill her if she should ever return to Honduras. The treatment of Mrs. Renton from the time of her forcible removal from her home to that in which she was left on the road to Cape Gracias was harsh and brutal.

Mr. Renton, shortly after the forcible removal of his wife, was dragged from the hut, in which he had lain wounded all day, by Isert, Fernando Eude, Kittle, and Sandham.

It is not clear to the minds of the board in what manner Renton was finally murdered, but we are convinced that his life was taken by the four men who dragged him from the hut between the time of such removal (about 8 p. m.) and their return about 4 a. m. of the following day without him. Renton was certainly alive up to the time of being taken away by the four men above mentioned, as persons have testified that they talked to him and furnished him with food throughout the day.

After a careful personal survey of the Renton property as it now stands, and from all evidence collected, the board is of the opinion that Mrs. Renton's claim for \$37,420 damages incurred is a just one. All the portable property on the place at the time of the murder has since been either destroyed or appropriated by the Brewers Lagoon Wood and Produce Company, and the Honduras authorities have taken no steps whatever to prevent such destruction or appropriation.

We are further of the opinion that all legal steps taken by the Honduras authorities relative to the murder of Renton, the abduction of his wife and niece, the burning of his dwelling, and the robbery of his personal property were either half-hearted and farcical, or were smothered at the outset by bribery and corruption.

Very respectfully,

J. H. BULL,
Lieutenant, U. S. N.

JNO. A. MUDD,
Passed-Assistant Paymaster, U. S. N.
THOMAS WASHINGTON,
Ensign, U. S. N.

Approved, March 20, 1895.

C. H. DAVIS,
Commander, United States Navy.

Commander Davis to Lieutenant Bull.

U. S. S. MONTGOMERY,
Mobile, Ala., March 1, 1895.

SIR: A board is hereby ordered to convene on board this ship on Saturday, March 2, 1895, at 3 p. m., or as soon thereafter as practicable, for the purpose of aiding the investigation which the commanding officer is directed to make of the alleged killing of Mr. Charles W. Renton, at Brewers Lagoon, in March of last year.

The board will consider, first, the documents accompanying the orders of the Department of February 19. Upon the arrival of the ship at Truxillo the board will hear and record such evidence as may be available at that place, and in order to collect all possible testimony, the board will make diligent inquiry on shore and hold personal intercourse with all such as can or are willing to testify in the case. If any such are willing to testify under oath, their testimony will be taken on board ship, in order that the oath may be administered by the commanding officer, in accordance with General Order No. 441, of January 29, 1895. The same process will be followed at Brewers Lagoon.

The commanding officer will reserve the right to assist at the meetings of the board and to make verbal suggestions from time to time. The inquiry will include not only all the facts, but also the judicial procedure which has followed, and the board will state in its final report whether, in its opinion, such procedure has been as thorough as the case demanded.

The board will be composed of yourself as senior member, and of the following-named officers: Passed Assistant Master J. A. Mudd, U. S. N.; Ensign Thomas Washington, U. S. N. T. P. Greene, equipment yeoman, U. S. N., will act as recorder.

Respectfully,

C. H. DAVIS,
Commander, United States Navy.

ANNEX B.

a statement of consular agent at Truxillo.

The board went on shore at Truxillo, Honduras, March 7, and proceeded to the United States consular agency; listened to a statement from Consular Agent R. Boyce. Dr. Boyce first presented a letter which he received last summer from J. Grovesnor Dawe, a copy of which is appended to the record marked A; also a copy of a statement from Charles V. R. Johnson, sent by Mr. Dawe, appended and marked B. The consul had also in his possession letters to him from Mrs. Renton, and a daughter of Mr. Renton's, Charlotte Renton Donnelly, of Salt Lake City, Utah. The consul states that Renton had lived at Brewers Lagoon six or seven years; that when he first came to the country he landed at Puerto Cortez, Honduras, and from there went to the capital at Tegucigalpa, where he stated that he was not married; that after he had been there for some time he was joined by a woman who called herself Mrs. Renton, but was known as his wife only by name. It was always understood that they were never married. From the capital the Rentons went to Brewers Lagoon, where they occupied a piece of property about a mile back from the beach, keeping astore and trading with the rubber men from up the river. He had seen Renton personally two or three times while living at Patook some four years ago, having resided there for six months. Renton was a man about 55 years of age; had a reputation of being a hard drinker and difficult to get along with. Mrs. Renton was a woman between 30 and 35 years of age; had been seen by him several times at Patook. She did not bear a very high moral character; had been seen by him drunk. His own opinion formed of her from observation at Patook was that she was a woman of loose character. The Brewers Lagoon Wood and Produce Company established themselves on Cannon Island, in Brewers Lagoon, about 4 miles from where Renton lived, and some two years afterwards the concession for cutting mahogany was granted by the Honduras Government to the Ende brothers, whose nationality is French, and they in turn sold their concession to a syndicate, of which J. G. Dawe is manager, keeping an interest in the concern. He (the consul) said that he knew nothing against them, the people at Cannon Island, and the business standing of the company was good, as far as he knew. The consul seemed to have very little knowledge of the disappearance of Renton. He said that the place was 100 miles from here, with very irregular means of communication, and that he got most of his information from New York papers. The investigation which was held at Truxillo by the comandante some two months after the alleged murder of Renton was nearly completed before the consul knew that it was in being, and then he only incidentally heard of it; that Leo Ende, one of the brothers and the one living in Truxillo,

came to him and told him that the investigation was going on, and that he could come if he wanted to. He went around to the place where the investigation was being held, but heard no testimony, and was himself interrogated if he, himself, knew anything about it. He understood that no evidence had been against the Brewers Lagoon people. He also stated that he was not asked if he wished to interrogate any of the witnesses. In his opinion, the proceedings were a farce; that there was no real investigation of the affair, and was done only to carry out the instructions from the capital.

[NOTE.—The consul's remarks on the subject of this investigation and of his first intimation of the murder of Renton seem rather evasive or cloudy. The consul further said that, relating to this investigation, the before-mentioned Leo Eude was very intimate with the Comandante Arguello, who lived at Eude's house; that the people from Brewer's Lagoon were not arrested in any way—were simply called up to Truxillo by the comandante, and were at large during the proceedings of the court. The consul had never seen any record of the procedure of this court].

During the examination of Mr. Glynn he remarked that the murder had taken place so long ago that the details were forgotten by him (the consul).

ANNEX C.

Statement of Mr. John Glynn.

Heard the news of Renton's death three or four days after it had occurred. That it was generally understood that Renton was killed by the people of Cannon Island, of the Brewers Lagoon Wood and Produce Company. That the story as told was that one of the employees of this produce company entered the pasture of Renton and was ordered off, and that the members of the produce company organized a squad, went and murdered Renton, burned his house, and threw his body in the swamp. That Mrs. Renton was sent out of the country to Nicaragua, and was not allowed to come up this way, where she had friends. That the Rentons had done their business in Truxillo, and his opinion was she would naturally come up here had she been allowed. That the vessels from Brewers Lagoon came up this way, and it was nearer to get away in this direction than to get over the swamps to Nicaragua. Renton at one time did a very thriving business at Brewers Lagoon, buying his stores at Truxillo, where he paid his bill regularly and enjoyed a very good reputation in a business way. Later, owing to the loss of a boat load of goods in the surf, valued at about \$2,500, he, after their loss, did [not?] pay for these goods. Renton first came to this country and was manager of a large gold mine near the capital, and that it was understood he had lost a great deal of money there, having the reputation of being a rich man when he came to the country. That after Renton had settled at Brewers Lagoon, they (the Brewers Lagoon Wood and Produce Company) made their headquarters on Cannon Island. They trespassed on Renton's land; that he objected, and that bad feeling existed between the parties, and that the manager of the Brewers Lagoon Produce Company had sent men and had destroyed coconut trees belonging to Renton, as he understood, in spite. That Renton complained to the authorities (Honduras), protesting against these trespasses, and asked for protection, but never got any satisfaction. He said that Renton was sober, so far as he knew; that he never knew of Mrs. Renton's drinking, having seen her very often at Truxillo, but knew that she was a woman of loose character. He considered that the investigation held at Truxillo after Renton's murder was in the interest of the Brewers Lagoon Wood and Produce Company, and only such witnesses were examined as they brought, and none of the principals were examined. That Charles Johnson, who it was well known had direct knowledge of the murder of Renton, was sent to Ruatan Island until after the investigation was over. That Johnson was said to have been given a check, value unknown, to keep quiet, but the payment of the check was stopped before he could draw it. The check was on the Port Burchard and Honduras Fruit Company. He understood that Charles Johnson was found dead on the beach between two and three months ago at Black River, about 15 miles west of Brewers Lagoon. No investigation of his death was held, and the matter never inquired into. Another witness, Galenite, a Carib, offered to give testimony to the comandante as to where Renton was buried, and some facts relating to his murder; that the comandante told him that he would put him in jail and give him 100 lashes if he did not hold his mouth. Also that one Indian and two negroes were sent away to keep away from the court.

[NOTE.—He said that Sam Davis could tell who the Indian and negroes were; that Sam Davis would be a good witness if brought on board ship.]

He also stated that the mining machinery mentioned in Mrs. Renton's inventory had been shipped by to Brewers Lagoon, and belonged to the Bija Mining Company.

UNITED STATES CONSULAR AGENCY,
Truxillo, Honduras, March 12, 1895.

Personally appeared before me, John Glynn, an American, and his statement, as above, being read over to him, makes oath in accordance with law that this is a true statement of all within his knowledge as bearing upon the case under investigation.

C. H. DAVIS,
Commander, United States Navy.

ANNEX D.

Statement of James Gillespie.

TRUXILLO, HONDURAS, *March 9, 1895.*

James Gillespie, a Canadian, and more recently a resident of Los Angeles, Cal., states that he has been in the country some seven years, engaged on the canal to the Aguan River. States that he has never been at Brewers Lagoon, but knew all the parties that are said to be connected with the Renton affair. He knew that Renton has been at the lagoon for seven years, and knew him during that period, and remembers when the story of Renton's murder was brought to Truxillo. He was in Truxillo, and living in Rodrique's house at the time of the so-called investigation. Izert, Sandham, and Kittle came and stayed at the house during the investigation. He did not see much of them as he was sick in bed. Dawe did not come to the investigation. He understood that Johnson started with the party in a boat from Brewers Lagoon, but he was left somewhere on the way. Dawe came to Truxillo about Christmas, 1894, and came to see him at his house. Dawe offered his hand, but asked if he (Gillespie) was afraid to shake hands with a murderer; that he had known Dawe for a long time, so shook hands with him. He then asked about the Renton affair. Dawe told him that his people had been in the habit of going through Renton's grounds to take supplies to the cattle people; that one morning the Carib was stopped by Renton and came back and told Dawe about it. Renton had drawn a rifle on him. Dawe stated that they talked it over on the cay, and they agreed to form a party and follow after him. That Renton fired at the boy when he came in sight and at their party, which was returned by the party. Dawe said that Renton ran for the bush, and that they chased him for half a day, but did not catch him. He asked Dawe if Renton was hit; Dawe said that he had hit Renton, and if he had died that he had killed him. Dawe said that the only mistake that he had made was that he had not made away with Johnson also. In connection with Johnson he has since learned, from a Mr. Wallbank, of Chicago, that Johnson was employed during the latter part of 1894 by Dawe to look after his cattle, and that he has since learned that Johnson was lost in a creek near Black River. Dawe stated that he heard Renton went to Caratasta Lagoon and was coming back with a party of Americans to clean them out, and he had gone with a party and laid in wait at a pass for two days, but Renton's party did not appear. Dawe stated that he had paid Mrs. Renton a certain sum of money and had not taken it away from her. Dawe also said that Mrs. Renton was not wounded, but all other parties said she was. McCoy, a negro, who is now at Belize, was at the shooting, and brought the first news of it to Truxillo. He (Gillespie) thought that Dawe was afraid of Izert's giving everything away, and from what Dawe said, that Dawe had quarreled with Izert. Sam Davis, an American negro, was at the lagoon at the time of Renton's murder. He had known Renton personally, and there was no doubt that he had the reputation of having a bad temper; that Renton had some previous trouble with the Brewer's Lagoon Wood and Produce Company, and had complained to the Government, and had asked protection through the United States consular agent; that the governor had sent an officer and six soldiers to Brewer's Lagoon; these returned and stated that Renton had had trouble with the Musquito Indians whom he employed in digging post holes; that Renton would not pay the Indians, but compelled them to work by holding a rifle over them. This officer returned and reported that Renton was at fault, and the consular agent wrote him a strong letter. Never saw anything out of the way about Renton. He was always gentlemanly and quiet, but he must have been a little queer in the head. Dawe told him that it was nothing uncommon for Mrs. Renton to ask him to come over and sleep with her when Renton was away. He does not think that Dawe shot Renton, but Dawe takes the blame to shield others; states that the general opinion was that Renton's murder was a dirty, willful affair; that they went out to Renton's house and killed him; states that the Government and everyone is down on the Dawe gang. The Dawe company does not own Cannon Island, but has possession by concession from the Government; states that at the time of the Truxillo investigation the whole coast was under martial law, and the power of the comandante was law; stated that he thinks Mr. Allen, of Black River, looked after the burial

of Charles Johnson, found dead a few months ago; he thinks that Johnson was murdered, and not accidentally drowned; says that Mrs. Renton was a regular prostitute, and that she drank; that Renton did not drink; he heard the news of Renton's murder two or three days after it occurred, at Truxillo; said that Renton had a good reputation in a business way, but otherwise unpopular.

U. S. S. MONTGOMERY,
Truxillo, Honduras, March 11, 1895.

Personally appeared before me James Gillespie, a Canadian, and his statement as above being read over to him, makes oath in accordance with law that this is a true statement of all within his knowledge as bearing upon the case under investigation.

C. H. DAVIS,
Commander, United States Navy.

ANNEX E.

Statement of George Hill.

TRUXILLO, HONDURAS, *March 9, 1895.*

George Hill, an English subject, native of Belize, stated that he had been to Brewers Lagoon two or three times since the murder of Renton, first time about a month after Renton was killed, and the last time he left there only within a week. Said that he was well acquainted with Renton, and very much interested in Renton's death, having at times stayed at Renton's house when at Brewers Lagoon. He talked with a Nicaraguan, whose name he thought was Blas, who lived on the savannas not far from Renton's place. This Nicaraguan had told the same story on two different occasions, the last time only a week ago. This in effect was that a party of seven men, consisting, as far as he could remember, of Dawe, Izert, Fernando, and Edgar Eude, Kittle, Sandham, and another, had gone to Renton's place early in the morning, and when Renton opened the door at daylight they shot him, then tied him and dragged him out into the bush, beating him as they went with sticks, and Renton begged for mercy and promised to sign any paper that they might require if they would spare his life. They called him a traitor and finally blew out his brains. That Mrs. Renton was sent off to Cape Gracias, and he understood that she was paid \$100 by them to go away to pay her expenses. Another man that was with Renton at that time, whose name he did not know, was shot in the leg, and had to beg mightily hard for his life. The Nicaraguan did not know what had become of this man. This Nicaraguan lives between Black and Plantain rivers, at Storr's place, about 22 miles from Port Burchard. Hill further stated the only people left on the cay were Dawe and Edgar Eude, and a man by the name of Brinton, who had come there recently. That Kittle cleared out about three months ago. A number of Indians are living at Renton's place now, who may have been there at the time of the murder. Hill also stated, when Fernando Eude cleared out after the murder of the captain of the schooner *Lizzie Susan* last week, he rode a mule that had belonged to Renton. Every one was afraid of stopping at the cay, and it is very hard for the company to get people to work for them. People that live near will not work for them. People on shore talk very freely of the murder; those on the cay—they are afraid to speak of it. Sam Davis is at Fort Burchard, and it is understood that he has fallen out with the Dawe gang. Renton lived about 4 miles from the cay, and was considered by him (Hill) as a good, honest man, very steady in his habits and a good man to work for; that Mrs. Renton was a good woman, as far as he knew.

That the trail was an old one, and that the public had a right to pass by. He knew that Renton had a number of cocoanut trees and a number of orange trees about the house, and a lot of shingles and lumber when he was there, five months before Renton was killed. On one of his recent visits he had seen the ruins of the house. He also knew that two and a half years ago Renton had 180 head of cattle, which he used for breeding but not for sale. He also knew that he had bought quite a number of cattle of Gross at Patook River.

U. S. S. MONTGOMERY,
Truxillo, Honduras, March 11, 1895.

Personally appeared before me George Hill, a British subject, and his statement as above being read to him, makes oath in accordance with law that this is a true statement of all within his knowledge as bearing upon the case under investigation.

C. H. DAVIS,
Commander, United States Navy.

ANNEX F.

Statement of James Hardy.

TRUXILLO, HONDURAS, March 9, 1895.

James Hardy, an American, from New Jersey, United States of America, appeared and heard read to him his statement before the United States consular agent at Bluefields, dated April 26, 1894 (inclosure No. 2, papers from the State Department, United States), and declared it to be the truth in every particular. States that he had stopped at Brewer's Lagoon the second time a few days ago on his way to Truxillo; that the people do not talk about the Renton case. States that Harry Rhodes is dead.

Does not know where Phillpott and Tennant are. Saw Sam Davis on his way up. Says that he saw Mrs. Renton at Bluefields after the murder; that he has his opinion of the wound. Did not look as if she was wounded much. Mrs. Renton was kind of skittish and every one knew her. He saw Johnson at the cay for the first time after the murder; he was kept in a hut, and it seemed to him as if he was detained there. Johnson told him that they would not let him leave the cay. Hardy offered his assistance and that of his three friends, but Johnson seemed afraid to go. He could not force anything out of Johnson about the murder; said that he was afraid, that was all. That he saw Izert lately at Tocomachie, and that he was kicking about trouble with the Brewer's Lagoon people. At the time the witness saw Johnson at the Brewers Lagoon he was then lame. Stated that he was shot at the same time Renton was, but was afraid to say any more. That Sam Davis was now living with a negro woman, whose former name was Mrs. Francis. W. H. Davis, seeing that the Port Burchard Fruit Company was going under, left the country for Kentucky, his home. Said that he saw Kittle on his way up, and stopped at his house all night; that Kittle is still taking care of Dawe's cattle.

U. S. S. MONTGOMERY,

Truxillo, Honduras, March 11, 1895.

Personally appeared before me James Hardy, an American, and his statement, as above, being read over to him, makes oath, in accordance with law, that this is a true statement of all within his knowledge as bearing upon the case under investigation.

C. H. DAVIS,

Commander, United States Navy.

ANNEX G.

Statement of Alfonso Dillet.

UNITED STATES CONSULAR AGENCY.

Truxillo, Honduras, March 11, 1895.

Alfonso Dillet, native of Honduras, was commandante at Truxillo during the revolution of last year, being appointed by the revolutionary party, and served ad interim and until after the appointment of Mr. Anguello, which occurred shortly after the murder of Renton at Brewer's Lagoon, in March, 1894. Immediately after notice of the murder, which was conveyed to him by Manuel Del Carmen Mena (Galanito), who would be an important witness, he telegraphed the particulars to the President, who ordered him to direct the arrest of the principals implicated and to hold an investigation. This was actually in progress when he was succeeded by Anguello, who suspended proceedings and discharged the parties. Anguello also found fault with him (Dillet) for what he had done, alleging that Renton was not dead. Dillet is of the opinion that an investigation fairly conducted would lead to an elucidation of the whole affair, and that there are, or at least were at the time, enough witnesses in the country to clear up the matter, and that the above could be produced by the aforesaid Galanito. During the investigation the suspected parties were not under arrest.

The aforesaid Alfonso Dillet, present in the consular agency of the United States at Truxillo, March 11, 1895, affirms to me that the above is a true statement. Further affirms that no trial was held, but only an informal investigation.

C. H. DAVIS,

Commander, United States Navy.

ANNEX H.

Statement of Mr. J. Yzaguirre.

Mr. J. Yzaguirre, of Truxillo, Honduras, a merchant, an ex-United States consular agent, stated that he had known the Rentons very well, having bought goods from him for their store at Brewers Lagoon, and they had had at one time credit with him; that he had received continuous complaints while acting as consular agent from Renton's neighbors about Renton threatening them with his rifle, and that he had sent repeated warnings to Renton to behave himself. Finally, fearing that his warnings were useless and that some of these people, many of them Americans, too, would kill Renton, and that his credit would be a total loss, he wrote to Renton that he must pay his bill, and that he could no longer give him credit. Renton wrote that Mr. Jilia would settle the account, which was done. Renton came to Truxillo afterwards several times, and afterwards traded with Mr. Jilia, always passing by without speaking. Mrs. Renton would come to the store and buy for cash, generally purchasing a little more than she could pay for, sometimes as much as \$20 worth, until finally the credit reached about \$100, which stood against her when Renton was killed. She had sent a power of attorney, and also an order for a mule that was left on the property. He did not dare to give the power of attorney to anybody, fearing that some poor man to whom he might give it would also be a victim to these people at Brewers Lagoon. Renton, in his business with Mr. Jilia, had bought a large bill of goods valued at several hundred dollars, and in landing at Brewers Lagoon had lost them by the upsetting of the boat. He came back to Truxillo and begged for more credit. Mr. Jilia asked him if he could pay anything on the first bill, to which Renton replied no, and was then refused further credit. He cried about the matter, and Mr. Jilia took pity on him and sold him another bill of goods, which he understood was, with the first order, never paid for. Renton was not on good terms with the people about him, even with the Indians, as he complained that they went so far as to put poisonous snakes in his provisions. The Indians complained that Renton had taken their fruit trees and had driven them away with a rifle. Renton came to Truxillo and complained about the trespassing of the Brewers Lagoon Wood and Produce Company on his premises, and he went in person with Renton to see the governor (Martinez), and made a complaint. That he also applied to the governor for a title to the land which he occupied, and was told that he could get no immediate title, but to continue to cultivate the land, and after a certain number of years he could get a title; which he did not think Renton ever acquired. Governor Martinez was a very systematic man and kept his papers in very thorough order, and if there was anything on file the present governor would know of it. Mrs. Renton was a very impulsive woman, and had the reputation of threatening with the rifle as well as her husband. He never had seen anything wrong about her.

The Brewers Lagoon Wood and Produce Company had a good business reputation until lately—always paid their bills. That their reputation was so bad recently that he had concluded to close their account immediately. He considered Johnson's death very suspicious. The governor (Refsman) of Iruya will know of Johnson's being found.

Concerning the investigation of the Renton affair by the government (local), it was not done properly, being carried on in a very hurried manner. Judge Zuniga, who held the investigation, was about to be relieved, and this investigation was held within three days of his departure.

UNITED STATES CONSULAR AGENCY,
Truxillo, Honduras, March 11, 1895.

Personally appeared before me M. J. Yzaguirre, and made oath according to law that the above statement is a true and full account of his knowledge in relation to the case under investigation.

C. H. DAVIS,
Commander, United States Navy.

ANNEX J.

Letter of Mr. Dawe to Dr. Boyce.

DEAR SIR: By the steamer that came from Mobile three days ago I received a newspaper cutting in which my name is rather unpleasantly mentioned. As there are always two sides to every question, and Mrs. Renton has stated hers, I now beg to trouble you with ours.

First. In her story Mrs. Renton values her property at \$35,000. You have been living at Partook for a few months and seen Brewers Lagoon; you consequently know as well as anybody the value of said property. Since your departure Renton

sold his cattle to W. L. Bennett, esq., from Balize, and all the live stock known to belong to him are about five cows and two mules, of which Mr. Glynn claims one.

Second. I need hardly mention the fact that I am accused of robbing her of \$500 cash. My character and Mr. Renton's are so well known to you that no explanation is required.

Third. Mrs. Renton was treated with the greatest consideration, and every facility—food, horses, etc.—that the country affords was placed at her disposal by us the moment she expressed a wish to go to Cape Gracias after her husband's flight. The company's employees accompanied her nearly half way, and only returned when she dismissed them.

Now for the story: For some months past Mr. Renton has been threatening my life, killing the company's working steers and eating them, abusing and holding up the Cop's cattlemen, and in general going on like a madman. I took no notice of his threats except to apply to the superintendent for protection, who simply laughed at the matter. You must remember the way in which Mr. Renton used to talk about Messrs. Eude and Goff and our company.

On the 15th of March the company's cattleman was going to the ranch leading a horse loaded with provisions. When he arrived in front of Renton's house, where the road passes, he saw Renton and Johnson come out with rifles, using the worst possible language and forcing him to stop, prohibiting him from passing on that road, and further telling him that if he returned he (Renton) would shoot him: The cattleman came back to Mr. Eude's house and told me what had happened. I ordered him to go back and pass by the road as usual, promising him our protection if anything happened. The man returned, and when in front of Renton's house the latter started shooting at him. I was with Mr. Eude about 300 yards behind, and seeing the man drop rushed to his help. Renton and Johnson were out with their rifles, and not stopping shooting we answered their fire. About six or seven shots were fired on both sides. We saw Johnson fall to the ground, and immediately after Renton made for the bush. On reaching the house we found that Johnson was shot through the leg. We carried him to the cayo and cured him. Mrs. Renton expressed her wish to go to the cape and back to the States, as she said that they were entirely ruined, and that after this affair Renton would certainly not come back. We agreed to accompany her as far as she required on her way to the cape.

Inclosed find copy of Mr. Johnson's statement and the newspaper cutting.

Apologizing for troubling you, etc.

J. GROSVENOR DAWE.

ANNEX K.

Statement of Charles V. R. Johnson.

My name is Charles V. R. Johnson, an American, of Key West, settler and planter at Sangrelaya. I was employed by Mr. Renton, and on the morning of the 14th of March, 1894, I saw the black cattleman Johnson going to the ranch on his way to Sieri. As the road to the ranch passes in front of Renton's house, Renton, as soon as he saw him, called upon him to stop and deliver up a rifle which he was carrying; also if he passed again he would shoot him. Johnson then tied the horse and returned to the village. Shortly after he came back Renton, without saying a word, commenced firing with his Winchester; Johnson dropped on the ground, and I saw Messrs. Dawe and Eude, Fernando, come to his assistance; but Renton kept on shooting, which shots were returned by Messrs. Dawe and Eude. During the shooting I was wounded in the leg, and Mr. Renton, who was close to me, made for the bushes, and I did not see him again, for the next morning I was carried to the cayo by Mr. Dawe, who cured my wound and gave me in every way the kindest treatment possible. This is all I know of the whole affair.

CHAS. V. R. JOHNSON.

Witness:

W. M. DAVIS.

THOS. FORD.

ANNEX L.

Statement of Mr. Julia.

Mr. Julia, a merchant of Truxillo, stated that Charles Renton bought a bill of goods and lost them in the surf at Brewers Lagoon, and that he came back to Truxillo and reported the accident, stating that he had lost everything and his wife had barely got ashore in her chemise, and that the little girl had a narrow escape from

drowning. Renton asked Mr. Julia to let him have another lot of goods, which he refused, but by Renton's crying and out of pity for the man in evident distress, sold him \$700 more in goods. The bill of credit stood on July 2, 1891, at \$1,515.72, and has never been settled for since. Renton never came to Truxillo again, never answered my letters, and even though the services of a lawyer at Tegucigalpa were obtained it was impossible to get any payment. Mr. Julia endeavored to get a letter to him by a special messenger, but did not succeed. The account still stands.

ANNEX M.

Statement of Thomas Ford.

Thomas Ford, English, examined at Fort Burchard March 13, 1895, states that he has been on this coast for fourteen years; is a clerk in the store of the Fort Burchard Honduras Fruit Company. Says that he knew Mr. Renton personally. That Renton was a very queer man, cranky and quarrelsome. Mrs. Renton was about 35 or 36 years of age; she had a reputation as not that of a virtuous woman, but does not know anything about her being a drinking person. She was quick-tempered, smart, and a good business woman. States Mr. Dawe is a very fine man—honest, truthful, and not the kind of a man to commit murder unless pushed. States the Eudes are quick-tempered and liable to carry away quickly if pushed or made angry. Says Mr. Charles Johnson was half crazy, and you could not make head or tail out of what he said. He was a very hard man to get anything out of. Says that Johnson never made a statement or gave anything in the way of a statement or of testimony regarding the murder of Renton in his presence. Never heard Johnson speak of the murder except to say that he (Johnson) was there. States he knows nothing whatever concerning any statement or letter written by Mr. Dawe to the United States consul at Truxillo, nor of any statement of the murder ever having been made by Johnson to Mr. Dawe or anyone else. [NOTE.—This refers to statement of Johnson sent by Mr. Dawe to United States consular agent at Truxillo, of which Ford was witness.] States there is an alcalde at Brewers Lagoon, a short distance from where Renton lived. Neither Renton or Mr. Dawe would appeal to the alcalde to settle their disagreements, but would take matters into their own hands. Dawe was not wealthy, and most of the cattle controlled by him were work cattle for drawing mahogany logs. The trail leading by Renton's house was an old one, and everyone had a right to use it. States that Renton had about 100 or 150 cattle and sold all but a few to Mr. Bennett, of Balise. He had a lot of cocoanut and orange trees, but does not know how many. Never saw Renton's trees, but thought his cocoanut trees were worth a half sol each and his orange trees about one sol each. Renton had some hides when he died, but does not know anything about his having lumber and shingles. Renton owed Mr. Burchard a sum of money, and after his death Mrs. Renton told Mr. Eude to take the hides and pay Mr. Burchard, which was done. In leaving this country the usual way is to go by Truxillo, but if you are going to New York the best way is by Cape Gracias a Dios, as you would be more likely to catch a steamer. Thought a great deal about the way in which Mrs. Renton left the country, and considered it very extraordinary. Never heard of a case where a person left property as she had done. Thought she must have been made to leave the country, and for reasons of their own not allowed to go to Truxillo by those who made her leave. Foreigners are always having trouble with the Honduras Government. There is continually civil war and change of laws. British subjects have less trouble than Americans, as the British consul looks after their grievances, and the Government is therefore afraid of interfering with them, but the Government is not afraid of Americans. Refsaman, the present commandant at Iriona, is a first-rate fellow, and better than the usual run. Knows Lacayo, the Nicaraguan, and considers that he has a good character as a Spaniard. He is intelligent. Left this country about six months ago. States that very few foreigners have good titles to lands. Lands are usually held by concession, and generally revert to the Government. Mr. Renton did not have a full title. Had a concession, but it had never been surveyed as required by the law. Renton could not transfer the lands he claimed to Mrs. Renton; could only transfer the improvements. He held only an agricultural title. States he believes if Mrs. Renton had remained to claim the improvements and the land held by Renton that she probably would have been killed by those who sent her away. Mr. Charles Johnson, who was wounded at Mr. Renton's house, was drowned last fall, sometime in November, probably. He was buried by Mr. Conger, an American living at Tecomache. Never heard of Mr. Dawe or any of his associates having given Mrs. Renton any money. That is a business the men concerned would not likely say anything about. Mr. W. M. Davis, who visited Brewers Lagoon shortly after Mr. Renton's disappearance, is now living at 140 West Four-

teenth street, New York City. He left here about the end of September, 1891. States that he considers the investigation held at Brewers Lagoon to have been a farce. It was held during civil war by soldiers. The subsequent investigation was a better one. States that he has never spoken to Mr. Dawe about the murder, and never wanted to know anything about it. Thinks from his knowledge of the people concerned in this affair that it is best not to try and find out anything or to talk about it. Says he knows absolutely nothing about Mr. Charles Johnson or Mr. Dawe ever having written to or sent statement relative to the Renton affair to the United States consul at Truxillo. In the fight at Renton's place Mrs. Renton is said to have been wounded in the wrist. Mr. Renton was a fearless man and a good shot. Does not think he would have been caught napping if the party that shot him had given him notice of the intention to shoot him. They must have taken him unawares.

ANNEX N.

Statement of Arthur Isert.

U. S. S. MONTGOMERY,

Tocomache, Honduras, March 13, 1895.

Name is Arthur Isert, born in Pittsburg, Pa., but educated in Germany. States that the Brewers Lagoon Wood and Produce Company had had difficulties with Renton for two years or more previous to March, 1894. That when the trouble culminated on or about March 15 it was begun by Renton and Johnson opening fire on Dawe's party. That after the shooting of Renton he (Isert) gave Mrs. Renton \$200 out of his own pocket. He gave her an open check for the amount, which was indorsed by Dawe as manager of the Brewers Lagoon Wood and Produce Company, and this check was cashed by Cockburn at Cabo Gracias a Dios.

States that he (Isert) was at that time subcommandant for this district. That it was his duty to inspect Renton's store, as latter was Government agent for sale of monopolies. After the murder of Renton did so inspect, but found no Government property except one box of cigars. Did not think at the time that it was his duty as subcommandant to arrest anyone for the shooting of Renton, but is sorry now that he had not made arrests. He was on the cay (Cannon Island) when the fight at Renton's took place. Dawe and Fernando Eude, with the negro Johnson, had been fired on and had returned the fire at Renton's house. Dawe sent down to the cay after the fight, asking for reinforcements. Those who were still on the cay went up to Renton's in answer to this call. He arrived at Renton's house at about 4 p. m. On his way up he met Dawe returning to the cay. Dawe was very pale and excited, pleaded fever as an excuse for his return to the cay, but he (Isert) thinks that Dawe was frightened. Dawe was a coward. The time when the fight took place must have been about 8 o'clock in the morning. A negro (Johnson) had been sent with a horse and a load of provisions from the landing at Brewers Lagoon to the company's cattle ranch. The road led through Renton's place. Renton threatened the negro with a rifle. The negro tied his horse and returned on foot toward the landing. Renton cut the horse loose and drove it away, and the provisions were lost. The negro returned with Mr. Dawe and Fernando Eude; both of whom were armed. He learned from Johnson afterwards that the Rentons were at breakfast when this party appeared. Renton looked out and exclaimed, "Here are those sons of bitches from the cay," and seized his gun and ran out. Johnson followed. He felt bound to do so, because both he and Renton were Masons, and he (Johnson) admitted to Isert afterwards that he was foolish to take any part in the fray. He also stated that Renton fired first. Johnson's gun (a Winchester) was out of order. The lever was rusted and it would not work. He could not fire it. In the exchange of shots Johnson was wounded through the fleshy part of the leg, and dropped. Renton was shot through the entrails. The shot entered one side between the navel and the groin and came out on the opposite side of the back. Isert believes that Renton's wound must of necessity have been fatal; that he could not have lived, much less run away. However, if he had escaped why had he given no sign in the year that had elapsed since then? Nevertheless, felt no curiosity as to Renton's fate, and asked no questions about him when he reached the place at 4 p. m. Felt great sympathy for Mrs. Renton and the child. Believed that Renton lay in a Waika hut when he reached the house, but did not know whether dead or alive, and asked no questions. Renton got no more than he deserved. Besides, the Dawe gang were masters of the situation, and he felt that it was prudent to be circumspect and not incur their animosity. Believes they were desperate. When he reached the house at 4 p. m. the cay party was holding what he called a council of war to determine what to do with the house and property. States positively that Mrs. Renton was not wounded. The council ended by

removing all portable property worth saving from the house, and set the house on fire. At the burning of the house Edgar Eude was leader. Those present at this time were Fernando and Edgar Eude, Sandham, Kittle, and self; negro Johnson had returned to the cay with Dawe, who pleaded illness. Charles Johnson, who had been shot through the leg, had been carried to the cay for treatment. He (Isert) thinks that Dawe was unnerved by the fight and was frightened. Mrs. Renton watched the burning of the house and joked and drank with the party. They had anisette. Mrs. Renton remarked of the fire, "What a splendid bonfire it makes." She used those words. Thinks her behavior was callous and heartless. Thinks she must have seen Renton during the fire. He had been carried into a Waika hut as above stated.

He (Isert) wanted to take the child to his wife, and Dawe also had offered to take care of the child until Mrs. Renton could send for it, but the latter would not part with it. Mrs. Renton begged him (Isert) to take her also to his wife, but the latter replied that this was absolutely out of the question. The child was puny and delicate, and not bright. He (Isert) thought the child simple and witless. Renton was not fond of the child, and was harsh with it. The child seemed ill-cared for. It was not the Rentons' child, but the child of a sister. He (Isert) had always great sympathy for the child. Its dullness was accounted for by the report that Renton had, in a fit of anger, struck it on the head with a heavy stick.

After the fire he (Isert) returned to the cay. It had been arranged that Mrs. Renton should leave under escort of Edgar Eude. That same night Dawe received a letter from Eude, sent from Patook by a sambo, saying that it was reported that a party of Renton's friends was on its way from Carataska and that he feared an attack, and asked for reinforcements. Dawe was completely unnerved at the receipt of this letter and displayed fear. Sandham, Fernando Eude, Kittle, and self started in answer to this summons. They did not overtake Edgar Eude at Patook, but received a message from him there saying that he was waiting for them at Tabacanti. They walked to Tabacanti, and there overtook Edgar Eude and Mrs. Renton. They held a council and decided to release Mrs. Renton and allow her to go on alone. He (Isert) asked her if she had money and she said no, and he gave her \$200, as above stated. Never expected to have this money returned, and gave it out of pity, but has a receipt for it, which is among the papers left at the cay. Mrs. Renton was afraid she was to be killed, and would not cross the river for fear that she would be shot at, but she had a rifle and was a good shot herself, and he (Isert) told her to take her rifle and that he would stand unarmed on the bank, and that if she saw a movement on the part of anyone to shoot her she might shoot him (Isert). She then crossed the river and went on with two Spaniards (the white natives of Central American States are known to foreign residents as Spaniards) and one Indian. Does not know who they were.

States that he entered the house before it was set on fire, and that the walls were lined with rawhides—two or three thicknesses of them—with bedding piled inside, as if an attack were expected.

States that Renton had been making threats against the Dawe party for a long time previous to the shooting. On account of the bad blood between the parties, wonders that the difficulty did not culminate in bloodshed long before.

States that he (Isert) received from Patook a power of attorney, signed by Mrs. Renton, for the administration of the property. This paper is also among those left at the cay. Did not wish to accept this, but did so at Dawe's solicitation. Used some part of the property to cover a debt of the Renton's at Port Burchard. A power of attorney can be drawn anywhere in Honduras with stamped paper and two witnesses, though to make it strictly legal should be drawn by a magistrate.

States that the distance from the cay to Renton's house is about 8 miles.

States that he believes that Fernando Eude actually set fire to the house. Knows he had a grudge against Renton.

States that there was no property of any value in the house, and no stock about the place. Renton was actually bankrupt. He had no title to the land, but held it under a concession from the Government, which bound him to clear and plant so many acres, which he had not done.

Knows that Renton had planted between 3,000 and 4,000 cocoanut trees. The orange trees had belonged to the natives, and Renton had appropriated them. Anyone looking at the trees now could see that they could not have been planted by Renton within the time he had lived on the place.

States that the sambos were treated unmercifully by Renton and had no redress. Waika Indians were called sambos.

States that at the time of the murder Renton had one cow and two mules. The cow was claimed by Mrs. Renton. Supposes that these and all other property were "annexed" by the cay party after the murder, on the principle that "to the victor belongs the spoils."

States that, acting on the power of attorney received from Mrs. Renton, he (Isert) paid the Port Burchard (Honduras) Fruit Company \$85, but what the debt was for

he (Isert) does not know. This sum was afterwards reimbursed by Dawe toward settlement for property taken out of the Rentons' house. Of the hides taken out of the house by the Dawe party some were sent to Truxillo and sold.

States that he does not know why Mrs. Renton was not sent out of the country by the way of Truxillo, which is the most expeditious and direct way.

States that the trouble between Dawe and Renton must have come to a head sooner or later. At one time Dawe had offered to buy Renton out, but Renton wanted too much money—\$10,000, he thinks. The land in question was about 12 acres. It was beach land, and Dawe wanted it for his business. Renton was quick tempered, and would fight on the drop of a hat.

States that Renton shot cattle belonging to the sambos, because they encroached on his land.

States that he wrote to Mr. Davis about the power of attorney and offered the hides at Renton's place to liquidate the debt owing him by Renton. Davis did not answer. He (Isert) had no time or inclination to attend any further in the matter of the power of attorney or to look into the matter of the murder.

States that other property on Renton's place was about 3,000 shingles, some lumber, and some mining machinery belonging to the Vijin Mining Company. Supposes that the Brewers Lagoon Wood and Produce Company "annexed" these also.

States that he had no love whatever for the people of the Brewers Lagoon Wood and Produce Company, but did not care to express himself particularly against them.

States that he does not suppose that the Government will do anything in this case, as in this country to prove murder there must be two eyewitnesses, and that there are no witnesses.

States that Mrs. Renton's reputation was not good, and that he (Isert) had never seen her but twice before the murder, and once she was drunk.

Thinks that the investigation held at Truxillo was all a farce. That all were drinking with the commandante and magistrate. Does not know why Charles Johnson was dropped on the way to the investigation, but was surprised when he did not appear there, as he knows that he started with the party from the cay when summoned.

Does not know why Dawe paid Johnson to keep out of the way, but supposes that Johnson's absence was "more convenient" to Dawe. Johnson was erratic and contradictory in his statements, and he (Isert) thinks he was weak in his head.

Does not think that there was anything suspicious in Johnson's death by drowning a few months ago. Thinks that Johnson fell into the water when stepping into his dory, and drowned.

States that there is no court of record at Iriona or Port Burchard, and that at best records are irregularly kept in this country on account of frequent changes of government.

Does not know why Johnson did not leave the country. Heard that Johnson did not have to beg for his life. No one knows who shot Johnson.

States that all fighting and shooting occurred on one day and at one time, and that Johnson was not shot on the day previous to Renton's murder, but that both were shot at the same time.

States that Dawe refused to go to Truxillo when summoned for the investigation unless the Government would give him security for the business, as vessels were expected at the lagoon to load.

States that at the time of the fire Indians reported that they saw Renton taking to the bush, and that several times during the year reports have reached him from the Indians that Renton has been seen up the country, but does not believe these rumors and believes that Renton is dead, and was killed at the time of the shooting.

States that nobody except Johnson has told him about the shooting of Renton.

States that he (Isert) was never in the employ of the Brewers Lagoon Wood and Produce Company, but stayed on the cay once two months on account of scarcity of provisions in the country, and that at the time of the murder he was engaged in hauling up a schooner belonging to the company, which had been stranded on the beach. That there was no one else available with enough engineering skill to do this, and that he did it as a favor and without compensation.

States that Sam Davis is not to be believed, and that if brought to testify any statement he may make will certainly be a lie, on account of the grudge he bears the Brewers Lagoon Wood and Produce Company, and that he (Sam Davis) was on the cay all the time during the murder and house burning and knows nothing whatever about it. [This was a purely voluntary statement on the part of Mr. Isert, not in answer to any question, though most of the previous information had to be drawn out by questioning.]

States that he had been shocked to learn that Sam Davis had accused him (Isert) of being the actual murderer of Mr. Renton, and reiterates that the shooting must have taken place at about 8 a. m., and that he did not reach the place till 4 p. m.

Considering the lawless state of the country and the bitter feeling between the parties, considers the act committed as justifiable. Trouble was bound to culminate,

and one party or the other must go under. Knows that Dawe had applied to the authorities of the province for protection from Renton, and failing to receive it had warned those that he would be blameless if trouble ensued.

States that Mrs. Renton had in the house trunks filled with articles of value, and that McCoy took these and sold them, and that only one trunk remained, which contained only a few articles.

U. S. S. MONTGOMERY,

Tocomache, Honduras, March 15, 1895.

Personally appeared before me Arthur Isert, an American, and his statement, as above, being read over to him, makes oath, in accordance with law, that this is a true statement of all within his knowledge upon the case under investigation.

C. H. DAVIS,

Commander, United States Navy.

ANNEX O.

Statement of Samuel Davis.

Samuel Davis; born in Charleston, W. Va., May, 1859. Came to Honduras in the latter part of 1889. Went to Truxillo. Was under contract with Eude Bros. The contract was made in New Orleans, and was to run nine months at \$50 a month in United States gold. They fulfilled the contract. The Eude Bros. broke up, and I went to Belize, where I stayed one year. A new company, the Brewers Lagoon Wood and Produce Company, was formed. They hired me as blacksmith and carpenter for twelve months. This contract was made on the 13th of November, 1891, and I was to be paid by piecework. I went to Cannon Island, where I furnished my own tools and provided my own self. I worked for the Brewers Lagoon Wood and Produce Company until the 17th of March, 1894. I had a disagreement on the 17th of March, and left Cannon Island on the 18th and went to Port Burchard. I went back to Cannon Island on March 26, Good Friday, with some troops. An officer and 15 soldiers went with me, on account of the murder of Renton, while I went to get my things. I did not take my things, because Mr. Dawe said that I must not go, as the rest of the men would leave if I did, but that I could go after two or three months. I was really detained by force. When I came with the soldiers I went off to the cay in a dory and tried to get a boat sent to the shore for Gallenita; the Spanish officer (Honduras) got a boat and came to the cay. Dawe took the Spanish officer to his house, and I took off Gallenita to my house. Dawe gave the Spaniard something to eat and drink, and took him to the store, where I saw him (Dawe) give him at least 50 sols for himself and soldiers. Dawe said to the Spanish officer there was nothing in the murder; that it was Mr. Renton's own fault that he got killed. Gallenita wanted me to go to Brewers Lagoon village to see where the house was burned, but the other officer said no; that he could not go; that he would not seek into the case; that it was too large a firm (the Brewers Lagoon Wood and Produce Company). Then he put his soldiers into the boat and left. After they had left, Dawe told me that I would have to stay, and that he would not kill me unless I fooled with his wife or Indian girl (all have Indian girls); that I must go to Truxillo, but I must not know anything. I said that if I must go there I must tell the truth; I will not tell a lie. Same day Edgar Eude, Kittle, Sandham, Brinton, Isert, Dawe, and Fernando Eude called me into the store. They shut the door, and Edgar Eude then said that I ought to have better sense than to say anything about the Renton case—they were all excited—and if I kept my mouth shut I would be treated right. Then he brought a letter from the safe and told me to read it. It stated in the letter that Mr. Renton and several Americans were coming from Caritasca to kill all of the company's cattle. It was signed by Mrs. Renton. Dawe asked me, "Do you believe it?" I said, "No; anybody could write such a letter under the point of the bayonet, especially a poor woman who was imprisoned two weeks in Patook." Edgar Eude then stepped up to me and said, shaking his finger in my face at the time, "Do you know what will become of you if you don't keep your mouth shut? They will not do anything for killing an American nigger in this country." I told him to open the door and let me out of the house. Isert spoke, and said, "I understand that you called me a hired murderer, Sam." I said, "No, sir; I have never mentioned your name at all." He asked me what I did say. I told him that I told Mr. Dawe that it was a cowardly murder; that I mentioned no man's name. He said, "I will be ready for you on the first sight we meet." I said, "I hope that it would be in the daylight and not in the dark, like that of Mr. Renton's." Mr. Dawe then got up, told them to open the door, and let me go out. Edgar Eude said, "No; Sam, come let's take a drink. We brought you to this country, and we are going to take you back home. Don't make a fool of yourself. If they had left it to me, I would have hung Renton."

Mrs. Renton, and all of them to a tree, and broken their necks." They opened the door, and we all went out. I went to the shop to work making truck bolts. Next morning Mr. Dawe came into the shop and told me if I left the place all the Caribs would leave; he was going to make me a fine present if I kept my mouth shut. I said it was all done; I had no more to say about it. Then the next day the schooner *Lizzie Susan* came from Belize with the president of the company, Mr. Price, on board. They took me up to Mr. Dawe's house to have another court with me, Mr. Isert and all who were in the affair. Mr. Price told me to state everything I knew about it. I told him all I knew about it. Mr. Price said to me, "That is all; you will not be hurt." They adjourned, and I had no more to say. They had nothing more to say to me, and I left the cay on the 15th of July and walked to Truxillo; but they sent me a letter telling me to leave the cay and the country as soon as possible, or I knew what the consequence would be. Mr. Dawe refused to pay me the full amount due me, \$972.52, which I claimed as owing me. He had charged me for goods that I had never received, overcharged or charged twice for others, and, according to their account, made up almost a balance. This I sued for before the commandante at Port Burchard, but got no satisfaction. This amount is still due me.

Only last week Mr. Edgar Eude offered me \$150 if I would go to the United States with him on a Norwegian steamer then loading at Brewers Lagoon and say no more about the Renton case, as I was the only one living that could testify, now that Johnson was dead. (This refers to the drowning of Johnson.) I have never received any money from the company since I left the cay, except \$10 that they paid me for my house, and \$9 for a sack of flour which I had paid for in cash and they had charged for on the bill besides, before I left the cay. Fernando Eude, the same who murdered the British captain two weeks ago, threatened me if I did not keep my mouth shut I would get the same as Renton got. Since I left the cay I have done such work as I could, making rinds or spurs or harpoons for the Caribs, carrying bananas, or cutting passes in the bush. After I left the cay I sent for my tools, which are now in Port Burchard.

Asked to tell all the Renton affair—

I first knew Mr. Renton in 1890. He was living at Brewers Lagoon, at the same place where he was killed. Mrs. Renton was also there. Renton had put out an orange orchard and cattle ranch, and he had a large store at that time, trading with the Indians from up the Patook River, for their rubber, hides, and sarsaparilla. He had a few cocoanut trees then. He had fenced the land in with a wire fence, the fence running about 9 miles back, and along the lagoon it was very narrow, but widened after passing the Mosquito Indian village huts. Davis drew a plan of Renton's place, which is attached to the back of this statement. The hurricane of the 5th of July, 1893, destroyed his first house, as it did every house about the coast. He started to build a two-story house, and first put up a small one-story one, which the family occupied. The lumber for the big house was on the ground, some of it having been imported lumber from the United States.

I went to Renton's house the first week after I came to Cannon Cay, and I constantly traded with him. I always found him a square man. He never tried to cheat me or bully me, and I always felt safe when I went to the house. They were very hospitable to me. Mrs. Renton was always very kind when I went there. When I first came to Brewers Lagoon, Fernando and Edgar Eude lived at the Renton's, and finally wanted Mr. Renton to come in under them, as they had the concession for the mahogany of the whole district. Mr. Renton would not go in with them, and they had a falling out. About this time Mr. Renton was taken sick, and Mrs. Renton sent down to Fernando Eude for medicine at Brewers Lagoon village. Eude sent word back that he would give her nothing. I was stopping in the village myself with the Eudes at the time. One thing led to another, until there was hard feeling between the Rentons and the Eudes. When I would go to buy of Renton, the Eudes would tell me not to go there, as the son of a bitch would rob me. I often went up when Renton was sick and waited on him, and the Eudes would curse me for it. Never thought that Mr. Renton had a bad temper. Never saw Mr. Renton threaten the Indians with his rifle or any other way. Renton had great power with the Indians and Caribs, and they sold their rubber, sarsaparilla, and hides to him in preference to anybody else, paying in goods or cash as the Indians preferred. This incensed the Eudes. I never saw Renton drunk, but he did drink moderately. I never saw Mrs. Renton drink anything other than wine or beer. I sometimes brought her beer from the cay. When I returned with the Dawe people, or soon afterwards, Mr. Dawe wanted to take Mr. Renton's point to make a landing place, as it was handy for shipping. At first Renton refused, and stopped the log hauling, but after a few days Mr. Dawe, Sandham, and I came to the embarcadero (I was to measure lumber) and pulled up the cocoanut trees (they were 2 years old). At Brewers Lagoon village Renton told me that I had pulled up his cocoanut trees; but when I told him that I was ordered to do it, he seemed satisfied as far as I was concerned. Mr. Dawe had said that he had bought the place, so I obeyed the order and pulled up the trees. Renton said

that he would have his revenge by suing before Mr. Tomaya, commandante at Iruona. Before he had got through with it, Mr. Tomaya had gone away from Iruona. I was the only one who ever went from the cay to Renton's. Everybody used the trail, but never went to the house. Renton never objected to the use of the trail. About a week before Renton was killed I was building a house at Plantain River. At this time Renton went to Port Burchard for stores, and on his return to Plantain River I met him. I came to the Brewers Lagoon bar with him on foot. Renton's dory, which he had left at the bar when he went to Port Burchard, had been taken to the cay. There was a small dory there, which I took and went to the cay. When I got to the cay, I told Edgar Eude that someone had stolen Renton's dory and taken it to the cay, and Renton was sitting at the bar still. He said, "Let the son of a bitch stop there; let him die; we are going to kill him anyhow." Renton had given me money to get him some sardines at the store. As I was going back to Plantain River Edgar Eude said, "If you go over in the dory I will send a man with you to bring it back; let the son of a bitch stop there." I said to him, "If one of the company's dories were over there, and I was in Mr. Renton's place, I would take the dory and go home anyhow." He said, "Shut up your mouth; American niggers stand no show in this country, nohow." Sandham was there and said to me, "Renton is no friend of yours; what do you want to stick up for him all the time for?" I left the store and went in the boat, and they sent a Carib with me to take me over the bar. When I reached the bar Mr. Renton had got a Waika dory and gone home. Renton never got his own dory back. It remained at the cay until after he was killed. I went to Plantain River, fixed my tools, and then returned to the cay. I went to Mr. Dawe and told him that I had finished work on Edgar Eude's house and wanted my pay. Mr. Dawe said, "Sam, I have got to go to Sicre, and I want you to stop here until I return—I will only be gone three or four days." Dawe and the black boy Johnson left the cay on the evening of the 14th and went to Brewers Lagoon village, where they met Mr. Kittle and Fernando Eude. Dawe told me that they had sent the boy Johnson on with the provisions, to carry them to the ranch. This boy in passing in front of Renton's house let his mule run away, and he went off into the savanna. On the morning of the 15th they sent the boy back, loading his Winchester, and giving him 11 cartridges, and Dawe, Fernando Eude, and Kittle followed through the bush. Dawe and Kittle both said to me that Johnson went in front of Renton's house and called Renton names, calling out such expressions as this, "Come out, you red-headed son of a bitch," having been instructed to do this. By vexing Mr. Renton, he and Mr. Charles Johnson came out of the house. As they got out of the house Dawe and Eude said that they fired at Renton and Johnson and struck old man Johnson. Mr. Dawe said that Renton wheeled and fired at where he saw the smoke come out of the bush and the bullet passed right over Dawe's head. Renton fired two shots at the boy and the boy fired one at Renton, but his rifle jammed and he did not get any more shots out of it. Dawe sent a Creole, Stevens, with a message to the cay for all to come to Brewers Lagoon village and bring their arms and a keg of powder to blow up Renton's house. Fernando Eude and Kittle went round the lagoon to prevent Renton getting away that side, and Dawe stayed with the negro Johnson on the Brewers Lagoon village side for the same purpose. Finally, Fernando Eude and Kittle reached the cay about dark on the 15th. Party called for by Dawe had not left because the breeze was too heavy. When Eude and Kittle arrived they were very wet, and said that when they were coming across they had seen a dory coming across the lagoon, so that they went to the bar, but saw no footsteps and came back to the cay. The dory had contained a Waika woman running away from the firing. Eude and Kittle said in the store at the cay that they had sent the negro Johnson to tantalize Renton, and they had seen Charles Johnson jump up into the air when they shot, and Renton and Johnson had gone into the house. They laughed at Dawe's trembling in the bush so that he could not shoot his revolver. Fernando said that he had shot Johnson with a Winchester, .38 caliber. Edgar Eude made fun of them for missing at such a short distance while hiding behind a cocoanut tree. Isert said, "We have started this thing, we have got to go through with it." Edgar Eude said, "All right, bring up the demijohn and all take a drink." He said, "Sam, get your lantern and give us a light until we get away." They examined their guns. Isert had a shotgun, 12 gauge, and 12 cartridges loaded with buckshot. I saw them loaded—10 buckshot to a cartridge. Sandham's was a .44-caliber Winchester. Edgar Eude had a .32 Winchester, long cartridge. Fernando Eude had a .38-caliber Winchester, and Dawe had his .44-caliber Winchester at Brewers Lagoon village. Besides these they had .44-caliber Colt revolvers. All made ready and got a keg of powder to blow up the house. They wanted to draw straws to see who would set the powder off under the house. Sandham said he would be damned if he was going to set it off. Kittle said that he was not going to do it. Fernando Eude said he would not. Edgar Eude said, "Isert is captain, he must do it." Isert said, "I will be God damned if I will do it. Renton might shoot me through the cracks of the house." Edgar Eude said, "Leave the powder; I will send a note to Mrs. Renton to warn her

and Johnson and the little child to be sent out of the house by 4 o'clock." He did not want anybody's life but Renton's. I said, "Mr. Edgar, let me go and take the note over to Renton's." He said, "No; I won't let you go, for you are trying to get Renton away, for he is an American just like yourself." I said, "You ought not to kill Mrs. Renton and the child, because they are particular friends of mine." He said, "Be careful how you talk." Isert then ordered the Waikas to get ready to start to go to Brewers Lagoon village before daylight could catch them, as the village was 12 miles. It takes three hours to get there. They took two Waikas and two Creoles and started between half past 11 and 12 o'clock at night for Brewers Lagoon village. On the morning of the 16th, about 8 o'clock, I went to the top of the cay, and there I saw the smoke of the burning of the house, as it was agreed, the night before to take everything out and burn the house about 10 o'clock. I saw a dory coming across the lagoon to the cay. When it came to the cay I saw in the boat Mr. Dawe, negro Johnson, and Mr. Charles Johnson, the last in the bottom of the boat. Mr. Dawe took him into the store and told Brenton to dress his leg. Then I said to Mr. Dawe, "Did you shoot Mr. Renton?" He said, "Yes; he will die before sundown." He said, "He has got a hole in here (pointing to the right-hand side below the ribs), one here (back), and one here (on the left side below the heart). I asked Mr. Dawe if I should go and make a coffin for him. He said, "No; there are plenty of us who will bury him." Dawe said, "Take Charles Johnson into the cabin next to the store and dress his wound." I asked Johnson if Renton was dead. He said, "No; but he is shot all to pieces; I expect he will die." He said, "When Renton went out of the house to milk a cow this morning they all opened fire upon him at once. Mrs. Renton was shot in the wrist. Johnson was up in the house on the hides." Before this Mrs. Renton had sent a note to Dawe to come and take them and have no more shooting. Before the Waika woman could give them the note they opened fire. Johnson said that they came and hauled him off the hides and he begged for his life, and a Creole put him in a boat. Mr. Dawe went into the house and directed about taking everything out—hides, rubber, and all that was worth saving. They set the house on fire and closed both doors, but the house would not burn because there was no draft. As soon as the house was on fire they took Johnson to the cay. Johnson said that he saw a Creole named McCoy take Renton into a Waika hut. McCoy is a very strong man. He returned and pulled Johnson down off the hides. Johnson told this the same day when he was lying on a bed at the cay. Creole McCoy is now at Belize. When McCoy came back from Patook he asked me where Mr. Renton was. I told him that Mr. Dawe had said that Renton had gone to Patook. McCoy said that Dawe told him that Renton had gone to Port Burchard. But McCoy afterwards said that a Waika named Coca told him that she had hidden under a fallen orange tree, being too old to run when the Waikas deserted the village, as they had been driven out by Mr. Isert and had fled when the shooting began, being naturally timid of firearms. Coca was the only one of the Waikas that remained, lying within 10 yards of the hut where Mr. Renton was dragged. She saw the whole of the subsequent proceedings. She saw Isert, Fernando Eude, Sandham, and Kittle about midnight drag Renton back through the field, he groaning and crying for his life. From where she was hid she crawled through the grass to see the last of Renton. They dragged him to the left of the graveyard, and she heard Mr. Renton crying and begging for his life, and they chopped him with a machete and put him in a hole in the ground. She told McCoy that she would show him the place. McCoy also said that he and Edgar Eude took Mrs. Renton to Patook bar, going in a pitpan (flatboat) across the lagoon. McCoy said that Mrs. Renton fell down going along the beach and was crying, and the child was crying, saying that they had put her father in a hole in the ground. Mr. Renton was very fond of the child. It was a clean bright child and fond of Renton, who was very devoted to it.

At Patook, Edgar Eude put Mrs. Renton in prison, taking a house by force from a Creole man and boarding it up. After the 26th I went to Patook especially to see her, but was not allowed to see her. They prevented Mrs. Renton from getting word to anyone. Eude sent a letter to Dawe saying Renton and a party of men were coming from Caratasca Lagoon to take Mrs. Renton from them, and wanted them all to come to Patook to help him. Isert and Kittle left the cay to join Edgar Eude. When they got over there they started over to Caratasca, but got frightened at some Waikas coming along the beach, and thinking they were the Americans left Mrs. Renton to go on. I heard this from Edgar Eude, who also said that he was sorry that they had not done as they intended—made away with Mrs. Renton and child. There would have been no more of it. This was said when they got the newspapers from the United States. I thought that the long delay at Patook and the sending for the others showed that Edgar Eude was afraid to go on with his part of the affair to do away with Mrs. Renton and the child at the river 12 miles beyond Patook. When they all returned from Patook they did not say much. Mr. Resfman, the comandante at Iriona, told them to get ready and go to Truxillo. He took my name, and Mr. Dawe's also. Mr. Dawe said that he would not let me

go, as I was Mr. Renton's witness. Dawe paid Stevens \$50, so Stevens told me, not to testify at Truxillo against him. Charles Johnson left with the party from Truxillo. Isert was on the cay from Christmas, 1893, till after the murder. After he went to Truxillo he came to the cay for his wife, and she went to Allen's to cook. After they all came back from Truxillo they did not talk much. A man from Belize named Allen Davis, working for the company, was sent by Dawe, in the boat *Lucia*, to get the hides and rubber at Renton's, and to bring them across the bar to the schooner *Lizzie and Susan*. This schooner took them to Truxillo, and she brought back 5 tierces of liquors, wine, and anisette, contraband; brought them from a bark that was lying off Truxillo. I said to the captain of the boat when he returned, "What did you bring?" He said, "I brought back Renton's rubber and hides turned into liquor." They sent me after the shingles and lumber, and I brought them to the cay to the store. Dawe and Edgar said that they were paid for; they had a receipt from Mrs. Renton. All the cattle, mules, etc., were taken by the Brewers Lagoon Wood and Produce Company. One of the mules, a big gray one, I saw ridden by the boy Johnson after the murder. I think that Mrs. Renton's schedule is very fair. The mining machinery did not belong to Renton, as he had said so when I asked him about his selling parts of it. I understood that there was some money in the house; I do not know how much. Mr. Eude told me that he gave Mrs. Renton \$80, and she gave him a receipt. I saw Mr. Dawe take \$150 out of the safe, saying that Mr. Renton asked him to give this money to Mrs. Renton, to go to the United States on, by negro Stevens to Brewers Lagoon.

Q. When did you last see Mrs. Renton?—A. I saw her about a month before the murder. Mr. Renton had written a letter over to the cay to me that he wanted some tea and Mrs. Renton wanted a broom. He said he would pay me on the delivery of the things. They would not sell to the Rentons from the store on the cay, nor to me for them if they knew it. I got the things and delivered them. They did not pay me, as they did not have the change. This was the last time I saw Mrs. Renton.

Q. When did you last see Mr. Renton?—A. The last time I saw Mr. Renton was about a week before his death when he was coming home from Port Burchard with some flour, salt, and soap. He stopped all night with me at Plantain River and took supper and breakfast. He was making the journey on horseback.

Q. Do you consider that it was necessary for the cay people to use the old Indian trail across Mr. Renton's land and walk a mile along the beach to reach it in order to get to their ranch?—A. No, sir. They could have gone to their ranch across the savanna from the first village by another way altogether. It would have been a shorter way.

U. S. S. MONTGOMERY, *March, 1895.*

Personally appeared before me Sam Davis, an American, and, his statement as above being read over to him, makes oath in accordance with law that this is a true statement of all within his knowledge upon the case under investigation.

C. H. DAVIS,
Commander, United States Navy.

ANNEX P.

U. S. S. MONTGOMERY, *March 14, 1895.*

J. G. DAWE,
Manager Brewers Lagoon Wood and Produce Company.

Sir: The U. S. S. *Montgomery*, under my command, has been on the Honduras coast for several days, and I have been investigating the circumstances attending the disappearance of Mr. Charles W. Renton, which occurred in March of last year.

As your name figures to some extent in the evidence collected, I offer you the opportunity to make any statement you may wish to place on record in relation to this affair. I also extend the same offer to the following-named persons, or as many of them as are still in your employ, viz, Messrs. Edgar and Fernando Eude, Mr. Arthur Sandham, Mr. Jesse Kittle, and ——— Johnson (negro).

Should you or any of those above named decide to avail yourselves of this offer, I shall expect to see you on board this ship at the earliest possible moment, and request that if convenient to you, you will return with the officer who delivers this, I agreeing by these same to land you again at Cannon Island, should you prefer to use the ship's boats.

The same officer will hand you an order, signed by Mr. Arthur Isert, for certain papers left by him in your possession, which please deliver.

Awaiting an immediate reply, I am, etc.,

C. H. DAVIS,
Commander, United States Navy.

ANNEX Q.

U. S. S. MONTGOMERY (Off TOCOMACHE), March 14, 1895.

J. G. DAWE, Esq.

DEAR SIR: You would confer a great favor by letting Captain Davis, U. S. N., have the power of attorney issued to me by Mrs. Renton; also the receipt of the B. H. F. Co., and all other papers relating to the matter. Matters will be greatly simplified by doing so. It is a question of damages raised by Mrs. Renton before the United States State Department, and anything you can do to assist Captain Davis in his investigation I am sure will be appreciated by that gentleman and also will relieve us of the odium of the case as it stands.

Yours, respectfully,

ARTHUR ISERT.

ANNEX R.

Statement of John Grosvenor Dawe.

John Grosvenor Dawe, manager of the Brewers Lagoon Wood and Produce Company, an English subject, sworn, testified as follows:

Difficulty had been going on for two years. About two years before the Renton affair happened we started to try cattle raising. The old trail from Brewers Lagoon village led to the land we took—led through Renton's land. This trail Renton closed up, and it was the only way to the cattle field, and we wanted to use it. He refused our use of it, and resisted by force; drove away our cattle, and threatened our people with arms. We appealed to the Government and sued for the right of way. The court held that the trail should not have been closed, and I won the suit. This caused bad blood. Renton continually threatened me and the cattle men. On the particular day the fight occurred I left the cay to go to Brewers Lagoon village and the ranch. There are three separate villages. One or 2 miles east of Renton's I met two cattle men—the negro Johnson and Kittle—in a state of excitement, and was informed by them that Renton and old Johnson had come out and threatened negro Johnson's life. Negro Johnson had taken a horse loaded with provisions to the ranch. Renton said that if any of the cattle men passed his house on the trail he would shoot them down. Asked the man if he was afraid. He said no, that he only wanted other people with him. I promised him if he went I would follow him and protect him. These occasions had always before dropped without a fight, and I thought that there would be no trouble. He started down, and we followed six or seven hundred yards behind. When the man got opposite the house Renton and old Johnson rushed out of the house and began shooting. Hearing shots and cries, we rushed on as quick as we could and called to Renton to stop shooting. He then turned around and called me "a son of a bitch." Johnson and Renton each fired once. One bullet missed my head and one fell at my feet. We (Kittle, Fernando Eude, and Dawe) then returned the fire, and old Johnson dropped. Renton then, seeing Johnson drop and we getting rather close, ran away behind some bushes. We followed up, and more shots were exchanged. As he was in shelter, we kept at a respectful distance. We then followed him, and then he went to another shelter, and then we followed him on for two hours and then stopped. If we had caught him we would have killed him. We then sent over to the cay and called for more assistance. In returning I went to the house where Mrs. Renton was and spoke to her, and she said that it was what she had been expecting for a long time, and she said that we were very lucky that the men that Mr. Renton had sent for at Caratasca to clean out our cattle ranch and move the cattle to Nicaragua had not turned up in time; that Renton was a fool to commence shooting too soon. She asked me to give her money to get away, as she had no money or hardly anything left. She did not think Renton, after all, would fight. She asked if I would not help her to get out of the country and to the United States and to her brother. I agreed to give her some money to get home with, and also to furnish an escort to see her safely through. I then returned to the cay with the wounded man Johnson. Edgar Eude, Fernando Eude, and Isert—they agreed to accompany her down as far as Cape Gracias. I told them of the coming of the other party expected to come, and said that I did not believe it. A day or so after, as they were traveling down the coast, they met Renton's courier returning. My partners (Fernando and Edgar Eude) wrote up and said that they could not stand up against eight; that a dory was coming from sea, working round from the cape, loaded with provisions and gear for the men. I wrote and asked Mr. Sandham and Kittle, and they went down, and I stopped at the cay to defend the place. An Indian, having passed through in the night, said they were coming down to fight; that he had met them on this side of Caratasca Lagoon; that they knew that there had been a fight, and that they were coming down to fight our party. Our party ran away, and Mrs.

Renton then went on to Cape Gracias. Our party returned to the cay. Isert was not in the employ of the company, but was staying there, having offered to take a schooner off of the beach, it having got there partly through his own fault. I have never heard of Renton since; have hunted for him, and know nothing of his whereabouts. The date of the fight was the 15th or 16th of March, and it all occurred on one day.

Statement of Isert was then read.

Dawe said that of the money mentioned (\$200) half was in cash and half in an order. He disagreed with Isert's statement about the burning of the house. Do not know why Mrs. Renton was kept at Patook. Have not touched anything but what I think I paid for with the \$200. Renton shot the cattle of the company. At least, the cattle were shot and it was credited to him. About the piece of land that they had taken for a landing place or embarcadero for mahogany, I took a piece of land on the point, about half an acre. The governor said that it was not Renton's, so I took it. The Government had not given it to Renton and he had paid nothing for it.

That almost about the beginning of the trouble about the road Renton sent to the cay and asked for a passage on board my schooner for his wife to go to Truxillo, and asked if he could put her under my charge, as I was going up. I first refused, but afterwards agreed to it. On the way up to Truxillo Mrs. Renton made advances to me, and asked me to take her under my protection, complaining of illtreatment. I declined, as I was married, and my wife was at Balize. She took a violent dislike to me then.

On the way back one of the company's employees, Theodore Goff, was a passenger on the boat. One day, just before we got to the cay, when the cabin was shut on account of its raining very heavily, I caught him with Mrs. Renton in a very peculiar position in the cabin. I said nothing; but a few days afterwards it was reported to me that Renton said he would shoot me on sight, as I had taken liberties with his wife. I have been informed that our crowd are not the only ones that Renton threatened to shoot. I had an altercation with Renton on the beach, and Renton started to draw his revolver, but I drew mine quicker, having a shorter one. I never carry arms now except on the beach, where I very often see tigers and alligators, as we travel a great deal at night.

The following questions were put and the answers were given:

Q. How long after you left the cay was the fight, and when did you leave the cay?—A. About four or five hours; we left the cay at daylight.

Q. Did it ever occur to you that negro Johnson himself was at fault, and allowed his mule to run away through negligence, and then took advantage of it and blamed it on Renton because he knew of the trouble between you?—A. No; the halter was cut when we found the horse at the ranch afterwards. When the trail question was decided Renton opened a new trail back of his house.

Q. Was it not possible for Johnson's mule in running away to trespass on Renton's land?—A. He might have passed off the trail in going to the ranch; there was a fence along the trail for quite a distance. The land fenced in was about 2 miles across at the widest part, and one of the fences ran back about 3 miles.

Q. Did you not hide along in the bushes behind negro Johnson, so that you could fire at Renton when he came out?—A. No; we came along the trail, and when the firing took place were in the open about 70 or 80 yards off.

Q. What arms did you have?—A. Revolver only, caliber .38, Colt's double action.

Q. Did negro Johnson have his rifle, and how many cartridges did you give him?—A. He had a rifle and I gave him five or six cartridges.

Q. Did you suppose that you were recognized from Renton's house?—A. We were near enough to be recognized; I suppose that he did know me, for he called me "a son of a bitch."

Q. How many shots were fired?—A. Don't know how many shots were fired.

Q. Who did you send to the cay for reinforcements?—A. Don't remember.

Q. Why did you send for these men?—A. Because I was afraid of having more trouble on account of the men coming from Caratasca that Charles Stevens brought the news about.

Q. Why did you want them armed?—A. To defend our lives from the party coming from Caratasca.

Q. Why did you write for a keg of powder.—A. Did not write for a keg of powder.

Q. Did you consider Mrs. Renton equal or more than your match in bravery?—A. Was told that Mrs. Renton was a good shot. She took no part in the fight.

Q. Was Mrs. Renton in sight when you had this fight?—A. I don't know.

Q. Did you want to kill her with the rest of the Rentons?—A. No.

Q. How long after daylight before the fighting occurred?—A. Four or five hours.

Q. Did you see the party from the cay bring a demijohn of annisette with them?—A. Yes.

Q. Do you consider that the crime of murder is liable to be punished in this

country?—A. Certainly; but not with capital punishment—ten years imprisonment, I believe.

Q. Did you have the arms in the house delivered up?—A. Not to me.

Q. Did you know of Renton being wounded?—A. Not to my knowledge.

Q. It has been testified to that you described the wounds that Renton had received when you came back to the cay.—A. Do not remember saying so.

Q. Where was Johnson when you went into Renton's house?—A. Lying on the ground outside.

When asked about details about chasing Renton up into the bush, he changed his statement and said that he had gone into the house before going after Renton.

Asked about the discrepancy of his leaving the cay, and returning to it the same day, from the statement of others, admitted that he had made a wrong statement—that he had waited in Brewers Lagoon village during the night—and said that he would like to change his statement.

Q. What time did the party come from the cay to Brewers Lagoon village?—A. Could not say what time the party came, as I had fever.

Q. Who were in the party?—A. Isert, Sandham, and Fernando and Edgar Eude.

Q. Did not Fernando Eude and Kittle go around the lagoon and bring up at the cay before the rest of the party left?—A. Yes.

Q. Did you take \$150 from the safe when you got back to the cay?—A. I took \$100.

Q. Who did you send it back to the Renton's by?—A. Don't remember.

Q. Did you say that Mr. Renton asked you to give Mrs. Renton this money to see her to the United States?—A. Did not make such a remark; only sent it to Mrs. Renton.

Q. Have you not been afraid of everybody interested in this matter since?—A. No; I have tried and asked to have the thing straightened up.

Q. Did you not know that Renton all this time was dead?—A. No.

Q. Why, then, did you write to Edgar Eude, at Patook, that they had finished Renton?—A. I am sure that I never did write such a letter.

Q. How much did you pay the officer in charge of the soldiers who came to the cay on Good Friday?—A. Nothing. Yes, I did; I paid him \$80. This was money sent from the Government estanco, at Patook Bar, belonging to the Government, and I gave it to Captain Fortin.

Q. Was there not a Carib officer named Gallanita with the party?—A. Yes; he was with them.

Q. Why did you stop the payment of the check which you gave to Charles Johnson on the Port Burchard Company?—A. I stopped it because he had not gone out of the country.

Q. How much did you pay him altogether to go away?—A. Forty or 50 sols.

Q. Then the company paid Johnson 40 or 50 sols to go away?—A. Yes.

Q. How much did you pay Stevens not to give testimony at Truxillo?—A. Nothing.

Q. How much did you pay McCoy?—A. Nothing; he owes the company \$150, and he ran away after Good Friday.

Q. You were glad to have him go, were you not?—A. No.

Q. Was he not present at Renton's?—A. He was not; he accompanied Mrs. Renton, but came with the party from the cay.

Q. Why were you all so anxious to have all these people out of the way?—A. I don't know that we were anxious.

Q. Did not Edgar Eude go to Port Burchard and try and get Sam Davis to go to the United States on board a steamer from Brewers Lagoon?—A. Edgar Eude never told me about it. I discharged Sam Davis for drunkenness. He sued me for an account of \$700, and it was decided by arbitration in my favor.

Q. Did you ever try to induce Sam Davis to keep his mouth shut about the Renton affair?—A. No.

Q. Did you not hold a court on Sam Davis in the store at the cay?—A. No. What did happen was this: Sam Davis accused Mr. Brinton of having said that we were a gang of murderers; Brinton denied it. Sam said that Brinton did say it. This was at my house, and Mr. Price was present—the only meeting ever held at my house.

Q. Did you take statements from all those people?—A. Yes; from old man Johnson, Stevens, and negro Johnson. The last-named man has left our employ.

Q. Why did you detain Johnson at the cay?—A. Did not detain him.

Q. Why did Johnson say so, then, to the people that came to the cay?—A. He talked a good deal and told different stories to different people. He was grateful for the treatment he received at the cay. He gave a statement about the affair immediately after it occurred.

Q. Did he go to Truxillo with the party?—A. Yes; he started there and I do not know why he was left on the way.

Q. Why were Davis and the negro Johnson left behind?—A. Do not know; the judge did not take their names.

Q. Did you not have a letter from Mrs. Renton, after the first shooting occurred,

asking to settle the affair amicably, all parties going to the cay?—A. The only letter was one from Mrs. Renton to Mr. Ende, from Caratasea, detailing the organized raid.

The witness was here told by Commander Davis that his statement was directly at variance with the statements of other parties received by the investigation before coming to Honduras and having been proved by evidence taken in Honduras, the parties who made these statements having in the meantime had no communication with others, proving conclusively that there was foundation for these statements. The account of the shooting on the two successive days of March 15 and 16, and the story of the murder of Renton and the abduction of Mrs. Renton and child, as it had been brought out by the investigation, was then recited to him in detail. On its completion Dawe broke down completely and asked permission to make another statement. This privilege was granted him, and he was told that he was given the opportunity to make a statement in the first place, and he had expressed a desire to straighten the matter out. The witness said, "It is rather hard to have to criminate one's self."

Commander DAVIS. As you were told in the beginning, your statements here are purely voluntary testimony. I have no power or desire to compel you to testify. I say the same to you now. When I wrote you yesterday offering you the opportunity to make a statement, you expressed yourself as pleased that the matter was to be cleared up. You were willing to be sworn.

DAWE. Yes; but now I have lied under oath; I am guilty of perjury.

Commander DAVIS. You could not be held for perjury if you retract under examination. You are given the opportunity to correct your statement. That saves you from perjury.

Dawe then made the following statement:

The story as the captain has told it is true except in some particulars. The fight did take two days. After the fight on the first day I returned to the other village, where I had fever, which lasted for some hours. During the night, about 2 o'clock, the other people arrived from the cay. I was then in the sweating stage of fever, nearly over the fever, but I went with them before daylight and climbed through the swamp. Part of the party went one way and the other part went another. From the party I went with there was only one shot fired; from the other party there were two shots fired when Mr. Renton appeared at his door coming out of his house. I did not see the shooting, as I was behind. One shot hit Mr. Renton—hit him on the right side [pointing below the ribs]. The house was surrendered, and I saw Mr. Renton with the wound. I proposed to take him over to the cay with Johnson to cure him. I wanted to do so, but the others decided differently and prevailed. I protested against the burning of the house and the destruction of the property, but I was sent away with Johnson. I considered that my life had been in danger from Renton, and knew that he had singled me out during the first fight, one bullet having passed by my head and another striking at my feet. At the second fight I was unnerved myself, and did not fire. I was too far away and did not see the shooting.

Dawe also stated that the papers called for in the order of Isert's delivered him, with my letter, were in Edgar Ende's trunk, locked up, and that Ende was absent. He did not feel authorized to force open the trunk, and could not produce the papers.

ANNEX S.

Statement of Jesse J. Kittle.

Jesse J. Kittle, of Comanche County, Tex., age 24 years, sworn:

I am in the employ of the Brewers Lagoon Wood and Produce Company. Mr. Dawe told me to send a horse and provisions to Siere. I sent a horse and boy in the morning. Mr. Dawe came over from the cay with Mr. Fernando Ende. About the time they reached the village the boy came back and said that Renton had threatened him with a rifle; had taken his horse from him; tried to take his rifle. Mr. Dawe told Johnson to go back and they would go with him. When he got up to Renton's, Renton and Johnson came out and told him to stop, and Renton fired, and the boy dropped on his knees and returned the fire. Dawe and Fernando ran up to the boy, and Renton ran away. He did not see the affair. Dawe came back to the village and told what had occurred, and Edgar Ende came over the next morning and all went up to Renton's house about 8 o'clock. Mrs. Renton said that the only money she had was \$7. She gave her power of attorney for the property, and it was agreed to take her to the cape. We took Mrs. Renton to Tabacanti. Mrs. Renton said then she did not know what had become of Renton. She had no way to find him.

Kittle was given an opportunity to correct his statements, and was told what the evidence was regarding the case in possession of the United States Government. He said that he did not know anything different, and could only tell the truth.

ANNEX T.

Statement of Gregorio Torres.

Native of Honduras, and living at the Indian village alongside of the site of Renton's house. Was interrogated in the house where he lived, and stated that he had lived at the place for nine years; that he knew Mr. Charles W. Renton very well, and worked for him at different times during the seven years that Renton lived there; that he had helped build the fence on Mr. Renton's land. When asked if Mr. Renton had compelled the Indians to work for him at the point of a rifle, he ridiculed the idea. Said they were always paid. He found him always just and fair in his dealings. Never had any trouble with him, and that he was liked also by all the Indians about there. Mrs. Renton was also liked by the Indians. Renton bought sarsaparilla, rubber, and hides from the Indians, and always paid them. He said he made a trip to the capital, when Renton went there to see about his land. That an American, whose name Torres did not know, but described by him as a large man, went with Renton to see the President of the Republic. Renton told Torres that the President gave him a concession of the land to cultivate and do what he pleased with it, and he saw a paper which Renton had, giving him a title to the land. He was absent from the village when Renton was killed, but he heard from other people living there about Renton's death. That Renton after being shot was carried into his (Torres's) house, and was kept there until they took him away that night about 8 o'clock. Renton owed Torres at the time of his death, but he knew that he would have been paid if Renton had not been killed.

ANNEX U.

Statement of Roberto.

Roberto, an Indian, stated that he went with Edgar and Mrs. Renton and the little girl and McCoy to Patook; that they took a pitpan across the lagoon, and walked the rest of the distance. That they left Renton lying wounded in the waika hut. He stated that he saw Mrs. Renton's wound in the wrist.

ANNEX V.

Statement of Charles Stevens.

Charles Stevens, a native of Jamaica, colored, stated that he was present on the ground when the first day's shooting took place; that when the negro Johnson came by Renton's place Renton did not abuse him, but objected to his going through his trail and passing his house with a loaded rifle, and told him that he was an American and ought to be a friend of his instead of working for the Dawe people, who were his enemies. He also said that he saw the shooting, and showed the place where the parties stood when they fired at Renton, demonstrating that these parties were not in sight of Johnson and Renton, but were well concealed behind the bushes and trees which stood between the house and the beach of the lagoon. He said that only one shot was fired from Renton or Johnson, but ten or twelve shots were fired by the Dawe party, when Johnson was wounded; and that Renton pulled Johnson into the house and shut the door. The next morning he came in a dory to the beach close to Renton's house, just after the firing took place, and he saw Arthur Sandham behind one of the trees in front of Renton's house. He showed where the other people stood when they laid in wait for Renton, firing from the two sides when he (Renton) came out of his back door. He stated that he saw Renton after he was wounded and while he was lying in the waika hut; that he did not consider Renton's wound very bad, but one that easily could be cured. He said that he (Renton) seemed very cheerful at the time, as he then probably did not have any idea that they were going to finish him. He says that Mrs. Renton was in the hut also, as he talked with them both. Renton ate some soup which McCoy prepared for him. He was not present at the rest of the proceedings, but he remembers seeing Mrs. Renton's wound; that it looked as if she was shot through the wrist by a buckshot. [In Sam Davis's testimony Arthur Isert carried a shotgun and cartridges loaded with buckshot, and in Mrs. Renton's statement Arthur Isert shot her.] He had heard since from negro Johnson, who was with the gang of murderers that night, the night of the 16th, that the party after hauling Renton out of this hut after dark killed him and chopped up his body, put it in a dory, and dropped the pieces one by

one in the lagoon as they went across, and finally they buried the head and trunk on the embarcadero. He knows of his own knowledge that the party came to the cay about 4 o'clock in the morning. He also stated that Jesse Kittle's waika girl refused to wash out the bloody shirt which he brought back to the house, agreeing with the well-known idea of the Indian not to touch human blood.

Mr. Pringle to Mr. Olney.

No. 191.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, July 2, 1895. (Received July 18.)

SIR: Referring to my No. 189, of June 25, I now inclose copy of telegram, with translation, received from the minister of foreign affairs of Honduras.

I am, etc.,

D. LYNCH PRINGLE,
Chargé d'Affaires ad interim.

[Inclosure in No. 191—Translation.]

Mr. Bonilla to Mr. Young.

TEGUCIGALPA, *June 25, 1895.*

Referring to my previous telegram, I have the honor to transmit to your excellency the communication which the governor and commandant of the port of Iriona sent me, which refers to the investigation of the case of the assassination of Mr. Renton, which says:

IRIONA, *June 12, 1895.*

MR. MINISTER OF FOREIGN AFFAIRS,
Tegucigalpa:

Respecting the Renton case, Mr. J. Grover Ward, W. Wohur, and Sorl have been captured. I have ordered them in prison. Other participants in the assassination are absent, Keltel and Sandhamen on the right bank of the River Wanqui, Fernando Eude in Bluefields, Eduardo Eude in the United States, and Johnson in Belize. Some of the eyewitnesses are in Bluefields and other places. Some cattle and real-estate have been seized. The inquest in the case will soon terminate.

I will soon send you more testimony and some information relative thereto.

I am,

L. Y. DE RIOS.

I am, etc.,

CÉSAR BONILLA.

Mr. Adce to Mr. Pringle.

No. 186.]

DEPARTMENT OF STATE,
Washington, July 9, 1895.

SIR: Referring to previous correspondence concerning the murder of Mr. C. W. Renton, I have to inform you that his son-in-law, Mr. James Donnelly, presented himself at the Department this morning, having letters of administration from a court in favor of his wife Charlotte Renton Donnelly, and himself as heirs at law of Mr. Renton, and announced his purpose of proceeding to Honduras, at the suggestion, it would seem, of President Bonilla, for the purpose of endeavoring to take the necessary care of the estate of the murdered man.

I explained to Mr. Donnelly that so far as the action of the Government of Honduras for the punishment of the murderers was concerned,

full instructions had been given to General Young, who is to visit Tegucigalpa on his return to his post and make urgent representation of the case to the Honduran Government, and that as the matter was thus placed in the legitimate channels, it was expected and desirable that he (Mr. Donnelly) should confine his efforts to the business questions arising in connection with the settlement of the estate and not undertake any independent representations touching the course of the authorities of Honduras toward the murderers.

Mr. Donnelly has been given a letter of introduction to the diplomatic and consular officers.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Olney to Mr. Young.

No. 217.]

DEPARTMENT OF STATE,
Washington, September 16, 1895.

SIR: In connection with the Department's recent instruction in regard to the death of Mr. C. W. Renton, I have now to inform you of the receipt of a letter from Mr. George W. Dease, dated New York, the 13th instant, wherein he states that one of his correspondents at Cape Gracias, Nicaragua, under date of August 24 last, writes as follows:

All of the assassins, less one, are in jail at Truxillo, as follows: Edgar Eude, Dawe, Isert, Sandham, and Kittle. Edgar returned to Honduras from the States and was grabbed. The two that were at Millers gold washing were dismissed from the camp and returned to the old place, and were grabbed immediately. So all except Eude's brother, who is, or was, at Rama, up the Bluefields River, are in. We all hope here that they will be punished according to their deserts. We got this news to-day by a Carib dory from Truxillo. The sending of the *Montgomery* to investigate did an immense good.

Mr. Dease further says that he has received a letter, dated Bluefields, Nicaragua, August 23, 1895, in which it is stated that "Fernando Eude has left here [there], as the party he was working for has sold out the plantation he was on. He has gone to Cape Gracias, presumably on his way to Brewers Lagoon, though I was unable to find out."

Mr. Dease concludes with the statement that he "was informed that the creole McCoy, who assisted the murderers, was, and probably still is, confined in jail at Belize, British Honduras, for a crime committed there previous to the Renton affair."

I am, etc.,

RICHARD OLNEY.

Mr. Pringle to Mr. Olney.

No. 220.]

LEGATION OF THE UNITED STATES,
Guatemala, September 26, 1895. (Received Oct. 10.)

SIR: I have the honor to transmit a copy of summary of testimony in the Renton case. I regret that the translation should be so poor, but have not had time to go over it for revision and do not wish to delay sending it.

I have, etc.,

D. LYNCH PRINGLE,
Chargé d'Affaires ad interim.

[Inclosure in No. 220.]

Mr. Bonilla to Mr. Pringle.

[Translation.]

TEGUCIGALPA, August 10, 1895.

Mr. CHARGÉ D'AFFAIRES AD INTERIM:

Complying with my promise in previous notes to the legation of the United States, I have the pleasure to transmit the inclosed authenticated copy of the summary instituted to discover the authors of the crime of assassination committed at Brewers Lagoon, Mosquito district, on the person of the North American citizen Charles W. Renton.

As you will see by the documents which accompany it, the authorities of the place where this act was perpetrated have used every effort to throw light upon what happened, and will continue in their efforts to exhaust all the methods of investigation, so that justice may be satisfied and the culprits discovered.

I will soon send a copy of the continuation of the case and the sentence pronounced by the superior judge of the respective department.

With many assurances, etc.,

CÉSAR BONILLA.

[Subinclosure—Translation.]

testimony.

SUPERINTENDENCE OF THE MOSQUITO TERRITORY,
Port Burchard, June 23, 1893.

JUDGE OF THE PEACE, *Present:*

It being the object of the international administrations of the North American Republics and that of Honduras to learn the causes of the assassination of Mr. Charles W. Renton, and being that you, in the fulfillment of your duty, ordered the corresponding examination to commit the authors of said crime, please furnish me with the testimony of said examination to send to the minister of foreign relations of this Republic as an important document in his dispute with the Government of the United States. Hoping that you will comply with this request, I am,

Your humble servant,

L. IRIAS.

SUBSTITUTE COURT OF PEACE, ACTING,
Iriona, June 25, 1895.

Furnish the testimony requested and transmit the same to the minister of foreign relations of the Republic by medium of the principal commander of this port.

HERMENEGILDO MUNGUÍA.
E. S. RODRIGUEZ.
LORENZO F. MEJIA.

JUDICATURE OF THE PEACE BY MINISTRY OF THE LAW,
Port of Iriona, June 3, 1895.

Not having found same, furnish the testimony of the process instituted to investigate the assassination of Mr. Charles W. Renton and to discover the guilty parties.

HERMENEGILDO MUNGUÍA.
E. S. RODRIGUEZ.
RAFAEL CASTELLANOS.

Upon the same day appeared Señor Gregario Torres, 29 years of age, unmarried, a farmer, a native of Manto, and a resident of Brewers Lagoon, in this jurisdiction; was duly sworn according to law, and having been advised of the penalties of perjury was examined as to what he might know of the murder of Mr. Charles W. Renton, the forcible abduction of the wife of Renton, and the whereabouts of his valuables; and said that after an absence of seven months from his house in Brewers Lagoon he returned to it the 29th day of April, 1894; that upon his arrival he found several

articles that had belonged to Mr. Charles W. Renton scattered about, which caused him to inquire the whereabouts of Renton, of the woman with whom he lives, and the neighboring sambos all told him that Fernando and Edgar Eude (Yuth), and Sandham, Johnson, Isert, and Kittel had killed Renton, explaining the deed in the following manner: That Kittel, armed with a Winchester rifle, had reached the gate of Mr. Renton's pasture and had opened it without his (Renton's) permission; that Renton had told him that he should not open the gate, as he had prohibited him doing so before; that Kittel, notwithstanding, did not desist, and continued to pass through the pasture. Renton followed him, prohibiting him to pass in front of his house, but that Kittel, not heeding this prohibition, continued his passage without stopping; that Renton then got angry and went toward Kittel to restrain him, and told him that he should never again open his gate, and that to prevent passage through the pasture he had built a road both in front and in back of the house, outside of the pasture. Kittel then returned to his house, where he found Fernando Eude, and being soon joined by Edgar Eude (Yuth), Sandham, Johnson, Isert, and Mr. Dawe, and soon all went in the direction of Renton's, each one with his firearm. They sent Johnson ahead to open the gate of the above-mentioned pasture. As he did so, Renton, who was milking a cow, arose and entered his house, got a Winchester, went outside and fired one shot in the air. At the same time, all fired simultaneously at Renton from different positions, and he fell, wounded; his wife was also wounded in one hand. Following this the same parties conducted Renton to the house of Isis Cruz, which was found vacant, and where Sandham, Fernando, Kittel, and Johnson remained guarding him. Mr. Dawe and Isert then returned to El Cayo, and Edgar Eude (Yuth) took charge of transporting Mrs. Renton to Tabacounta, threatening that if she returned from there they would also kill her; that the persons who conducted Mrs. Renton were this same Eude, the sambo Roberto, and a servant of Renton, Cruz Lacayo, a Nicaraguan, whom they also threatened to kill should he return; that regarding Renton, he was in the custody of this guard until 8 o'clock of the evening of the same day that he died, and that he does not know where the body was buried.

He added that Kittel afterwards told him in private conversation, and upon accusing him (Kittel) of the part he had taken in the death of Renton, this latter having been his best friend and protector, that Renton begged him to let him go, but that he answered him that if he did they would kill him (Renton), he (Kittel) being the guard at the time; that regarding the effects of Renton he could speak from positive knowledge of the following: That six years ago he (the witness) had brought Renton from the ranch of Don Jose Julia, port of Truxillo, 111 heifers of from 2 to 4 years old; from the ranch of Williams, his fellow-countryman, Patuca, 15 cows; from California, 9 thoroughbred heifers and 1 thoroughbred bull; in all, 131 head of cattle and 2 mules; that of the cattle he sold something like 60 heifers to a man in Belize at the end of 1893, keeping the rest and their progeny in excellent condition, and that Mrs. Renton told him that he (Renton) also saved the money for the cows he sold. He also had a house 10 varas long by $5\frac{1}{2}$ wide, built of lumber, with glass windows and well furnished; also many chickens. The house was located near the village of Brewers Lagoon. That of these animals he first saw the two mules in the possession of the Brewers Lagoon Wood and Produce Company, and afterwards saw them roaming wild in the fields near his house; that of the cattle he had only seen five oxen and five cows roaming in the fields; that he had been told that Mr. Edgar Eude had captured the chickens and had left them in charge of a sambo woman, in whose possession he had seen a portion of them. The iron with which the cattle were branded, and which was used to designate the property of the Rentons, was RV, the first of Mr. Renton and the second of Mrs. Renton. That the persons able to give positive information of what he has said are Macario Mercado, Roberto Montecino, and Francisco Arrollo, also the sambos Maria, Sucricamaeren, Cuca, Finglas, and Damasa.

The testimony was then confirmed by witnesses and signed.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
LEONARDO IRIAS.
E. S. RODRIGUEZ.

On the 4th of the same month came Señor Stephen Zacharias, 48 years of age, married, an artisan, a native of Jamaica, a citizen of Belize, and a resident of Brewers Lagoon; was duly sworn according to law, and upon the reading of the penalties of perjury was examined upon the same points as the preceding witness, and said that in the first part of the last year he was in the house of Mr. Charles W. Renton, of Brewers Lagoon, when Mr. Dawe, Fernando Eude, Kittel, and Johnson arrived, and after some words of recrimination Mr. Dawe fired a shot from his rifle at Mr. Renton, who answered with a shot from the rifle he had; following this, Eude, Kittel, and Johnson continued firing at Renton; Renton also kept firing at his assailants; but at this time neither one nor the other was hurt.

Mr. Dawe, Fernando, Kittel, and Johnson then retired to the ranch house of the company, where Mr. Dawe gave him (the witness) a letter and an order to carry to Sandham, Isert, and Edgar Eude, who were at El Cayo, to come and kill Mr. Renton. These parties immediately went with him to Brewers Lagoon.

Having finished this errand, the witness retired to his house, which is somewhat distant from the houses of Renton and the company; that the following day he returned to Renton's house and did not find him there, but wounded in the house of the sambo Roberto; that the wound was produced from a ball from a firearm, which entered through the false ribs of the back and passed out in front a little above the stomach; that upon entering he asked Renton who had wounded him, and he answered in these words, "That white man," without designating what particular one. "Does your wound pain you much?" he continued. Renton answered that it did not. That at that moment he found Renton had laid upon a bed, and was guarded by Mr. Dawe, Kittel, Fernando and Edgar Eude, Isert, and Sandham; that he likewise saw Mrs. Renton wounded in one hand; that immediately after he (the witness) left for El Cayo in company with Mr. Dawe and Johnson, who was wounded in one leg, which wound they told him had been received in the same encounter; that the following day he was sent by Mr. Dawe to Brewers Lagoon with 150 silver dollars for Mrs. Renton, but upon his arrival in that village did not find her, so he gave the money to Isert to take to Mr. Dawe, whom he would find in El Cayo; that he did not find Mr. Renton upon his arrival at Brewers Lagoon, and having asked Kittel his whereabouts this latter answered that maybe he had gone off somewhere; that he further thought that Mr. Edgar Eude had gone as a guard conducting Mrs. Renton and Alfonso Lacayo, a servant of Renton's; that for this trip Mr. Eude took with him five companions, the sambo Roberto, and Thomas McCoy, who is now in Belize; that the same day he spoke with Renton he witnessed Mr. Dawe, Sandham, Kittel, Isert, and Fernando and Edgar Eude set fire to Renton's house, having first taken out all the furniture, boards, shingles, cattle and deer hides, grindstone, tools, and everything they could use, and carried them to El Cayo, where a good many still remain; everything that they had been unable to take out and the walls were burned; that he did not know Renton's cattle, with the exception of two oxen he had seen roaming loose, but that he did know two mules he had seen working for Fernando Eude, and Kittel, Mr. Dawe's foreman; that he had been told that Kittel and Sandham are in the house of Mr. Coleman, Guanqui, Nicaragua, and that Fernando Eude is in Bluefields, a port of the same Republic, awaiting the results of the present investigations; that the only persons he knows who witnessed the deed are the sambo women Maria, Suericamaeren, and the mother of the latter.

His declaration was read to witness, but he did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
LEONARDO IRIAS.
E. S. RODRIGUEZ.

The same day appeared the sambo woman Maria, of legal age, unmarried, a servant, a native and resident of Brewers Lagoon, in this municipal district, was duly sworn according to law, advised of the penalties of perjury, and examined through her interpreter, Don Dario Gonzalez, who was also sworn and advised of the penalties of perjury, and said: That it was now about one year and two months since the disappearance of Mr. Charles W. Renton; that at that time she (the witness) was living on the island known as "the other side of the lagoon," from where she went to the village of Brewers Lagoon. Upon her arrival there she met Señor Binn, who told her that the "Englishmen" of El Cayo were murdering Renton; that hearing this she went along the shores of the lake to the house of the old woman Cuca, taking care not to be seen or surprised on the way; that almost at the same moment that she entered the old woman's house Mrs. Renton arrived, wounded and crying, and asked the witness to go and bring her a small trunk which she had in the house of the sambo Isis Cruz; that she condoled the misfortune of Mrs. Renton, and went on the above errand; that upon entering the house of the above-mentioned Isis Cruz she saw Mr. Renton wounded and lying upon a bed, guarded by Edgar, Fernando, Kittel, Sandham, and Isert; that the wounded man spoke to her and asked her to draw near, but being afraid went to get the trunk she had been sent for; that as she was leaving the wounded man stretched out his hand and bade her good-bye in a strong voice, which indicated that he still had great vitality; that she then left and returned to the house of the old woman Cuca to join Mrs. Renton; that when she was giving the trunk to Mrs. Renton, Roberto returned from a trip to Caratasca, where Mr. Renton had sent him; Edgar Eude (Yuth) arrived at the same moment, accompanied by Roberto Finglas, Williams, and Damaso, and compelled Mrs. Renton to follow them and embark immediately, the witness following some distance behind, and saw them do so in the following manner: Kittel, Fernando, Sandham, Isert and (Yuth) Edgar forcibly put her in a canoe, in which Edgar Eude (Yuth), Finglas, Roberto, Williams, and Damaso also embarked; the other four remaining on land to guard Mr. Renton; that she afterwards thought that they left Mrs. Renton

at the other side of the Yamanta, between Casatasca and Ilaya; that as the witness was very much afraid, she returned to the island from whence she came at about 7 p. m. of the same day, without learning the ultimate whereabouts and condition of Renton; that she afterwards thought that he had disappeared, but was ignorant of the manner of his disappearance; that when she went for the first time to the house of the old woman Cuca Renton's house had already been burned, but that she did not know who did it; that in the lifetime of Mr. Renton she knew that he had in the house a great many deerskins, a greater number of cattle hides, many carpenter's tools, crockery in abundance, one large grindstone, three rocking-chairs, three rolls of native matting, one woven-wire bed, and a lot of other furniture; the house was built entirely of wood, with glass windows; was about 10 varas long by 5 wide; the corridor and kitchen were also built of wood; that he also had a fine flock of chickens, several of which she has seen in the possession of the mother of Valeroso, and knew they were given to her by Edgar Ende (Yuth), her son-in-law; that she was sure they had taken the roof as well as the lumber of the house to El Cayo, and supposed they had only burned what they were unable to take away; that she was also certain that Mr. Renton had a large number of cattle and two mules, which latter she saw working for Fernando, Kittel, and Johnson; that she thought Renton had sold part of the cattle to a man in Belize, but did not know the quantity sold nor the number that remained after the death of Renton, and that she had been told by several different sambos that they had been slaughtered by the men of El Cayo; that as regards the assassination and other things about which she had been examined the following persons, having been present, could be witnesses: Sucricanaeren, Cuca, Williams, Roberto, Pinglas, Montecino, Macario, and Francisco Arrollo, and that she knew nothing else.

The testimony was read to the witness through her interpreter. She verified but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
E. S. RODRIGUEZ.
LEONARDO IRIAS.

On the 5th day of the same month appeared the sambo Roberto, of more than 25 years of age, unmarried, a laborer, born on the shores of the Guanqui River, frontier of Nicaragua, and a resident of Brewers Lagoon, in this jurisdiction, was duly sworn and advised of the penalties of perjury through his interpreter, Don Gregario Torres, who was also sworn and explained the penalties of perjury, and said: That it was now one year and three months, a little more or less, that the witness went to the place of Mr. Charles Stephens, in Caratasca, carrying a message from Mr. Renton; that upon his return to Brewers Lagoon he met Kittel, Sandham, Fernando Ende, Isert, Yuth (Edgar), and Johnson, armed with rifles, and the first two inside of the house of Isis Cruz and the others in the door as guards; he also saw Mr. Renton lying upon a bed, but did not ascertain whether or not he was wounded, as he was afraid to go near; that a few minutes after his arrival at the house of Isis Cruz Mr. Ende (Yuth) told him to make ready to follow; that the witness excused himself, saying that one foot pained him and that he had not dined, but that in place of accepting his excuse Ende threatened him with his rifle and told him if he did not go he would kill him, and made a gesture as if to execute his threat by pointing the rifle at him; that he submitted to force and placed himself under the orders of Ende, with whom he went to the shore and entered the canoe in which they carried Mrs. Renton prisoner; explaining the meaning of the word or term prisoner, witness said that he considered her as such, as at the shore she had resisted getting into the boat, and that Fernando, Sandham, Kittel, Johnson, and Yuth (Edgar) told her that if she did not embark they would kill her, and that Johnson and McCoy seized and placed her and her little daughter in the canoe by force; that Mr. Yuth (Edgar) acted as captain and chief of the trip, forcibly carrying along Damaso, Williams, Pinglas, and the witness as sailors; that in this manner they crossed the lake and disembarked at Mocovila, from where they were conducted along the shore of the lake to Caurquira, a place beyond Caratasca; that at this point Mrs. Renton, the little girl, and Alfonso Lacayo (who, having been the personal servant of Renton, had been taken along as prisoner) were delivered to the sambos Guave and John Escoban; that from Caurquira they returned to Brewers Lagoon; that upon their arrival there they did not find Renton; that shortly afterwards his fellow-countrymen (sambos) told him that the men who remained—Kittel, Sandham, Fernando, Isert, and Johnson—had been guarding Renton until late in the night, and that by dawn of the following day all had disappeared, and that they (his fellow-countrymen) supposed they had killed Renton, because the latter was unable to escape on account of being badly wounded, and could not move himself without assistance; that when he arrived at Caratasca Renton's house had already been burned and only the last remnants of the pillars were

smoking; that before his trip to Caratasca he left Renton enjoying the best of health and occupying his own house in Brewers Lagoon; that the house was of wood, in very good condition, about 10 varas long and 5 wide, with glass windows, and having inside the following furniture: One good wooden bed, four zinc-lined trunks, one rocking and two common chairs, a great deal of crockery, deerskins, and many cattle hides, many carpenter's tools, a grindstone, and some other house furniture, a Winchester rifle, a double-barreled shotgun, and a revolver, which he had been told had been afterwards found in the possession of Kittel and Fernando; that he also had a small flock of chickens, some of which he afterwards saw in the possession of (Yuth) Edgar's mother-in-law; that a short time before Renton's death he knew a small number of Renton's cattle and two mules, which latter he has since seen roaming wild; that as regards the cattle, he was told by his fellow-sambos that several had been slaughtered by the men of El Cayo; that he knew nothing more.

The witness was read his testimony through his interpreter. He declared it in order, and confirmed, but did not sign it, not knowing how. He added that the Englishmen, referring to the assassins of Renton, had told him as well as the other sambos who had witnessed the deeds that if they testified against them before the authorities or anyone else that they would kill them.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
LEONARDO IRIAS.
E. S. RODRIGUEZ.

Following the above witnesses came the sambo woman Loris, of more than 40 years of age, single, servant, born in Cropunta, and residing in Brewers Lagoon, in this municipal district, was sworn and advised of the penalties of perjury, was examined through her interpreter, Don Gregorio Torres, who was also sworn and advised of the penalties of perjury, and said: That in the last year she was working on the island known by the name of "the other side of the lake," when her son Finglas passed, carrying some clothes, and at that time told her that Kittel, Fernando, Isert, Yuth (Edgar), and Johnson had killed Mr. Renton and that Mr. Yuth (Edgar) carried Mrs. Renton to Caratasca; that several days after she returned to her house at Brewers Lagoon, but did not meet Renton, his wife, nor any of those whom she had been told were the assassins of Renton; that Renton's house had already been burned; that this house was lined with boards, with floor and roof of the same material, glass windows, and a corridor and kitchen of wood; that she was acquainted with the following objects in the interior of the house: Four zinc-lined trunks, two large and two small, one large wooden bed of good quality, three rocking and one common chair, many carpenter's tools, because Renton was a carpenter, one grindstone, one rifle, one double-barreled shotgun, one revolver, and other house furniture, piles of deerskins and cattle hides; that he also had a small flock of chickens, which she saw in the possession of Yuth (Edgar), and of which he gave some to the daughter of the witness, who now has them; that, furthermore, shortly before the death of Renton she knew that he had a great many cattle, as he had "rounded them up" near her house, but since that event she had not seen any of them, and learned from her fellow-sambos that the men of El Cayo had slaughtered several; that she also knew Renton's two mules, and that she saw them for some time in the service of Johnson, but that she had since seen them roaming loose; that she knows nothing else.

The witness was read her testimony through her interpreter; verified but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
E. S. RODRIGUEZ.
L. IRIAS.

The same appeared in this office, the sambo Valeroso, of legal age, unmarried, a workingman, a native and resident of Brewers Lagoon, in this municipal district, was sworn and advised of the penalties of perjury, was examined through his interpreter, Don Gregorio Torres, who was also sworn and reminded of the penalties of perjury, and said: That his brother Finglas told him that Mr. Sandham, Fernando, and Edgar Eude, Kittel, Isert, and Mr. Dawe had last year killed Mr. Renton; that he also told him that Yuth (Edgar) had carried Mrs. Renton to Caratasca; that he knew Mrs. Renton's house in Brewers Lagoon; that it was entirely made of wood, roof and floor of the same, glass windows; that it was about 10 varas long by 5 wide, with a wooden corridor and kitchen; that it contained various furniture and the following: Four zinc trunks, two large and two small, one large wooden bed of good quality, three good cane chairs and one ruined cane chair, one rocking-chair, two

Winchester rifles, one revolver, a great many carpenter's tools, and one grindstone; that he had a small flock of chickens, of which Mr. Edgar gave several to the witness's sister Quibel; Mr. Renton also had deer and cattle hides; that he also knew many cattle belonging to Renton, of which he saw Mr. Dawe slaughter several after the death of their owner; that the mules which belonged to Mr. Renton are roaming wild; that this is all he knows.

The witness was read his testimony through his interpreter; said it was correct, and verified, but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
E. S. RODRIGUEZ.
L. IRIAS.

The 6th of the same month appeared in this office the sambo woman Suerica Mayren, of legal age, unmarried, a servant, a native and resident of Brewers Lagoon in this municipal district, was sworn and advised of the penalties of perjury, was examined through her interpreter, Dario Gonzales, who was named for that purpose, as witness does not speak the Spanish language, and said: That it was now one year and two or three months that one morning just as the sun was rising she saw from the door of her house Kittel, Fernando Isert, Yuth (Edgar), Sandham, and Johnson leave the house of the latter and go toward the house of Renton; all placed themselves at the foot of a mango tree near Renton's; that she heard them call out in loud voices, "Oh, Renton! Renton! Oh, Renton!" that at this call Renton came out, and all immediately fired at him with their rifles (as all of them carried rifles); that the witness, filled with fear, then retired and did not see what followed these first shots; that following this she saw these same people conducting Mrs. and Mr. Renton, the latter walking unassisted, to the house of Isis Cruz, where Renton was laid down upon a bed, and Fernando, Kittel, Isert, and Johnson, rifles in hand, remained in the door of the same house until after sunset; that at this hour the witness, being afraid of these armed people, left for another nearby village; that being away she did not know what they afterwards did with Renton; that during the day Mrs. Renton went to the witness's mother's house to show them the wound she received and which she (the witness) saw in the back part of one hand; that about the time for the angelus, Mr. Yuth (Edgar) took Mrs. Renton to his canoe, that Yuth, a little girl of Mrs. Renton's, and Alfonso Lacayo also embarked, carrying by force as sailors (paddlers), Finglas, Damaso, Williams, and Roberto; that she does not know who set fire to Renton's house, but that she saw Fernando, Kittel, Sandham, Isert, and Johnson there when it was burning; that the house was built entirely of wood, roof and floor also of wood, glass windows; that the house was about 10 varas long and 5 wide, of but one story; the kitchen was also wood; that Renton had inside among other furniture the following: One good wood bed, four chairs, one rocker, and three common cane, four zinc-lined trunks, two large and two small, a lot of crockery, many carpenter's tools, and one grindstone, two rifles and two revolvers, deer and cattle hides; that he also had a small flock of chickens, a lot of cattle and two mules; that of all this she has only seen since the death of Renton the mules roaming loose in the woods.

The witness was read her testimony through her interpreter, said it was correct, verified but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
TRINIDAD O. BUSTILLO.
E. A. RODRIGUEZ.

In Brewers Lagoon, the 10th of the present month of June, appeared Sebastian Montecino, 28 years of age, single, a laborer, a native of Marcala, and a resident of this district, was sworn and advised of the penalties of perjury, was examined as to his knowledge of the present case, and said: That on the 16th day of March he, together with Macario, Mercado Sencion Jiminez, Francisco Arrollo, and Mercedes Castillo, was coming in a boat on the Patuck River from Awataba, and arrived near the house of Renton, but as they were about to disembark a man, who seemed to be an Englishman, covered them with a rifle and commanded them to halt, and ordered one of them to come ashore, so Sencion Jiminez went ashore to talk to him; this latter at once ordered him to return the little boat in which he came ashore, but that Jiminez did not do so, and returned to the boat without being detained; the witness and his companions then made a circuit to land at the southwest end of the lake; they were preparing their dinner, when they saw a column of smoke arising in the direction of Renton's house; they immediately reembarked to go to the assistance or to ascertain the cause of the fire, but upon rounding the point near the village of Brewers Lagoon they saw several men walking along the shores of the lake at about the point from where the witness and his companions came, and then they (the witness and his companions) returned toward the Patuck River. He added that the day before he had been in Renton's house and saw that he had an old American, Mrs. Renton, and the

little girl as companions; that at the same time he also saw in the house a sewing machine that he had known before and many deer and cattle hides; that this is all he knows.

The witness was read his testimony, said it was correct, and confirmed, but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.

LEONARDO IRIAS.

CARLOS CERNA B.

At 3 o'clock in the morning of the 13th of June present appeared a man, and who was not compelled to make oath, but warned that he should tell the truth in the declaration they were going to take, and having offered to do so, they inquired his name and other particulars, and he answered: J. Grosvenor Dawe, 33 years of age, married, a merchant by profession, a native and resident of London, England.

Questioned if he knew the man who, at about 6 or 7 o'clock of the morning of the 16th of March of last year, accompanied Isert, Kittel, Sandham, Johnson, Fernando, and Edgar Eude, and from the foot of a mango tree, and upon the appearance of the latter in the door of his house in the village of Brewers Lagoon fired simultaneously at him with the rifles they carried, he answered that he did not know.

Questioned if he knew Mr. Charles W. Renton, if he knew that he had been killed by rifle shots fired by some persons, he said that he knew and dealt with Renton, and whom he saw for the last time March 15 of the last year, upon which date Renton fired two shots at him from his rifle, which he answered with two shots from his revolver, but that neither one were hurt; that after this he returned to another village near Brewers Lagoon, where, being sick, he remained in bed; that on the morning of the following day he returned to El Cayo, accompanied by Mr. J. V. Johnstone, who seemed to him to be wounded in the left leg.

Questioned if he knew who wounded Mr. J. V. Johnstone, or if he could explain the cause of his wound, he answered, that by himself personally he knew nothing, but that on the road to El Cayo Mr. J. V. Johnstone, of the United States of America, told him that he had been wounded the day before (March 15, 1895) in a conflict which he, Kittel, P. Johnson, and Fernando Eude had had with Mr. Charles W. Renton, but did not know which one of the four had wounded him; that after he had assisted and completely cured him of his wound he sent him to his house in Tocamacho Lake; that he afterwards thought he had sunk in the Lake of Tocomacho.

Questioned if he knew that Mr. Renton and his wife had disappeared the 16th day of March of last year; explaining the cause of the disappearance, he said that he had learned from different persons that Renton escaped, without knowing the direction he had taken, and that Mrs. Renton had gone to the Cape Gracias a Dios, Republic of Nicaragua.

Questioned if he knew or supposed who had set fire to the wooden house Mr. Renton had in the village of Brewers Lagoon, responded that he did not, but that it had been purposely set afire, but did not know by whom.

Questioned if he knew who carried, and by whose order, to the residence of El Cayo some deer and cattle hides belonging to Mr. Charles W. Renton, also a grindstone, some carpenter's tools, a considerable quantity of shingles and sawed boards, and replied that none of the articles mentioned had been taken to El Cayo with the knowledge of the witness.

Questioned by whom and by whose order were the cattle belonging to Mr. Charles W. Renton slaughtered and the meat taken to El Cayo, he answered that they had slaughtered none of Renton's cattle, nor had they taken them to El Cayo; that he knew five of Mr. Renton's cattle, of which four were in Ocotal, and that the others had been given to Nicomedes Pineda, he being acting superintendent of Iriona; that he thought Renton had sold all his cattle except the five he had mentioned, and that he thought they consisted of one thoroughbred American bull and three or four native cows.

Questioned if he knew that Mr. Renton had been wounded on March 16, 1894, and by whom the wound or wounds were caused, and responded that he had heard said that Renton was wounded, but did not know by whom.

The examination was here suspended, to continue it later if necessary.

The witness was read what he had said, confirmed it, and was signed by

HERMENEJILDO MUNGUIA.

J. GROSVENOR DAWE.

CARLOS CERNA B.

LEONARDO IRIAS.

Upon the same date appeared Macario Mercado, 36 years of age, married, farmer, a native and resident of Juticalpa, and having been sworn and advised of the penalties of perjury, said: That on the 15th day of March of last year he went to the house of Mr. Charles W. Renton to leave him his rifle and to execute a commission; that

leaving there he went to El Cayo, from where he returned the same day; that on account of the bad weather he and his companions—Ascencion Jimenez, Sebastian Montecino, Francisco Arrollo, and Mercedes Castillo—passed the night at the mouth of the Sigre; that early in the morning of the following day Ascencion Jimenez heard some shots in the direction of the village they had left the day before. This incident worried them somewhat, as they thought that it might be Dr. Tamaya, who had occupied the village. For this reason they made their embarkation a little distance in the lake to observe at long range what had occurred. As they were drawing nearer the shore they saw two men, one of them Kittel, walking along the shore in the direction of the road, each carrying a firearm like a rifle. As they drew nearer the village a tall man, white, with an aquiline nose and a red beard, came close to the shore of the lake and pointed his rifle at him and his companions, at the same time demanding in a loud and rough voice that they should halt, and at the same time ordering that one of them should come ashore. Jimenez lowered himself into the water to go and talk with him, but, having gone a few steps, the same man ordered him to return to his boat and ordered them to go away. Jimenez begged him to allow him to go ashore, as he had to leave a message with Mr. Renton; that then Mr. Alfonso Lacayo, who was near by, told him that they had gone and that he was prisoner. The witness and his companions then made for the point at the northeast end of the lake, from where they saw, at about 11 or 12 o'clock, an immense column of smoke from the direction of Renton's house, and shortly afterwards saw a boat leave there and head for El Cayo. Thinking that all danger was past, they returned, not without precautions, to the village for the purpose of getting the rifle the witness had left for safe-keeping in Renton's house, but that as they drew near to the shore Alfonso Lacayo spoke to them from out of a clump of tick and asked them why they were returning, as he had seen various persons set fire to the house from different directions. Finally they arrived at the shore where Lacayo had hidden himself, and he told them that Mrs. Renton was wounded in one hand and that Mr. Renton was dying from another wound produced by the men of El Cayo, and that he was a prisoner; that the witness and his other companions invited him to go with them, but he excused himself, saying that they had offered him 200 pesos to go with Mrs. Renton, and that they should go immediately or they might kill them. The last words were pronounced while he was fleeing precipitately toward the village. That Mr. Renton's house was built entirely of wood, even to the roof and floor, and glass windows, about 10 varas long and 5 wide; that he knew in the interior a sewing machine, many deer and cattle hides, two rifles, one .44 and the other .38, one double-barrel breech-loading shotgun, and one revolver, caliber .44, a small store of dry goods, one sack of flour containing 100 pounds, one iron stove, and a lot of household furniture; that of the animals he only knew one milch cow, two mules—one buckskin and one gray—and two dogs; that several days after the disappearance of Mr. Renton and the burning of the house he found the rifle he had left with Mr. Renton in the possession of Kittel, from whom he took it almost by force. He added that of the persons he saw set fire he knew Kittel and the man who had ordered them to stop.

The witness was then read his testimony, declared it to be correct, affirmed and signed it.

HERMENEJILDO MUNGUIA.
MACARIO MERCADO.
L. IRIAS.
CARLOS CERNA.

Following above witness appeared the sambo woman Cuca, of more than 60 years of age, single, a servant, a native, and a resident of Brewers Lagoon, jurisdiction of Iriona; was sworn in accordance with her belief and advised of the penalties of perjury; was examined through her interpreter, Don Gregario Torres, and said: That she had arisen very early one morning of the year just passed to take a little canoe she had a little higher up the lake, and that upon her return to her house she heard a discharge of riflery, followed by another; that these shots were fired by Mr. J. Grosvenor Dawe, Kittel, P. Johnson, Fernando, Sandham, Edgar Eude, and Isert from the foot of a mango tree in front of the house recently constructed by Don Pascual Ordóñez against that of Charles W. Renton, and that after the last discharge the same seven individuals went to the house of Mr. Renton, from whence they brought as prisoners Mr. Renton, Mrs. Renton, Alfonso Lacayo, an old Englishman or American, and a little girl of Mrs. Renton's; that of these five prisoners, Mr. and Mrs. Renton were wounded, the first on the side of the left nipple, and the second in the back part of the left hand; that Renton, his wife, the little girl, and Lacayo were taken to the house of Isis Cruz; Kittel, Sandham, Fernando, and Johnson, with their rifles, remaining in the door as guards, and Mr. Dawe, Mr. Isert, and Eude entering with the prisoners; that somewhere about 11 or 12 o'clock noon Mr. Dawe and Isert went to El Cayo, taking with them the old man above mentioned, and that the rest stayed at their post; that about 6 o'clock in the afternoon Edgar Eude took Mrs.

Renton, the little girl, and Alfonso Lacayo to embark them, and taking as sailors the sambos Finglas, Damaso, Roberto, and Williams; that all these embarked in the direction of Patuck; that Mrs. Renton having been embarked by force and Mr. Renton remaining in the custody of Fernando, Kittel, Sandham, and Johnson, made her very much afraid, and she took a small canoe and went to the other village of Brewers Lagoon; that for this reason she did not know what ultimately became of Mr. Renton; that she knew from her nephew, Finglas, that the party with Mrs. Renton had arrived at Patuck about 2 o'clock in the morning; that as she had locked herself in her house she only witnessed what she had already stated; that through the cracks of her house she could only see the smoke rising from all parts of Renton's house, and that she did not see the person who started the fire; that among other furniture in Renton's house she knew the following: one sewing machine, one iron stove, four zinc-lined trunks, which were brought and placed in the house of Isis Cruz, one rocker, two common cane and one small chair, many deer and cattle hides, a lot of crockery, many carpenters' tools, and one grindstone, which she afterwards saw in Kittel's house; that at that time she also knew some cattle, but did not know how many, also a small flock of chickens, which she has since seen in the possession of Eude's mother-in-law; that she also saw about 200 pounds of rubber.

The witness was read her testimony, through her interpreter, and having said it was correct, verified, but did not sign it, not knowing how.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
L. IRIAS.
CARLOS CERNA B.

The 15th of the same month Arthur Isert, who has been detained in jail, was brought before the court, and without being compelled to make oath was cautioned to tell the truth in the statement about to be taken, and having offered to do so was asked for his name and other particulars. He answered that his name was Arthur Isert, 45 years of age, married, a civil engineer, a native of Pittsburg, Pa., United States of America; a resident of San Francisco, Cal., and a legitimate son of Henry and Caroline Isert.

Questioned if he knew or presumed the cause of his imprisonment, he answered, because he had been accused of being a participant in the death of Mr. Charles W. Renton.

Questioned as to his whereabouts on the 16th day of March of last year from 6 a. m. to 8 p. m., what he was doing, and in whose company, he replied that one day in March, 1894, he was in El Cayo, the residence of the agents and principal manager of the Brewers Lagoon Wood and Produce Company, when he received a letter from Mr. T. G. Dawe, addressed to Mr. Edgar Eude, in which he asked for the assistance of Eude and the witness against Mr. Charles W. Renton, because this latter had "fired shots" at him (Dawe); that immediately upon receipt of this letter Mr. Eude, the witness, and Mr. Sandham went to Brewers Lagoon, where they met Mr. Dawe; that arriving at the village of Brewers Lagoon they found Mr. Charles W. Renton lying down upon a bed in the house of a sambo and that Mr. Renton told him he was badly wounded, but that he could walk, as he saw him walking inside the house a short time after; that in the same house he also found an American named Johnson, a companion of Renton, with a wound that penetrated a little below the skin of one thigh; that they met Kittel and Eude in the door unarmed; that he was there among these men until about 5 o'clock in the afternoon; when he went to El Cayo with Mr. Sandham, Mr. Dawe having already gone there with the wounded man Johnson; having arrived at El Cayo, he did not again leave.

Questioned if he knew who wounded Renton, to where Renton had gone, and where he could be found, he answered that he did not know who wounded Renton, nor did he know where he could be found.

The examination was here continued (suspended), to be taken up later on if necessary. The testimony was read to witness, who said it was correct. It was approved and signed.

HERMENEJILDO MUNGUIA.
ARTHUR ISERT.
L. IRIAS.
E. S. RODRIGUEZ.

On the 16th of the same month the prisoner Arthur Isert was made to appear for the purpose of amplifying, without being sworn, the "declaration of inquiry" already taken; and having offered to tell the truth regarding all that might be asked him, was questioned in the following order:

Questioned if he knew who was the man who, about 6 a. m., March 16, 1894, accompanied Mr. J. G. Dawe, Kittel, P. Johnson, Sandham, Edgar and Fernando Eude,

and standing all together at the foot of a mango tree in front of the house of Mr. Charles W. Renton, called him with these words: "Oh, Renton; oh, Renton, Renton," and when he came out of his house in response to this call fired altogether at him from the rifles they carried, he answered that he did not; that when he arrived at Brewers Lagoon he found Mr. Renton already lying upon a cot in the house of a sambo; that Mr. Renton told him he was wounded, and that he saw him with his right hand upon his right side, below the false ribs; but that he did not see the wound, nor any blood, and did not suppose the wound to be serious, as shortly afterwards saw him walking up and down inside the house.

Questioned if he knew who was the man who, accompanied by Kittel and others of the persons named in the preceding question, and between 11 a. m. and 2 p. m., set fire to the wooden house which Mr. Charles W. Renton had in Brewers Lagoon, and if he knew who had taken the movables and furniture from it, he responded that Mr. Fernando Eude, after having bought from Mrs. Renton for a sum of money the house and furniture which belonged to Mr. Renton, resolved to burn it, but after having taken from it enough hides (cattle) to pay 800 pesos which Mr. Renton owed the company for the lumber in the house, that these hides were deposited in the house of a sambo, from where they were sent to the consignment of Mr. Renton's creditor in Port Burchard, the receipt of which consignment Mr. Dawe has in his possession; that he thought that Fernando alone set fire to the house, as the rest were all far away from there.

Questioned if he knew the man who, as Macario Mercado, Sebastian Monetcino, Sencion Jiminez, Francisco Arrollo, and Mercedes Castillo were approaching the shore of the lake in a canoe, with rifle in hand pointed at them and, seemingly disposed to shoot, ordered them to stop, prohibited their landing, and ordered them to turn back, he replied that he was at the village of Brewers Lagoon arranging the embarkation of the wounded American, John Johnson, for El Cayo when he saw a canoe containing several persons whom he thought were sambos coming through the mouth of El Sigre, but that he did not know whether they landed or not, although Kittel told him he had his fears that they were the same people that came from Caratasca and called Renton to their aid to take possession of El Cayo.

Questioned if he knew where she went or what road Mrs. Renton took the same 16th of last year, who conducted her, whether voluntarily or by force, whether he had seen her since that date, and what was the reason of her sudden departure, he explained that after Mr. Renton had been wounded Mrs. Renton proposed to Kittel, Sandham, Eude (Fernando), and the witness if one of them wanted to live with her, but each one after the other excused himself; that after being thus repulsed she expressed her desire to leave Brewers Lagoon and abandon Renton, as she said he was the cause of that unfortunate incident, because he proposed to take El Cayo by assault and to finish all living there, which she learned by a letter from Caratasca, addressed to Renton and brought by a sambo, which accidentally fell into her hands, in which it said that within two days they should make the assault; that having voluntarily decided to leave Brewers Lagoon, they asked her to name the person who should accompany her, and she chose Edgar Eude, who, with sambo sailors, took charge of the conduction of her and a little girl; that they left in the direction of the cape about 6 p. m.; that three or four days afterwards he saw her at the mouth of the Tabacounta River, that being the last time he saw her.

Questioned if he knew who wounded John Johnson, upon what date, in what part of the body, where he was assisted, if he was cured of this wound, or what was its result, he replied that Mr. Johnson was wounded the same day as Mr. Renton, 16th of March, 1894; that he did not know who wounded him, nor did he know the wounded man; that, as he said before, Mr. Johnson was taken to El Cayo, where he was given the greatest care, and the wound he had in the right leg was cicatrized; that the wound was produced by a rifle ball entering the fleshy part of the thigh without damaging the bone, and was received at the moment that, with knee bent, he was aiming his rifle to fire at Mr. Dawe, in defense of Mr. Renton; that, having been cured of this wound, he went to a house he had at Clama, Tocomacho, where he was drowned sometime afterwards, as he (the witness) had been informed by the neighbors.

Questioned if he knew to where Mr. Renton went, or if he had been seen since the 16th of March, 1894, or if he knew his present whereabouts, he answered that after 6 p. m. and the departure of Mrs. Renton, Kittel, Fernando, Sandham, and the witness each went to their respective residences, and that a creole negro whose name he does not know remained caring for Mr. Renton.

At this point the declaration was suspended, to be continued later on if necessary, confirmed, and signed.

HERMENEJILDO MUNGUIA.
ARTHUR ISERT.
TRINIDAD O. BUSTILLO.
L. IRIAS.

COURT OF THE PEACE,
Iriona, June 21, 1895.

Communicate with the municipal secretary of this port that he may certify to the entry of the death of Mr. Charles W. Renton, or that the entry is not found in the register, and name Col. J. Luis Refsman and Col. J. Vertin Canales as experts of the wounds suffered by Mr. Charles W. Renton and John Johnson, and to whom shall be submitted the testimony, that they may form judgment and render their opinion. Notify them.

HERMENEJILDO MUNGUIA,
L. IRIAS.
E. S. RODRIGUEZ.

Upon the same date the Cols. Luis Refsman and Vertin Canales were notified of the foregoing decree and said they accepted and signed.

HERMENEJILDO MUNGUIA.
J. LUIS REFSMAN.
TRINIDAD O. BUSTILLO.
L. IRIAS.

On the 22d of the same month Col. Luis Refsman, — years of age, unmarried, a merchant, and resident of this department, and Vertin Canales, 35 years of age, unmarried, a pharmacist, and resident of Tegucigalpa, were duly sworn according to law, and advised of the penalties of perjury, and of common accord said: That, in view of the declarations that appear in the present testimony on folios 6 back, 19 and 21 front, 3, 19, and 25 back, 14 front, and 16 and 22 back, and considering the location and the weapon used, they consider the wound of Mr. Charles W. Renton serious, but are not able to calculate if it would cause death, nor in how many days he could recover from it; as regards the wound of Mr. John Johnson, they do not think it serious, and that it could be cured in thirty days, leaving a scar; and that the wound of Mrs. Renton they considered trivial and curable in eight or ten days; adding that, as far as they were able to state in this respect, in case the wound had not been fatal, they should, with medical assistance, have been able to cure it in sixty days. The declaration having been repeated, was confirmed and signed.

HERMENEJILDO MUNGUIA.
J. LUIS REFSMAN.
VERTIN CANALES.
TRINIDAD O. BUSTILLO.
L. IRIAS.

JUZGADO (COURT) OF THE PEACE, *Iriona, June 22, 1895.*

In virtue of these proceedings and in conformity with article 33 of the constitution and article 910, Code of Procedures, the formal commitment is ordered of Arthur Isert, J. Grosvenor Dawe, A. F. Sandham, J. J. Kittel, Philip Johnson, and Fernando and Edgar Eude (Yuth) for the crime of murder against the person of Mr. Charles W. Renton, the crime of burning the house of this latter, the crime of wounding John Johnson; and against all of the above mentioned, with the exception of Mr. Dawe, for the crime of illegal detention and forcible abduction of Mrs. Renton from this territory to that of Nicaragua.

Send this cause (authority) and the prisoners Arthur Isert and J. Grosvenor Dawe to the judge of the department of Colon; and as regards Kittel, Sandham, Johnson, and Fernando and Edgar Eude, the corresponding orders shall be issued for their capture to the authorities of the departments in which they may be found.

Notify and issue the order to the commander of the garrison for their custody.

HERMENEJILDO MUNGUIA.
L. IRIAS.
E. S. RODRIGUEZ.

Upon the same day J. Grosvenor Dawe was notified of the preceding decree, and said that he understood that he was not culpable, and that he had nothing to say, and signed.

HERMENEJILDO MUNGUIA.
J. GROSVENOR DAWE.
E. S. RODRIGUEZ.

Upon the same date an equal notification of the same decree was made to Arthur Isert, who said that he had nothing to say, and signed.

HERMENEJILDO MUNGUIA.
ARTHUR ISERT.
E. S. RODRIGUEZ,
Court of the Peace.

HERMENEJILDO MUNGUIA, *Acting Judge of the Peace of Iriona.*

To you, Mr. Secretary of this town, I make known that in the examination instituted to investigate the assassination of Mr. Charles W. Renton and to learn its authors a decree has been emitted which literally reads:

"Communicate with the municipal secretary, that he may certify to the entry of the death of Mr. Charles W. Renton, or that the entry is not found in the register; and name Col. J. Luis Refsman and Col. J. Vertin Canales as experts of the wounds suffered by Mr. Charles W. Renton and John Johnson, and to whom the testimony shall be submitted that they may form judgment and render their opinion. Notify them.

"HERMENEJILDO MUNGUIA.

"L. IRIAS.

"E. S. RODRIGUEZ."

And that you may comply with said decree, I send you the present in the port of Iriona the 21st day of June, 1895.

HERMENEJILDO MUNGUIA.

L. IRIAS.

E. S. RODRIGUEZ.

[There is a seal attached, which says: "Court of the peace of Iriona, Mosquito Territory."]

OFFICE OF THE MUNICIPAL SECRETARY OF THE DISTRICT OF IRIONA,
Port Burchard, June 21, 1895.

In compliance with the foregoing decree of the judge of the peace I certify that in the book of civil register under my charge, and corresponding to this year and the year last passed, that the death of Mr. Charles W. Renton does not appear; therefore I do not subscribe it, as cautioned, and return the dispatch to the court from whence it came.

J. PAIVA.

[There is a seal attached, which says: "Municipal Mayoralty, Iriona, OK."]

In Brewers Lagoon, at 3 minutes past 3 p. m., June 13, 1895, I went to the ruins of the house of Mr. Charles W. Renton, according to the information furnished by the residents of that village, and recognized an oblong square of burnt ruins which marks the area which the house occupied, the frame of the house consisting of 10 varas in length by $5\frac{1}{2}$ in width, and finding close to this the space occupied by the kitchen and in its center the fragments of an iron stove; in the frame of the house, the melted fragments of a sewing machine, and scattered all over it various melted pieces of the windows and iron. The ruins of a barbed wire fence which surrounded the house also exist, some of the posts charred and others in complete ruins, and the wire on the ground completely rusted. I likewise recognized a pasture of 4,500 varas, which started from the fence which encircled the house, a greater part of its fence being of barbed wire with wooden posts, and several miles of natural fence given by the two rivers, Negro and Sigre, and a deep swamp; noticing that the wire fence had fallen and nearly all broken from its posts; that it was completely rusted and in places broken by the rust and the trees that had fallen upon it. In the same manner I counted 1,020 cocoanut trees, about to bear, of different sizes, and surrounded by weeds which prevent their proper growth and vegetation. This cocoanut grove is located at a point called Bacanovila, between the sea and the lake; there are also other cocoanut groves, one with 300 trees in Kentamoila, and the other with 500 trees at the right of the mouth of Brewers Lagoon; all were found in a bad state of clearing (choked by weeds, etc.), and of different sizes.

HERMENEJILDO MUNGUIA.

CARLOS CERNA.

L. IRIAS.

COURT OF THE PEACE OF IRIAS,
Brewers Lagoon, June 13, 1895.

For the recognition and valuation of the goods mentioned in the preceding investigation, Gregario Torres and William Webb are named as appraisers, to whom this shall be made known for their acceptance and other effects.

HERMENEJILDO MUNGUIA.

CARLOS CERNA B.

L. IRIAS.

Upon the same date Gregorio Torres and William Webb were notified of the preceding decree, and said they accepted, and signed.

MUNGUIA.
GREGORIO TORRES.
WILLIAM WEBB.
CARLOS CERNA B.
L. IRIAS.

Following this the appraisers, Gregorio Torres and William Webb, the first 29 years of age, unmarried, a carpenter, a native of Manto, department of Olancho, and a resident of this place, and the second 40 years of age, married, a carpenter, a native of the Cape Gracias a Dios, Republic of Nicaragua, and a resident of this place, were sworn and advised of the penalties of perjury, and said of common accord: That, although the house built by Mr. Charles W. Renton in the village of Brewers Lagoon does not now exist, but only the charred remains, from their knowledge of it they valued it at \$1,700; the pasture, partly fenced by wire fastened to wooden posts by staples, and partly by natural fence, they would estimate as if it had been in the same condition as it had been a short time before the death of Mr. Renton, or at \$2,000; the cocoanut groves in different places, amounting to 1,820 trees of different sizes and in a bad state of clearing, at \$1,300; 2 saddle mules of good size and service, branded with these letters, at \$100 each; 1 iron stove, which was found in melted fragments, at \$32; 1 sewing machine, also in melted fragments, at \$25; 4 zinc-lined trunks, 2 large and 2 small, at \$12 the small pair, and \$20 the large pair; 4 chairs, 1 rocker at \$4, 2 common cane at \$3 each, and 1 common cane in poor condition at \$2; 2 Winchester rifles, at \$40 each; 1 double-barrel shotgun, at \$22; 1 revolver, at \$40; 1 large grindstone, in good condition, at \$8; 3 dogs, 2 male and 1 female, at \$20 all 3; taking all these articles together, in the sum of \$5,471.

The declaration was reread; they said it was correct, confirmed it, and signed it.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
WILLIAM WEBB.
CARLOS CERNA B.
L. IRIAS.

I know two mules, one gray and the other black, branded with these letters, respectively, ———, belonging to Mr. Charles W. Renton; six hens and two roosters, which, according to the trustworthy information of the residents of the village, also belonged to the same gentleman. These animals are in the possession of Gregario Torres, who received them in trust according to law, and subject to the order of the court. The three cocoanut groves, located, the one in Baconovila, between the sea and the lake, another in Kentamoila, and the third at the mouth of Brewers Lagoon, also remain under the care and vigilance of Gregorio Torres.

No one being able to live in this place, and it being very difficult and a matter of much time to gather together the cattle which belonged to Mr. Renton, this operation shall be in charge of Don Victoriano Mendoza, the subcommander, to immediately proceed with the seizure and deposit, making known that the greater part of these cattle have degenerated from their domestic to a wild state.

Signed by the receiver.

HERMENEJILDO MUNGUIA.
GREGORIO TORRES.
CARLOS CERNA B.
L. IRIAS.

Corrected, making it complete.

STEPHEN.

In conformity.
Iriana, July 5, 1895.

HERMENEJILDO MUNGUIA.
E. S. RODRIGUEZ.
V. MENDOZA.

In conformity.

J. A. DOMINGUEZ,
Subsecretary of Foreign Relations.

TEGUCIGALPA, August 9, 1895.

[A seal is here affixed which reads, "Ministry of foreign relations of the Republic of Honduras."]

Mr. Young to Mr. Olney.

[Telegram.]

TEGUCIGALPA, *December 27, 1895.*

Made demand upon this Government Renton matter, and have had one conference with the President, and satisfied that they are trying to gain time. They urge reasonable delay. Recent demand has been made by British chargé d'affaires that Dawe, one of the murderers, shall be liberated, claiming preliminary examination was a trial; it was preliminary investigation only. I have another meeting Saturday.

YOUNG.

Mr. Olney to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 6, 1896.

Renton claim held in abeyance reasonable time to await result criminal prosecution.

OLNEY.

Mr. Olney to Mr. Young.

No. 265.]

DEPARTMENT OF STATE,
Washington, February 12, 1896.

SIR: On the 6th instant I telegraphed you that the claim of Mrs. Renton was temporarily held in abeyance awaiting the result of the criminal prosecution. It has been decided that the claim against Honduras growing out of the murder of Mr. Renton shall not be pressed for the present. That Government has assured this Department of its intention to push the prosecution of the persons charged with the murder of Renton promptly and vigorously to a conclusion. If the trial is conducted accordingly, the claim for damages and indemnity may remain in abeyance until the result of the trial is known. Then you will be fully instructed what to do. This suspension of the claim is without prejudice and is not intended as an intimation that it will be abandoned or that the claims are in any respect weak or ill-founded. The desire of this Government is, first, that the authorities of Honduras may be left free to punish the murderers of Renton; after that, such action as the conditions call for will be taken respecting the claim.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Lazo Arriaga.

No. 5.]

DEPARTMENT OF STATE,
Washington, February 12, 1896.

SIR: In compliance with your verbal request, I have the honor to inclose for the use of the Government of Honduras in prosecuting the persons charged with the murder of Charles W. Renton a report¹ of

¹See page 890.

the commanding officer of the U. S. S. *Montgomery*, showing the result of an investigation made by him under the direction of the Secretary of the Navy at Truxillo and other points on the coast of Honduras. It is hoped that the facts brought out by the commander of the *Montgomery* will be useful to the prosecuting officers in Honduras as a guide to their investigation of this crime and as a suggestion of the sources of evidence that may be used with effect in the prosecution.

With respect to the suggestion that the testimony of Mrs. Renton, who was an eyewitness to the killing of her husband, would be of great value to the prosecuting officers, I have the honor to say that Mrs. Renton is unwilling and in fact afraid to return to Honduras and testify in the trial court. If, however, there be any legal means of using at the trial her testimony taken at her home in New York, this Department will be glad to aid your Government in obtaining a sworn statement from Mrs. Renton as to all the material facts with regard to the crime of which she has personal knowledge.

On the day of your visit to the Department (February 6) I telegraphed the United States minister, then at Tegucigalpa, that the claim for indemnity and damages might rest in abeyance for a reasonable time to await the result of the trial. I have no desire to complicate the existing conditions by pressing a claim for damages while the effort to punish the perpetrators of the crime is being made. The claim is, therefore, withheld for the time being without prejudice and without any intimation as to the action which may be finally taken respecting it. It is earnestly hoped that the charge against these parties, who, from the reports before this Department, are clearly guilty of murder, may be promptly and vigorously prosecuted in the criminal courts of Honduras and that upon conviction punishment may be administered to them without undue delay.

After the conclusion of the trial final action will be taken respecting the pending claim both upon the murder of Mr. Renton and the practical confiscation of his and his wife's property in Honduras.

Accept, etc.,

RICHARD OLNEY.

STATUS IN HONDURAS OF AMERICAN CITIZENS OF HONDURANEAN BIRTH.

Mr. Adee to Mr. Pringle.

No. 190.]

DEPARTMENT OF STATE,
Washington, July 16, 1895.

SIR: I inclose herewith, for the information of the legation, a copy of a dispatch from the United States consul at Tegucigalpa and a copy of the Department's reply in relation to the status of naturalized citizens of the United States in Honduras.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure 1 in No. 190.]

Mr. Little to Mr. Uhl.

No. 34.]

CONSULATE OF THE UNITED STATES,
Tegucigalpa, June 15, 1895.

SIR: There are a number of persons in this consular district who, at one time or another, have become naturalized citizens of the United

States, and who, though now resident in this country, regard themselves as entitled to the rights of such citizens. As it is quite probable that cases may arise in which such persons may claim their rights before this consulate, I deem it proper to ask such general instructions as the Department may care to give without having a particular case brought before its notice. This becomes all the more important in view of certain provisions of the recent law relating to the foreigner, a translation of which I inclosed in my dispatch, No. 26, dated April 27. I desire instructions as to the following points:

1. Where a citizen of Honduras has become a naturalized citizen of the United States and afterwards returns to this country and engages in business, does he at once lose his rights as a naturalized citizen of the United States? If not, after what period of time? In its dispatch, No. 112, of date February 14, 1894, addressed to my predecessor, Mr. Peterson, the Department decided that Alonzo Valenzuela, an individual of the class mentioned, had lost his rights as a naturalized citizen of the United States. In this case, however, the party concerned had been a resident in this country some ten years.

2. Where a person, native of some other country than Honduras, has become a naturalized citizen of the United States and afterwards comes to Honduras and declares it his intention to make it his permanent residence, does he lose his rights as a naturalized citizen of the United States?

I am, etc.,

WM. M. LITTLE,
United States Consul.

[Inclosure 2 in No. 190.]

Mr. Adee to Mr. Little.

No. 27.]

DEPARTMENT OF STATE,
Washington, July 13, 1895.

SIR: Your dispatch, No. 34, of the 15th ultimo has been received. You therein state that there are a number of persons in your consular district who at one time or another have become naturalized citizens of the United States, and who, though now resident in Honduras, regard themselves as entitled to the rights of such citizens. In view of certain provisions of the recent Honduran law relating to foreigners, you desire instructions as to when a native of Honduras, who has become a naturalized citizen of the United States and afterwards returned to Honduras, may be deemed to have lost his rights as a naturalized citizen of the United States; and also as to the status of a naturalized citizen similarly situated, who was a citizen of some other country than Honduras.

The United States have no naturalization treaty with Honduras. In other cases where naturalization treaties have been concluded, as with the German States and Austria, the return of a naturalized citizen to the country of origin and residence there for two years may be deemed *prima facie* evidence of an intent on his part to resume his original status, but this presumption, like any other, may be offset by evidence of bona fide conservation of his acquired citizenship.

Where no treaty exists, as in this case, the test of time alone is not satisfactory, the conditions of domicile being more to the point. If the circumstances of return are such as to indicate a definitive abandonment of residence and domiciliary or representative business interest in the United States and a resumption of Honduran domicile, with

its corresponding obligations, the effective renewal of the original status may take place immediately upon the return to that country.

Much the same thing occurs in the case of a naturalized citizen of other than Honduranean origin, if he removes to Honduras with a declared or evident intention to reside there permanently; that intention may be regarded as constituting a voluntary abandonment of the status acquired in the United States by naturalization, but the inherent presumption is not as strong as in the case of a returning person of Honduranean origin.

Strictly speaking, it is not competent for the executive branch to determine that a person has lost the status of citizenship acquired by naturalization, and you should be careful to eliminate any ideas of forfeiture of American nationality by reason of domicile in Honduras. The facts of a given case, however, may be and frequently are such as to constrain this Department to regard an American citizen domiciled abroad as having by his voluntary act absolved this Government from the discretionary obligation to protect him as a citizen during his residence in such foreign country; but should he return to the United States, the legal question of his citizenship may perhaps offer no doubts, and his rights be judicially held intact within our own jurisdiction.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

ITALY.

KILLING OF ITALIAN LABORERS IN COLORADO.¹

To the Congress:

Message of the President.

In my last annual message allusion was made to the lawless killing of certain Italian laborers in the State of Colorado, and it was added that "the dependent families of some of the unfortunate victims invite by their deplorable condition gracious provision for their needs."

It now appears that in addition to three of these laborers who were riotously killed, two others who escaped death by flight incurred pitiable disabilities through exposure and privation.

Without discussing the question of the liability of the United States for these results, either by reason of treaty obligations or under the general rules of international law, I venture to urge upon the Congress the propriety of making from the public Treasury prompt and reasonable pecuniary provision for those injured and for the families of those who were killed.

To aid in the consideration of the subject, I append hereto a report of the Secretary of State, accompanied by certain correspondence, which quite fully presents all the features of the several cases.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, February 3, 1896.

Report of the Secretary of State.

The PRESIDENT:

I hand you herewith copies of the correspondence on file in this Department relating to the case of the Italians lynched at Walsenburg, Colo., in March, 1895.

The facts are without dispute, and no comment or argument can add to the force of their appeal to the generous consideration of Congress. Three persons were killed outright, while two others sustained injuries of a character the most disabling as well as painful. The only question would seem to be as to the amount of the gratuity in each case, which must rest of course wholly in the discretion of Congress, to whom it can hardly be necessary to cite the statutes of many States of the Union fixing the maximum to be exacted in the case of death caused by negligence at the sum of \$5,000.

Very respectfully, yours,

RICHARD OLNEY.

DEPARTMENT OF STATE,

Washington, January 30, 1896.

Baron Fava to Mr. Gresham.

[Translation.]

ROYAL ITALIAN EMBASSY,

Washington, March 13, 1895.

Mr. SECRETARY OF STATE: From the papers of this day I learn that four Italian laborers have been killed by a mob at Walsenburg, Colo., and that owing to the excitement occasioned by this deed armed conflicts are feared.

¹ Reprinted from House Document No. 195, Fifty-fourth Congress, first session.

Not having received any information on the subject, I am going to request the royal consulate at Denver to report upon the subject.

Your excellency would do me a very great favor if you would telegraph to the governor for information, after the truth of the reports has been ascertained, and to request him at the same time to make every effort in order that the Italian subjects living in the aforesaid locality may be protected by the laws and the authorities against popular violence.

Tendering your excellency my thanks in advance for the reply you will kindly send me as soon as possible,

I avail, etc.,

FAVA.

Mr. Uhl to Baron Fava.

No. 8.]

DEPARTMENT OF STATE,
Washington, March 13, 1895.

MY DEAR BARON: Your note of to-day's date relating to the press reports of the killing of four Italian laborers at Walsenburg, Colo., has been received.

I have telegraphed the governor of Colorado for information on the subject, and upon receipt of a reply from him will promptly advise you.

Very truly, yours,

EDWIN F. UHL,
Acting Secretary.

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF HIS MAJESTY THE KING OF ITALY,
Washington, March 14, 1895.

MR. SECRETARY OF STATE:

By my note dated yesterday I informed your excellency that I had asked the royal consul at Denver detailed information concerning the occurrences at Walsenburg.

That royal official has now telegraphed me that four Italians have been put to death by the mob, while being taken to prison, and two in the jail itself.

While having the honor of bringing the foregoing to your excellency's knowledge, I hasten to express to you my firm belief that the Federal Government will not hesitate to advise the proper authorities of the State of Colorado to cause the persons guilty of the six murders committed to be brought before the courts.

Accept, etc.,

FAVA.

Mr. Uhl to Baron Fava.

DEPARTMENT OF STATE,
Washington, March 14, 1895.

MY DEAR BARON: In connection with my note to you of yesterday concerning the reported violence in Colorado, I take pleasure in herewith transmitting for your further information a copy of my telegram to his excellency the governor of that State, and copies of Governor McIntire's two replies of yesterday and to-day. The first reached me late last night and the second early this morning.

Very truly, yours,

EDWIN F. UHL,
Acting Secretary.

FOREIGN RELATIONS.

[Inclosure 1—Telegram.]

*Mr. Uhl to Governor McIntire.*DEPARTMENT OF STATE,
Washington, March 13, 1895.

At the instance of the Italian ambassador at this capital, who learns from press reports of the killing of four Italian laborers at Walsenburg, Colo., I have to request that you inform me as to the truth of these reports. Also as to the present situation in that locality, and the ability of the local authorities to prevent further disorder.

EDWIN F. UHL, *Acting Secretary.*

[Inclosure 2—Telegram.]

Governor McIntire to Mr. Uhl.

DENVER, COLO., March 13, 1895.

Your telegram of this date received. In reply will say that I have wired for information to the sheriff of the proper county, and have directed him to protect his prisoners and maintain order. It is probable from the information I have received that the Italians alleged to have been killed are American citizens, but as to this I have no positive information. I am in communication with the acting Italian consul here, whom I have assured I will take all necessary steps in the matter. I have report from colonel commanding nearest place of disturbance, that he can put troops aboard cars within two hours.

ALBERT W. MCINTIRE,
Governor of Colorado.

[Inclosure 3—Telegram.]

Governor McIntire to Mr. Uhl.

DENVER, COLO., March 14, 1895.

Since wiring you I have received following from sheriff at Walsenburg:

"Last night while conveying prisoners from Rouse to Walsenburg armed mob held up posse, killed driver and one prisoner; two prisoners ran and have not since been found. Don't know whether killed or not. This occurred about 7 p. m. At 1 a. m. mob broke into jail and shot to death two prisoners implicated in some murder. All Italians except driver."

On receipt of which I telegraphed him as follows:

"Wire me at once whether you are maintaining order and protecting prisoners, and whether you have sufficient force to prevent further mob violence, and whether excitement has abated. You are expected to prevent recurrence of violence to prisoners. Take every precaution to protect life and property, and as soon as possible ascertain who composed the mob which did the lynching and as soon as practicable arrest them."

To which I received the following reply:

"Everything quiet to-night. Will wire particulars in morning. Have not found two prisoners that got away at time they were being held up by mob."

Will obtain and forward full information as promptly as possible. I see no reason for anticipating further trouble. It is not yet known whether the Italians killed [were] American citizens.

ALBERT W. MCINTIRE.

*Mr. Uhl to Baron Fava.*DEPARTMENT OF STATE,
Washington, March 15, 1895.

MY DEAR BARON: I herewith inclose a copy of a further telegram from his excellency the governor of Colorado, of the 15th instant, touching the reported killing of Italian subjects at Walsenburg, in that State.

Very truly, yours,

EDWIN F. UHL,
Acting Secretary.

[Inclosure—Telegram.]

Governor McIntire to Mr. Gresham.

DENVER, COLO., March 15, 1895.

I am just in receipt of a detailed account by telegraph from sheriff at Walsenburg. It does not differ materially from the newspaper reports. Inquest held, and, as I am informed, thorough investigation made. Evidence in writing subscribed by witness and filed in office of clerk of district court. Sheriff further reports that there has been no trouble of any kind since and no danger, and that he is thoroughly able to maintain peace, and no danger of uprising of Americans or Italians. Am in receipt of telegram from ambassador for Italy saying in part, "Please give orders for immediate action against murderers of Italians." Immediate action will be urged on proper authorities looking to arrest and punishment of guilty persons. The acting Italian consul informs me that he leaves to-night for Walsenburg. I have given him such letters as he asks for to the sheriff. From every source of information I am satisfied that everything is quiet. Have taken steps to ascertain nationality of deceased.

A. W. MCINTIRE,
Governor of Colorado.

Mr. Uhl to Baron Fava.

DEPARTMENT OF STATE,
Washington, March 16, 1895.

MY DEAR BARON: I hasten to inclose for your information a copy of a telegram which I have this day addressed to his excellency the governor of Colorado, touching the recent occurrences at Walsenburg, in that State.

Very truly, yours,

EDWIN F. UHL, *Acting Secretary.*

[Inclosure 1—Telegram.]

Mr. Uhl to Governor McIntire.

WASHINGTON, March 16, 1895.

Your telegrams in regard to the reported killing of certain Italians at Walsenburg have been received, and I have communicated their purport to the Italian ambassador, from whom I have a note expressing his belief that the Federal Government will advise the proper authorities of the State of Colorado to cause the persons guilty of the murders to be brought before the courts. Our treaty of 1871 with Italy guarantees to Italian subjects in the United States "the most constant protection and security for their persons and property, and [that they] shall enjoy in this respect the same rights and privileges as are and shall be granted to the natives on their submitting themselves to the conditions imposed upon the natives."

Your dispatches show your appreciation of the duty incumbent on the jurisdictional authorities to use every effort to secure to Italians, and all others menaced by unlawful force, full protection of life and property, and in case of wrongdoing against them that the guilty parties will be apprehended, brought to trial, and, upon conviction, duly punished. The assurance is gratifying to the President that in the line of your responsible duty every legitimate means at your command will be employed to protect the imperiled subjects of a friendly power, and that justice will be visited upon all who violate the law to their injury.

EDWIN F. UHL, *Acting Secretary.**Mr. Uhl to Baron Fava.*

DEPARTMENT OF STATE,
Washington, March 16, 1895.

MY DEAR BARON: I hasten to send for your information a copy of a telegram from his excellency the governor of Colorado of to-day's date, touching the recent affair at Walsenburg, in that State.

Very truly, yours,

EDWIN F. UHL, *Acting Secretary.*

[Inclosure—Telegram.]

Governor McIntire to Mr. Gresham.

DENVER, COLO., March 16, 1895.

I have reliable information that two of the Italians lynched positively had first and probably second citizenship papers. Not known whether Danino was an American citizen. It is asserted that the two prisoners who may have escaped from first attack of mob had first citizenship papers. The fate of the last two not known, as they have not been heard from since their escape. I have directed proper district attorney to take speedy steps looking to arrest and conviction of the guilty parties in the Walsenburg affair.

ALBERT W. MCINTIRE, Governor.

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF HIS MAJESTY, THE KING OF ITALY,
Washington, March 16, 1895.

MR. SECRETARY OF STATE:

I have the honor to acknowledge the receipt of the letters dated respectively the 14th, 15th, and 16th instants, by which your excellency was pleased to transmit to me the telegraphic correspondence exchanged between the honorable Department and his excellency the governor of Colorado, in relation to the killing of the Italians at Walsenburg.

While extending to your excellency my thanks for these courteous communications, and requesting that the aforesaid governor be also thanked, I seize the opportunity of again expressing my firm belief that the Federal Government, as well as the authorities of the State of Colorado, will agree with me upon the necessity there is in bringing before the courts all those who may be found to be guilty of the murder of the Italian subjects.

Accept, etc.,

FAVA.

Baron Fava to Mr. Gresham.

[Personal.]

EMBASSY OF ITALY,
Washington, March 16, 1895.

MY DEAR MR. GRESHAM:

I am in receipt of your note of this date inclosing a copy of the telegram addressed by you to his excellency the governor of Colorado, relating to the killing of Italians at Walsenburg.

In reply I hasten to inform you that a copy of said telegram will be forwarded at once to his excellency Baron Blanc, who, I am sure, will share with me the full appreciation of the course taken in this matter by the Federal Government as well as by the governor of Colorado.

With my personal thanks for your kind communication, I remain, etc.,

FAVA.

Mr. Uhl to Baron Fava.

DEPARTMENT OF STATE,
Washington March 18, 1895.

MY DEAR BARON: I inclose herewith for your further information in regard to the Colorado incident copy of a telegram received from

Governor McIntire, dated the 17th instant, stating that he has issued a proclamation offering a reward of \$1,000 for the apprehension and conviction of the guilty parties.

Very truly, yours,

EDWIN F. UHL,
Acting Secretary.

[Inclosure—Telegram.]

Governor McIntire to Mr. Uhl.

DENVER, COLO., March 17, 1895.

Your telegram received. Proper district attorney assures me he will use every means to arrest and convict guilty. I have issued proclamation offering reward of \$1,000, the limit under our statutes, for apprehension and conviction of all or any.

ALBERT W. MCINTIRE, *Governor.*

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF ITALY,
Washington, March 18, 1895.

MR. SECRETARY OF STATE:

I have received, as an inclosure to your excellency's note of this date, the text of the telegram which was addressed to you yesterday by his excellency the governor of Colorado for the purpose of informing you that the competent district attorney will take all necessary steps to cause the persons who are guilty of the murder of the Italians at Walsenburg to be arrested and punished, and that his excellency has issued a proclamation offering a reward of \$1,000 for their arrest and punishment.

I have already communicated the foregoing to His Majesty's Government, and in the meantime I have the honor to convey to your excellency, and through you to his excellency the aforesaid governor, my personal thanks for this communication, the importance of which is fully appreciated by me.

Be pleased to accept, etc.,

FAVA.

Mr. Uhl to Baron Fava.

DEPARTMENT OF STATE,
Washington, March 20, 1895.

MY DEAR BARON: I take pleasure in inclosing, for your further information in regard to the Walsenburg affair, copy of a telegram received from Governor McIntire last evening.

Very truly, yours,

EDWIN F. UHL,
Acting Secretary.

[Inclosure—Telegram.]

Governor McIntire to Mr. Uhl.

DENVER, COLO., March 19, 1895.

Acting Italian consul returned last night from Walsenburg. Called on me this morning. Expressed himself satisfied with course of authorities there. It is certain that Vittone and Ronchietto had taken out first papers. Lorenzo Andinino, hereto-

fore called Danino, is probably not an American citizen, but may be. Giacobino, who escaped from first attack, is safe; feet badly frosted. Gobetto is believed to be safe also. These two men, as I am informed, took out first papers.

ALBERT W. MCINTIRE, Governor.

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF HIS MAJESTY THE KING OF ITALY,
Washington, March 27, 1895.

MR. SECRETARY OF STATE:

I have the honor to send you herewith a copy of the report in which the person in charge of the royal consulate of Italy at Denver refers to me the matter of the grievous incidents which occurred at Walsenburg, Colo., on the 13th instant.

The contents of the said report seem to establish the fact that neither in the attack made at the Bear Creek Bridge by masked people upon the prisoners who were in the custody of two armed sheriffs, nor in the breaking into the Huerfano County jail, did the public force make any resistance whatever.

This circumstance, which, moreover, was never contradicted in the telegraphic reports from the governor, kindly communicated to me by your excellency, evidently settles the responsibility of the local authorities, and I deem it my duty to at once call the special attention of your excellency and through your excellency that of the governor of the State to this responsibility, placing full reliance upon the impartiality and justice of both for an equitable adjustment of this serious question.

In regard to the nationality of the persons killed, the inclosed report, bating subsequent and better information, seems to me to agree with the reports heretofore transmitted to you by His Excellency [Governor] McIntire, viz: That of the three victims, one, Lorenzo Andinino, was not naturalized, and the other two, Vittone Stanislao and Vincenzo Ronchietto, had simply secured the first letters of naturalization and were not, therefore, in full possession of United States citizenship.

Accept, etc.,

FAVA.

[Inclosure No. 1.—Translation.]

The Italian Consul at Denver to Baron Fava.

ROYAL CONSULATE OF ITALY,
Denver, Colo., March 21, 1895.

YOUR EXCELLENCY: Referring to my telegram of day before yesterday, directed to your excellency, and in conformity with your previous instructions, I proceeded to Walsenburg, and have now the honor to give you the following information:

The number of the Italians killed is reduced simply to three, to wit, one in the attack at the bridge over Bear Creek, near Walsenburg, and two in the jail.

As your excellency already knows from other sources, the body of one, A. J. Hixon, an American saloon keeper, was found in the coal field of Rouse, Huerfano County, on the morning of the 11th instant.

Public rumor accused some Italian miners of that neighborhood of being the perpetrators of the crime. This rumor was confirmed by the coroner's inquest, a copy of which is annexed, from which it appears that the real perpetrator of the murder of Hixon was one Lorenzo Andinino, who was found guilty at that preliminary investigation and was immediately taken to the Huerfano County jail in Walsenburg.

As the result of this inquest nine Italian miners were arrested, four of whom were soon afterwards set at liberty, and the others, to wit, Peitro Giacobini, Stanislao Vittone, Antonio Gobetto, and Francesco Ronchietto, under the escort of two deputy

sheriffs, set out, at about 6 p. m., in a wagon for Walsenburg, which is about 7 miles from Rouse.

When they had arrived within about a mile of Walsenburg, toward 7 o'clock, and at the moment when they were on a bridge over the torrent, Bear Creek, a man on horseback met the wagon and ordered the driver to stop.

This having been done, he ordered the prisoners to get out of the wagon, and he and four or five other persons, also on horseback, who were at the side of the bridge, began to follow the Italians, striking them repeatedly in the back with shots from revolvers and Winchesters, according to the statement of the deputy sheriffs. One of the four, Vittone, was killed instantly, and his body was found the next morning near the bridge. Another, Ronchietto, was shot in the region of the heart, but the ball merely entered the subcutaneous tissue, and he was found that same night, March 12, some hours after the attack, taken to jail, and placed in the same cell in which Andinino was confined.

The other two, Gobetto and Giacobini, took to flight, and in spite of the repeated shots fired at them the latter made his escape in the manner which I shall narrate further on; but I have had no news of Gobetto up to this time, though I cherish the hope that he is in safety.

Subsequently, at 1 o'clock in the morning, seven persons, armed and masked, penetrated into the county jail, deceiving the guard by calling for Sheriff O'Malley, and shot to death two Italians who were confined there, sparing another prisoner of German nationality who was in the same cell.

I here transcribe the particulars touching the birth, relationship, age, etc., of the murdered men:

Lorenzo Andinino, son of Giacomo Andinino, deceased, of the commune of Cantarana, province of Alessandria, on provisional furlough in the third class, was born January 30, 1871.

I am not aware that Andinino had made application for American citizenship, as he declared under oath to the governor in the jail, as will be seen in the papers relating to the case which I am expecting.

Francesco Ronchietto, son of Serafino Ronchietto, and Giustina Abbeville, was born August 3, 1869, at Salto, jurisdiction of Cuorque, district of Ivrea, province of Turin, and was a corporal in the Eleventh Infantry, on indefinite furlough.

He declared his intention to become an American citizen on the 11th of July, 1894, at the proper office at Walsenburg, Huerfano County, Colo., and took out his first papers.

Stanislao Vittone, son of Giuseppe (Joseph) Vittone, was born at Salto, jurisdiction of Ivrea, district of Ivrea, province of Turin, and was 28 years old.

He declared his intention to become an American citizen on the 28th of October, 1893, at Trinidad, Las Animas County, Colo., and took out his first papers.

I also inclose a copy of the inquest (verdict) of the coroner's jury in the case of the three Italians.

As to the authorities, I must frankly inform your excellency that I have no cause for complaint, for, from the governor of the State down to the authorities of Huerfano County, they all placed themselves at my disposal.

His excellency the governor, as an act of special deference to Italy, issued, as your excellency is probably aware, a proclamation offering a reward of \$1,000, the largest sum that is allowed by the law of the State, for the detection of one or all of the Walsenburg murderers.

On Saturday last, at 9 o'clock in the evening, I was confidentially informed by the district attorney at Walsenburg that Peitro Giacobini had been found by some Mexicans at about 10 miles from Cuchara. Giacobini had wandered through the mountains ever since the fatal night, having gone for four days and four nights without either food or drink. He was found with his lower limbs frozen, his strength exhausted, and almost lifeless. They took him to the railway station at Cuchara in the midst of a cavalcade; there the sheriff examined him, took him under his protection, and advised him to say that he was a Frenchman.

Deeming it my duty to interview the unfortunate man, I set out at half past 9 o'clock, passing through a perfectly desert country. When I reached Cuchara I placed Giacobini under oath, and from him I learned that they were attacked at Bear Creek Bridge by a single person on horseback, and that the two deputy sheriffs made no resistance whatever. Your excellency may attach what value you please to this story.

The next morning I had Giacobini taken to the hospital at Pueblo, and at first amputation was thought necessary, but that danger now appears to be over.

Thus far no arrest has been made at either Walsenburg or at Rouse. I hope, however, that in process of time something will be done, because I have faith in the local authorities, whose honor is at stake in having the thing turn out well and to the satisfaction of both the Government at Washington and that at Rome.

I beg your excellency to accept, etc.,

DR. CUNEA, *Royal Consul.*

ANNEX No. 1.

Copy of inquest on A. J. Hixon.

VERDICT.

That the said A. J. Hixon came to his death on the morning of the 11th instant, in the town of Rouse, by being struck on the head by some blunt instrument, probably the weapon produced in evidence, the injuries being inflicted by the hands of Lorénzo Danino and others; and we further believe that the same was committed with felonious intent.

D. R. HUDWAN HERMAN,
P. D. LEONARD,
WALTER HOLT,
N. D. LEE,
JNO. PRIETT,
SAM NAYMAN,

*Jurors.*D. MATHEWS, *Coroner.*

ANNEX No. 2.

Verdict on the body of Stanislaw Vittone.

That the said Stanislaw Vittone here, lying dead, came to his death on the 12th day of March, 1895, Huerfano County, Colo., by gunshot wounds inflicted by the hands of unknown persons, the same being done with felonious intent. The body was found near Creek Bridge.

D. B. JONES,
P. I. BROWN,
H. TAYLOR,
R. W. MOYER,
G. W. CAST,
H. GORDON,

*Jurors.*D. W. MATHEWS, *Coroner.**Mr. Gresham to Governor McIntire.*

DEPARTMENT OF STATE,
Washington, April 5, 1895.

SIR: In connection with the Department's letter of to-day inclosing for your information copies of notes from the ambassador of Italy, in relation to the recent lynching of four laborers at Walsenburg, I have now the honor to invite your attention to the following extracts from your telegrams upon that subject, having particular reference to the nationality of the victims. The Department has not yet received the essential evidence upon that point which is necessary for a discussion of the subject with Baron Fava and a correct decision in the premises.

Your telegram of March 13 last asserts that from information received it is probable "that the Italians alleged to have been killed are American citizens, but as to this, I (you) have no positive information."

Again you say in your telegram of the 4th ultimo, narrating the shooting of the prisoners by the mob, "all Italians except the driver."
* * * It is not yet known whether the Italians killed [were] American citizens."

Your telegram of March 15 informs me that you "have taken steps to ascertain nationality of deceased."

In one of the 16th ultimo you observe that you "have reliable information that two of the Italians lynched positively had first, and probably second citizenship papers, not known whether Danino was an American citizen. It is asserted that the two prisoners who may have escaped from first attack of mob, had first citizenship papers."

Your concluding telegram of March 19, says:

It is certain that Vittone and Ronchietto had taken out first papers. Lorenzo Andinino, heretofore called Danino, is probably not an American citizen, but may be. Giacobino, who escaped from first attack, is safe. * * * Gobetto is believed to be safe also. These two men as I (you) am informed, took out first papers.

Under these circumstances it will doubtless occur to you that the Department should be placed immediately in possession of any evidence tending to show the exact political status of each victim at Walsenburg.

The President does not doubt that you have adopted all necessary measures for the arrest and punishment of the guilty parties.

I have, etc.,

W. Q. GRESHAM.

Mr. Uhl to Baron Fava.

No. 11.]

DEPARTMENT OF STATE,
Washington, April 6, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 27th ultimo, in regard to the Walsenburg, Colo., incident, and to inform you that a copy of your note and of its inclosure has been furnished his excellency the governor of Colorado.

Accept, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Gresham to Baron Fava.

No. 20.]

DEPARTMENT OF STATE,
Washington, April 18, 1895.

EXCELLENCY: Referring to previous correspondence and your oral inquiries relating to the killing of Italian miners near Walsenburg, Colorado, I have the honor to inclose a copy of a letter just received from the governor of that State reporting the action thus far taken by its authorities.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure.]

Governor McIntire to Mr. Gresham.

STATE OF COLORADO,
Executive Office, Denver, April 12, 1895.

SIR: Replying to your letter of April 5, I have the honor to say that I have not yet been able to ascertain positively anything further as to the nationality of the three laborers lynched at Walsenburg. I have questioned the district attorney of the proper district, but he was unable to give me more definite information than that

which I already had and telegraphed you on March 19. He assured me that he would gain the information as early as possible and place it at my disposal. In the same consultation with the district attorney the propriety of calling a special term of the district court for the purpose of investigating the lynching was discussed.

It was impossible at that time to arrive at a definite conclusion without an interview with the judge of that district, and since, as I am informed, the judge and district attorney are constantly engaged in other counties of the district. I am assured that as soon as the terms which must be held under the law have been disposed of the judge and district attorney will take up this matter and dispose of it as speedily as possible. The disposition shown by the district attorney and, as I am informed by him, by the judge of the district mentioned, is such that I am satisfied that all necessary measures for the arrest and punishment of the guilty parties will be taken, so far as lies within their jurisdiction. So far everything possible has been done looking to the protection of Italian citizens and to the discovery of the guilty parties.

I have, etc.,

ALBERT W. MCINTIRE, *Governor.*

Mr. Olney to Baron Fava.

No. 37.]

DEPARTMENT OF STATE,
Washington, June 13, 1895.

EXCELLENCY: Referring to previous correspondence and your oral inquiry made at the Department on the 6th instant, I have the honor to inclose copy of a letter from the governor of Colorado, transmitting one from the district attorney of the third judicial district, pointing out the steps taken and to be taken by the State authorities for the purpose of bringing to justice the persons engaged in the murder of the Italians at Walsenburg in March last.

Accept, excellency, etc.,

RICHARD OLNEY.

[Inclosure 1.]

Governor McIntire to Mr. Uhl.

DENVER, COLO., *June 7, 1895.*

I have the honor to inclose a copy of a letter from the district attorney of the third judicial district, in which the county of Huerfano lies. The cause of delay in receiving a reply from him is indicated in the first part of the letter.

I have the honor, etc.,

ALBERT W. MCINTIRE, *Governor.*

[Inclosure No. 2.]

Mr. Ross to Governor McIntire.

DENVER, COLO., *June 3, 1895.*

DEAR SIR: I have just received your communication of date of April 11, regarding nationality of persons lynched at Walsenburg. The letter was addressed to me to Bent County, and consequently went to Washington and was from there returned to sender and addressed to me at Trinidad; hence the delay.

I will say, sir, that both Judge Northcutt and myself will do all in our power to obtain for you the information you ask for as to the nationality of those men. We will also make request of the county judge of Huerfano County to change the administrator, as per your suggestion to me. Also, when the district court convenes in Huerfano County (in October), or sooner if you desire, we will call a grand jury in order to make a thorough investigation of the lynchings that took place there. I will be in Denver some time during the month of June and see you in person about the Walsenburg affair.

Yours, respectfully,

R. R. ROSS.

Mr. Olney to Baron Fava.

No. 43.]

DEPARTMENT OF STATE,
Washington, June 24, 1895.

EXCELLENCY: Referring to previous correspondence and your interview with the Acting Secretary of State on the 6th instant, relative to the nationality of the three miners of Italian origin killed near Walsenburg, Colo., in March last, I have the honor to inclose a copy of a letter from the governor of that State, transmitting one from the clerk of the district court of Huerfano County, from which it appears that Ronchietto and Vittone had taken out their first papers, but had not completed their naturalization as American citizens, and that there is no evidence that Danino or Danenio had taken any steps to throw off his Italian allegiance.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

Governor McIntire to Mr. Uhl.

STATE OF COLORADO,
Executive Office, June 15, 1895.

SIR: I have the honor to inclose a statement by the clerk of the district court of Huerfano County, giving the facts as he ascertained them concerning the citizenship of certain Italians killed at Walsenburg. All the information obtained inclines me to believe that the clerk's statement is correct.

I have, etc.,

ALBERT W. MCINTIRE, Governor.

[Inclosure No. 2.]

Mr. Roof, clerk of court, to Governor McIntire.

JUNE 15, 1895.

DEAR SIR: I am advised by the Hon. Jesse G. Northcutt, judge of the third judicial district of this State, that you desire such information as has been obtained concerning the citizenship of the three Italians recently killed in this county by a mob, and herewith I have the honor to submit such information as I have obtained from the records of this court and inspection of the coroner's records, and from conversation had with the coroner holding the inquests and the deputy district attorney appearing on behalf of the people.

The names of the three persons killed were Francesco Ronchietto, Stanislaw Vittoni, and Lorenzo Danenio. Of these Ronchietto declared his intention to become a citizen of the United States before the clerk of this court on July 7, 1894, the record of which is now on file. Vittoni, at the time of his death had in his possession a certified copy of his declaration to become a citizen of the United States, under the seal of the district or county court of Las Animas County, Colo. I am unable to advise as to the date or the court, but I am informed that the copy was given to Dr. Cuneo, Italian consul, a few days after the killing.

Danenio was presumably an Italian subject, no evidence having been discovered as to his having taken any steps toward becoming a citizen of this country. He was a witness at the inquest on the body of A. J. Hixon (the alleged murder of whom was presumably the moving cause of the mob), and on the stand was asked if he was a citizen of the United States, to which he replied no.

None of the parties, so far as known, had at any time taken the final naturalization oath.

I have, etc.,

FRED. O. ROOF,
Clerk of the District Court of Huerfano County, Colo.

Mr. Olney to Baron Fava.

No. 44.]

DEPARTMENT OF STATE,
Washington, June 25, 1895.

EXCELLENCY: Referring to your interview with the Acting Secretary of State on the 6th instant, relative to the delay in investigating the killing near Walsenburg, Colo., in March last, of three miners of Italian origin, I have the honor to say that I am in receipt of a letter from the governor of that State announcing that he would shortly have a consultation with the judge and district attorney of the district in which Huerfano County is situated, and would then advise the Department.

The governor points out that it is difficult for one accustomed to proceedings in thickly settled communities to understand apparent delays in sparsely settled regions. The district concerned embraces a large number of counties, in which the terms of court are by law held at certain stated periods, generally with not more than two terms a year, frequently with only one. The same judge presides in all the courts of these different counties, and it is impossible, until the regular terms of court are at an end for the season and an interval can be found, to have investigated by the district attorney or the grand jury matters in counties in which the term of court for that season has been before held. There has been no term of court in Huerfano County since the killing of the miners.

Accept, etc.,

RICHARD OLNEY.

Baron Fava to Mr. Olney.

[Personal.]

EMBASSY OF ITALY,
Washington, October, 1895. (Received October 18.)

MY DEAR MR. OLNEY:

With reference to our last conversation, I have the honor to transmit herewith to your excellency, accompanied by a summary, the statements which have been forwarded to me by my Government relative to the family situation of the five Italians lynched at Walsenburg, Colo., in March last.

It results from the said statements, delivered by the municipal authorities of the birthplaces of these individuals, that two of the three Italians who have been killed were not married, but have left numerous relatives, and one was married and has left a wife with three children. Of the other two Italians who had their frozen feet amputated at the hospital, one has a son, his wife being dead, and the other has a wife and a daughter.

In submitting these official documents to your excellency's examination, I leave to your high and benevolent appreciation to suggest the amount which may be deemed suitable to indemnify the families of the victims of the Colorado mob, according to the spirit of justice which prompts all your actions.

It will give me much pleasure to know at your earliest convenience your excellency's views on this subject.

With my best thanks in advance, believe me, etc.

FAVA.

[Inclosure No. 1—Translation.]

PROVINCE OF ALESSANDRIA, *Commune of Cantarana d'Asti.*In re the family of Lorenzo Andenino.¹

The undersigned syndie hereby declares that the immediate family of Lorenzo Andenino, 24 years of age, unmarried, son of Giovanni Andenino, deceased, and Luigia Cittarello, deceased, consists of himself alone. His relatives are:

1. Carlo Andenino, son of Giovanni Andenino, deceased, 38 years of age, wife, Margherita Nebiolo, 30 years of age.
 - Giovanni Andenino, son of Carlo, 9 years of age.
 - Fillipo Andenino, son of Carlo, 7 years of age.
 - Lorenzo Andenino, son of Carlo, 5 years of age.
 - Secondo Andenino, son of Carlo, 2 years of age.
2. Peitro Andenino, son of Giovanni Andenino, deceased, brother of Lorenzo, 28 years of age, wife, Delfina Quirico, 23 years of age, daughter of Luigi Quirico. No children.
3. Marietta Andenino, daughter of Giovanni Andenino, deceased, wife of Francesco Andenino, son of Andrea Andenino, deceased.
 - Giovanni Andenino, son of Francesco Andenino, 16 years of age.
 - Rosa Andenino, daughter of Francesco, 14 years of age.
 - Luigia Andenino, daughter of Francesco, 11 years of age.
 - Onorina Andenino, daughter of Francesco, 5 years of age.
 - Andrea Andenino, son of Francesco, 2 years of age.
4. Onorino Andenino, daughter of Giovanni, sister of Lorenzo, and wife of Domenico Mottura, a resident of Ferrere d'Asti.
 - Michele Mottura, son of Domenico, 9 years of age.
 - Giovanni Mottura, son of Domenico, 5 years of age.
 - Giuseppe Mottura, son of Domenico, 3 years of age.
5. Teresa Andenino, daughter of Giovanni, deceased, 19 years of age, wife of Giuseppe Vasino, residing at San Damiano d'Asti. No children.

[Inclosures 2 and 3.]

2.

I have the honor to inform your excellency that, from the information received, it appears that Francesco Ronchietto, son of Serafino Ronchietto, deceased, and Giustina Ablasille, deceased, born August 3, 1869, at Salto, corporal in the Second Regiment of Infantry, on indefinite leave of absence, and lynched at Walsenburg, was unmarried. He left the following brothers and sisters, all of whom were born and are now domiciled at Salto:

1. Antonio, born December 20, 1870.
2. Felice, born March 7, 1872, messenger.
3. Maria, born July 24, 1876, operative.
4. Celso, born January 9, 1878, tinker.
5. Giacomo, born January 18, 1880, farm boy.

3.

Stanislao Vittone, also lynched at Walsenburg was reputed to be the son of Giuseppe Vittone, but was in reality the son of unknown parents. He was taken from the hospital at Turin, where he went by the name of Arable, but he was afterwards called Vittone, because he was brought up by the Vittone family of Salto.

Stanislao Vittone left a wife, viz, Maria Avansile, daughter of Antonio Avansile, born July 4, 1864, at Salto, a farm woman, with the following children:

1. Giuseppe, 7 years of age.
2. Anna, 6 years of age.
3. Maggiorino, 2 years of age.

The brothers and sisters of Francesco Ronchietto own real estate valued at 5,000 lire. The widow and children of Arable have no property.

[Inclosure No. 4.]

The syndie, having made due inquiry, and also from the personal acquaintance which he has with Pietro Giacobino, son of Francesco Giacobino and Domenica Ric-

¹ The Christian name is frequently put after the family name in Italian. In this translation the English order has been observed.

cio, born in this place September 14, 1861, a widower, having formerly been married to Maria Littizzetto, and father of a son who is 9½ years of age:

Hereby declares that Pietro Giacobino's parents own no property in Bosconero, and that so far as is known they do not own any in any other place, and that Pietro Giacobino went to America in quest of work as a laborer or miner so that he might assist his aged father, who is blind.

PENE AGOSTINEZ, *Acting Syndic.*

BOSCONERO, *July 23, 1895.*

[Inclosure No. 5.]

COMMUNE OF PAVONE CAVANESE.

The undersigned syndic hereby certifies that the family of Antonio Eusebio Cobetto is as follows:

1. Antonio Eusebio Cobetto, born at Pavone Cavanese February 1, 1871, son of Giovanni Giule, deceased.
2. Giovanni Domenico Cobetto, deceased, father.
3. Elisabetta Boralò, daughter of Giacomo and the late Clara Cobetto, born at Pavone Cavanese, June 9, 1870; married.
4. Giovanna Cobetto, daughter of Antonio Eusebio Cobetto and Elisabetta Beralò, born November 2, 1893.

This certificate is issued on free paper at the request of the officer in command of the police station at Qualingra.

For the syndic.

FRANCESCO RONCO, *Assessor.*

PAVONE CAVANESE, *August 3, 1895.*

Mr. Uhl to Baron Fava.

[Personal.]

DEPARTMENT OF STATE,
Washington, October 23, 1895.

MY DEAR BARON FAVA:

I have received your personal note, undated, filed in this Department on the 18th instant, relative to the indigent condition of the families of the Italians lynched in Colorado, and beg to say in reply that the matter has been referred to the governor of Colorado for his consideration.

Very sincerely, yours,

EDWIN F. UHL.

Mr. Uhl to Governor McIntire.

DEPARTMENT OF STATE,
Washington, October 23, 1895.

SIR: Adverting to your letter of June 15 last, in regard to the trial of the offenders at Walsenburg, I have now the honor to apprise you of the receipt of a note from the Italian ambassador of the 17th instant, accompanied by a summary of the statements received from his Government concerning the families of the Italians lynched at that place in March last. I inclose copy, in translation, of these documents tending to show that two of the three Italians killed were unmarried but that they left numerous relatives; the other was married and left a widow with three children. Of the two other Italians whose frozen feet were amputated at the hospital, one has a son (his wife being dead) and the other a wife and daughter.

Baron Fava, in submitting these documents, mentions no specific indemnity in either case but rather trusts that a high and honorable sense of justice will determine a suitable amount to indemnify the families of the victims of the Colorado mob.

In this aspect of the matter the Department will be glad to receive an expression of your views as to the probable action of the State of Colorado in the light of the Italian ambassador's presentation of the subject.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Baron Fava to Mr. Olney.

EMBASSY OF HIS MAJESTY THE KING OF ITALY,
Washington, November 27, 1895.

MR. SECRETARY OF STATE:

From the correspondence had with the Department of State relative to the killing of five Italian subjects at Walsenburg, Colo., in the month of March last, and especially from the notes which your excellency was pleased to address to me on the 13th and 24th of June last (Nos. 37 and 43), it appeared evident that the authorities of the State of Colorado were firmly purposed to do all in their power in order to detect and punish the murderers. In a letter, a copy of which was sent to me with your excellency's note of June 13 (said letter having been addressed on the 8th of that month to the governor of the aforesaid State), the district attorney of the third judicial district promised that at the October term of the Huerfano County district court, or even sooner, a grand jury would be empaneled in order that it might carefully investigate the lynching at Walsenburg.

Your excellency remarked, in your esteemed communication of June 24th, at the delay in such investigations was simply due to the fact that it was impossible for the district attorney and the grand jury to hold them before the regular time for the session of the court, which had not sat in that county since the date of the lynching.

I need not remind your excellency how desirable it is to avoid delay in securing the detection and punishment of the guilty parties, which is desired both by the United States Government and that of the King and how much it would conduce to this object if the time for the session of the court in Huerfano County could be fixed at an earlier day, since the date mentioned by the district attorney of the third district in June last can no longer be considered correct.

For the reasons above stated I trust that your excellency, whose lofty spirit of justice is well known to me, will be pleased once more to use your good offices with the authorities of the State of Colorado, to the end that they may expedite, as far as possible, judicial proceedings against the Walsenburg lynchers.

Be pleased to accept, Mr. Secretary of State, a renewed assurance of my highest consideration.

FAVA.

Baron Fava to Mr. Olney.

[Personal.]

WASHINGTON, November 29, 1895.

MY DEAR MR. OLNEY:

In our conversation of the 18th of September last I had the honor to inform you that my Government, whom I had duly acquainted of your oral invitation to formulate a demand for indemnity in behalf of

the families of the Italians lynched in Colorado, had authorized me to formulate the said demand, and specified all the amount of this indemnity while transmitting to me to that purpose the certificates showing the situation of the families of the victims.

I thought it suitable to declare on that occasion, that personally preferring, as far as the amount of the indemnity was concerned, to apply to the benevolent appreciation of the United States Government itself, I desired you should suggest to me the said amount, and that in the meantime I stood ready to submit to you the list of the Italians who had been lynched, together with the official documents showing the situation of their families.

As you expressed the wish to receive from me a written communication, I felt it my duty to address to you on the 16th of October a private letter, couched in the terms agreed between us. To this letter, however, Mr. Uhl replied on the 23d of the same month, "that the matter had been referred to the governor of Colorado for his consideration."

Having subsequently secured to myself the honor of another interview with your excellency on the 26th of October, I pointed out that Mr. Uhl's communication did not answer to the contents of my letter of October 16; that the arrangements which the Department of State might deem it proper to enter into with the governor of Colorado do not concern me; and that the question of the indemnity could only be treated by me with the United States Government.

You have been then so kind as to explain to me that Mr. Uhl's reply had no other meaning but to merely inform me that the Department of State had taken the matter in hand and that you naturally wished, as a preliminary step, to come to an understanding with the governor of Colorado about the amount and the payment of the indemnity.

As a considerable period of time has elapsed since my private communication of the 16th October, I have the honor to apply once more to your courtesy, earnestly requesting you to let me kindly know the amount of the indemnity which, in its high sense of equity and justice, the United States Government would feel inclined to grant to the families of the victims of the Walsenburg outrage. The more so as these destitute families are in great need of relief, and my Government urges me to inform it on the subject.

Believe me, etc.,

BARON FAVA.

Mr. Olney to Baron Fava.

No. 88.]

DEPARTMENT OF STATE,
Washington, December 2, 1895.

EXCELLENCY: I have a confidential communication, under date of October 29, from the governor of Colorado, respecting the postponement of the criminal proceedings against the Walsenburg Italian lynchers, the substance of which I shall be glad to make known to you at our next interview.

The governor expresses the strongest desire that the guilty parties may be punished and his conviction that the postponement is a necessary means to that end.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Governor McIntire.

DEPARTMENT OF STATE,
Washington, December 27, 1895.

SIR: With reference to previous correspondence touching the prosecution of the parties suspected of perpetrating the outrages upon Italian subjects at the Walsenburg mines, I have the honor to inform you that the Italian ambassador at this capital feels some apprehension lest local prejudice may influence the minds of the grand jury before whom the matter will regularly come for investigation, and that his Government would be better satisfied if the inquiry should be made by a grand jury of some other county sufficiently remote from the locality of the occurrence to insure unbiased consideration of the evidence that may be submitted.

Without knowing whether his request is practicable under the constitution and laws of the State of Colorado, I submit it for such action as to you may seem proper, feeling assured that all lawful effort will be made to ascertain who are the guilty parties and to bring them to justice.

I have, etc.,

RICHARD OLNEY.

Governor McIntire to Mr. Olney.

STATE OF COLORADO,
Executive Office, Denver, January 7, 1896.

SIR: I have the honor to acknowledge receipt of your communication of December 27, 1895, with reference to the grand jury for the investigation of the matter of the outrages upon Italian subjects at the Walsenburg mines, and the desire of his excellency the Italian ambassador that that jury be selected from some other county sufficiently remote from the locality where the outrages occurred, so that local prejudice might not interfere with proper consideration of the evidence, etc. I have referred the matter to the judge of the district, who alone has the power to call a grand jury within that territory, for information as to whether or not he has the authority to so call the grand jury for this case, and upon receipt of his reply will be able to answer you more specifically in that regard.

I have no doubt that the honorable judge of the proper district will adopt the suggestion of the Italian ambassador, if he can do so under our constitution and laws, and if in his own judgment the interests of justice will be advanced by that course. I thank you for your assurance that you have confidence in the authorities here that "all lawful effort will be made to ascertain who are the guilty parties and to bring them to justice," and beg leave to assure you that that confidence is not misplaced.

I have, etc.,

A. W. MCINTIRE, Governor.

Governor McIntire to Mr. Olney.

STATE OF COLORADO,
Executive Office, Denver, January 15, 1896.

SIR: Further replying to your letter of December 27, 1895, I have the honor to transmit a copy of the letter of the district judge of the third judicial district, in which district lies the county of Huerfano. I

have also had the opinion of the attorney-general of this State to like effect with that contained in the letter of Judge Northcutt. I am, on careful consideration, unable to form any different opinion concerning the jurisdiction of a grand jury of any other county than Huerfano County in the unfortunate matter under consideration.

I am, etc.,

A. W. McINTIRE, *Governor.*

[Inclosure.]

Judge Northcutt to Governor McIntire.

DEAR GOVERNOR: In response to your communication of the 4th instant, transmitting copy of inquiry from the Secretary of State, I respectfully suggest, after a hurried examination which I have been permitted to make, that in my judgment the opinion of the attorney-general is correct. By general section 1467, M. S., our criminal procedure, except as by statute otherwise provided, is according to the common law. Nowhere in our statutes or Constitution is the jurisdiction of a grand jury defined.

At common law the grand jury are sworn to inquire only for the body of the county, pro corpore comitatus, and therefore they can not regularly inquire of a fact done out of that county for which they are sworn, unless particularly provided by statute. (4 Black, 304.)

The powers of grand juries are coextensive with and limited by the criminal jurisdiction of the courts of which they are a consistent part. (9 A & E. Ency. of Law, p. 14, paragraph 5.)

Thomp. & M. on Juries, section 615 et. seq. From the authorities cited it is clear to my mind that the grand jury of a county would have no greater power than the court itself. And as is well known the court sitting within and for one county has no power or jurisdiction to take cognizance of crimes committed in any other county save as they are brought before him upon change of venue upon the application of the accused. To illustrate, district court sittings in and for Las Animas County would have no power or authority to grant to the district attorney leave to file in said court an information charging A. B. with crime as having been committed within Huerfano County.

We are satisfied that any action taken upon the matter under consideration by a grand jury outside of Huerfano County would be absolutely void.

It is something of a breach of propriety for me to go so far in these observations upon a matter that may possibly come before me judicially. I feel, however, that the digression is justified by reason of the source of the inquiry and the importance of the subject-matter.

Entertaining an abiding hope in the efficiency of our officers and their determination to vindicate the law and protect the good name of our fair Commonwealth, I beg leave to remain,

Yours, truly,

JESSE G. NORTHCUTT.

Mr. Olney to Governor McIntire.

DEPARTMENT OF STATE,

January 21, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, stating the opinions of the attorney-general of Colorado and of the district judge in regard to the Walsenburg lynching, that a grand jury drawn from any other county than Huerfano would not have jurisdiction.

I have transmitted copies of your letter and its inclosure to the Italian ambassador.

I have, etc.,

RICHARD OLNEY.

ARBITRATION BY THE PRESIDENT OF THE CERRUTI CLAIMS
AGAINST COLOMBIA.

Mr. MacVeagh to Mr. Gresham.

No. 99.]

EMBASSY OF THE UNITED STATES,
Rome, February 6, 1895. (Received Feb. 28.)

SIR: Referring to my previous correspondence with the Department on the subject of the proposed arbitration by the President of the United States of the dispute which has been pending for some time past between the Government of Italy and the Republic of Colombia in regard to the claims against Colombia of a subject of Italy, Ernesto Cerruti, I have the honor to inclose herewith a copy of a note which I have received from Baron Blanc, the minister of foreign affairs of the Government of Italy, and also a note from Monsieur Hurtado, the envoy of the Republic of Colombia to Italy, together with translations of each, extending in due form an invitation on behalf of their Governments to the President of the United States to undertake the duties of arbitrator in the settlement of the dispute in question. I also inclose English translations which have been inclosed to me, respectively, by His Excellency Baron Blanc and Monsieur Hurtado, of the protocol which was entered into in August of last year at Castellamare, while I was staying there, between these accredited representatives of the two countries, and by which they agreed to determine the dispute by placing it in the hands of the President for arbitration. I also inclose three printed copies of the protocol, in the original Italian, which have been forwarded to me by the foreign office.

I have the honor to ask you to be so good as to inform me in due course of mail that the President has kindly consented to act as arbitrator as thus requested by both Governments, so that I may be able to notify their excellencies Baron Blanc, on behalf of Italy, and Monsieur Hurtado, on behalf of Colombia, of the acceptance by the President of their joint invitation.

I have, etc.,

WAYNE MACVEAGH.

[Inclosure 1 in No. 99.—Translation.]

Baron Blanc to Mr. MacVeagh.

ROME, *January 30, 1895.*

YOUR EXCELLENCY: Between the Kingdom of Italy and the Republic of Colombia, with a protocol signed at Castellamare on the 18th of August, 1894, it has been agreed to come to a conclusion, by means of arbitration, of the dispute which has lasted for many years between the Italian citizen Sig. Ernesto Cerruti and the Government of Colombia, and to intrust the high office of arbitrator to His Excellency the President of the United States of America.

This international convention has been regularly approved of and accepted by the contracting Governments, and the time has now come to give it execution.

By agreement, therefore, with the Hon. Don Marcelino Hurtado, envoy extraordinary and minister plenipotentiary of Colombia, duly authorized to this effect by his own Government, I have the honor to address myself to your excellency, requesting that you will please cause the official demand, which I formulate in the name of the Government

of His Majesty the King of Italy, to come to His Excellency the President of the Confederation, that he will be so good as to accept the mandate of arbitrator conferred upon his excellency by the high contracting parties.

Herewith inclosed I transmit to your excellency an authentic copy of the text of the above-mentioned protocol and its English translation, with a request that they may be forwarded to His Excellency the arbitrator designated, together with three more copies of the Italian text which I deem convenient to inclose herewith.

In expressing the hope that His Excellency Mr. Cleveland will consider our demand as a new proof of the sentiments of amity and high consideration of the Government of His Majesty the King of Italy, I request that your excellency will be so good as to let me know, at your convenience, the answer of His Excellency the President of the United States; meanwhile, in anticipation offering to your excellency my thanks for your courteous intervention,

I avail myself, etc.,

BLANC.

[Inclosure 2 in No. 99.—Translation.]

Mr. Hurtado to Mr. MacVeagh.

ROME, January 30, 1895.

SIR: I have the honor to inclose herewith an English version of the convention negotiated at Castellamare on the 18th of August, 1894, by the representatives of the Governments of Colombia and of Italy, with a view to adjust by means of arbitration the pending questions between them, growing out of the claims of the Italian subject Ernesto Cerruti against Colombia.

You will perceive that the high contracting parties, relying on the good and cordial relations which each of them maintain with your Government, and placing the highest confidence in the wisdom, justice, and impartiality of His Excellency the President of the United States of America, have agreed to jointly request him to accept the office and exercise the functions of arbitrator, according to the tenor of the above-mentioned convention.

The negotiation having been definitely approved by both the contracting Governments, the time has arrived to render it operative. To this end, acting under directions from my Government, I beg leave to request that you may be good enough to convey to His Excellency the President of the Union the request above referred to, namely, that he may be pleased to accept the position and exercise the authority which the said convention aims to confer upon him—a favor that would be looked upon by the Government of Colombia as a fresh proof of sincere friendship and good will.

You would confer on me an obligation if, in due course, you would make known to this legation the decision that His Excellency the President may arrive at in this matter; and while thanking you for your kind offices on this occasion,

I avail myself, etc.,

J. M. HURTADO.

[Inclosure 3 in No. 99.—Translation.]

Protocol.

The Government of the Kingdom of Italy and the Government of the Republic of Colombia desiring to put an end to the subjects of disagreement between them growing out of the claims of Sig. Ernesto Cerruti against the Government of Colombia for losses and damages to his property in the State (now Department) of Canca, in the said Republic, during the political troubles of 1885, and desiring, furthermore, to make a just disposition of the said claims, His Excellency Baron Blanc, minister of foreign affairs of His Majesty the King of Italy, on the one part, and Don José Marcelino Hurtado, envoy extraordinary and minister plenipotentiary of the Republic of Colombia to His Majesty the King of Italy, on the other part, acting with due authority from their respective Governments, have signed this protocol, subject to the approval of the Congress of Colombia, to which it shall be submitted during the present session.

The Government of Italy and the Government of Colombia agree to submit to arbitration the matters and claims above referred to for the purpose of arriving at a settlement thereof as between the two Governments.

To this effect, as soon as this protocol shall have obtained the approval of the Congress of Colombia, the Governments of Italy and of Colombia will join in asking His Excellency the President of the United States of America to be pleased to accept the position of arbitrator in the case and discharge the duties pertaining thereto as a friendly act to both Governments.

As soon as the arbitrator, by his acceptance of the office, shall have qualified himself to enter upon his functions, he shall become vested with full power, authority, and jurisdiction to do and perform, and to cause to be done and performed, all things, without any limitation whatsoever, which in his judgment may be necessary or conducive to the attainment in a fair and equitable manner of the ends and purposes which this agreement is intended to secure.

And he shall thereupon proceed to examine and decide, according to the documents and evidence that may be submitted to him by each of the two Governments or by the claimant as one of the two parties interested in the suit and the principles of public law, first, which, if any, among the said claims of Sig. E. Cerruti against the Government of Colombia be a proper claim or claims for international adjudication; and secondly, which, if any, of the said claims of Sig. E. Cerruti against the Government of Colombia be a proper claim or claims for adjudication by the territorial courts of Colombia. And respecting the claim or claims, if any, which in the judgment of the arbitrator shall have the character of, and belong to, the first class of claims above defined, the arbitrator shall proceed to determine and to declare the amount of indemnity, if any, which the claimant, Sig. E. Cerruti, be entitled to receive from the Government of Colombia through diplomatic action. And regarding the claim or claims of Sig. E. Cerruti, if any, which in the judgment of the arbitrator shall possess the character of, and belong to, the second class of claims above defined, the arbitrator shall so declare them to be and shall take no further action in the matter of such claim or claims.

The claims to which this protocol has reference shall be presented, together with the documents and evidence in their support, to the arbitrator and submitted to him not sooner than six calendar months nor later than seven calendar months, reckoned from and after the date of acceptance of the office of arbitrator by His Excellency the President of the United States of America.

Each of the two parties interested in the suit shall defray the expenses incurred on its individual authority or behalf; but all expenses entailed by authority or with the sanction of the arbitrator for the purpose of conveniently discharging his functions or duties, or for the common benefit of both parties interested in the suit, shall be borne equally between them.

The two Governments solemnly bind themselves to abide by the decisions and awards of the arbitrator, which shall be final and conclusive and not subject either to discussion or appeal. And they further agree not to reopen negotiations or diplomatic discussions on any point or points which the arbitrator may decide or dispose of or which he may declare to have already been disposed of in conformity with public law; nor upon any claim or claims of Sig. E. Cerruti which the arbitrator may declare to have an internal and territorial character.

In witness whereof, His Excellency Baron Blanc, minister of foreign affairs of His Majesty the King of Italy, and Don José Marcelino Hurtado, envoy extraordinary and minister plenipotentiary of the Republic of Colombia to His Majesty the King of Italy, hereunto affix their signatures at Castellanauro, Stabia, on this the 18th day of August, in the year 1894.

BLANC. [L. S.]
J. M. HURTADO. [L. S.]

The undersigned declare and acknowledge the foregoing to be a correct and faithful English version of the original protocol as drawn and executed in the Italian language.

Date ut supra.

BLANC.

J. M. HURTADO.

The undersigned declares and acknowledges the foregoing to be a correct copy of the protocol deposited at the Italian foreign office, Rome.
Rome, January 13, 1895.

[SEAL.]

BLANC.

Mr. Gresham to Mr. MacVeagh.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 28, 1895.

Notify Italian minister for foreign affairs and Colombian minister to Italy that the President accepts the joint invitation of the Governments of Italy and Colombia to arbitrate the dispute between them growing out of the claim of Ernesto Cerruti. Formal instruction follows.

GRESHAM.

Mr. Gresham to Mr. MacVeagh.

No. 92.]

DEPARTMENT OF STATE,
Washington, March 1, 1895.

SIR: I have to acknowledge receipt of your dispatch, No. 99, of the 6th ultimo. It incloses copies of notes from His Excellency Baron Blanc, the Italian minister for foreign affairs, and from Señor Don Jose H. Hurtado, the Colombian minister to Italy, formally inviting the President, on behalf of their respective Governments, to arbitrate the complaint of Sig. Ernesto Cerruti, an Italian subject, against the Government of Colombia.

I am charged by the President to say that he accepts the office of arbitrator in this case with much pleasure, and that he feels a just pride in doing so in view of the confidence implied by both Governments in his selection in so important and delicate a matter. I doubt not that you have, in accordance with the direction of my telegram of the 28th ultimo, communicated to Baron Blanc and Mr. Hurtado the decision of the President respecting this dispute. I desire, moreover, that each be furnished by you with a copy of this instruction, omitting the telegram.

I am, etc.,

W. Q. GRESHAM.

OBSERVANCE OF THE BRUSSELS ACT OF JULY 9, 1890, CONCERNING THE SLAVE TRADE AND THE PROHIBITION OF ARMS AND AMMUNITION IN ETHIOPIA.

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF HIS MAJESTY THE KING OF ITALY,
Washington, May 11, 1895. (Received May 16.)

MR. SECRETARY OF STATE: I have the honor herewith to transmit to you a copy of a dispatch whereby His Excellency Baron Blanc calls

the attention of the signatory powers of the general act of Brussels of July 2, 1890, to the provisions of that act concerning the slave trade and the prohibition to introduce arms and ammunition into Ethiopia, and also to the necessity of causing those international provisions to be observed and respected.

Be pleased to accept, etc.,

FAVA.

[Inclosure.—Translation.]

Baron Blanc to Baron Fava.

ROYAL MINISTRY OF FOREIGN AFFAIRS,
Rome, April 20, 1895.

MR. AMBASSADOR: Italy, having occupied the coast of the Red Sea from Ras Casar to the Strait of Bab el Mandeb, founded the colony of Eritrea, established and proclaimed her protectorate over Ethiopia and its dependencies, not only took part heartily and in perfect good faith in the Brussels conference, not only signed the general act of July 2, 1890, considering that her honor was thereby pledged, but in the first place she included in her African treaties the obligation to suppress slavery,¹ and in the second place desired that all the local chiefs who are her dependents on the coast of the Red Sea and on those of the Gulf of Aden and the Indian Ocean from Bender Ziadeh to the mouth of the Juba should conform to the provisions of that act for humanitarian purposes and the promotion of civilization, and should signify their acceptance of the obligations resulting therefrom.

Thus, while we were directly striving to suppress the slave trade on the coasts possessed by us, first Menelik and next all the sultans and chiefs who have treaties of protectorate with Italy—the Dancali chiefs and headmen,² the Sultan of Obbia,³ the Sultan of the Migertini⁴—assumed, under the supervision of the Italian Government, the obligation to observe the provisions of the Brussels act so far as it relates to the slave trade and the trade in arms and spirits.

The Italian Government took care to cause that obligation to be respected, and succeeded so well that not only did it free many slaves and cause to be freed many others by those under its protection, not only was the odious traffic brought to an end in both the mediate and immediate possessions of Italy, but even private natives, who derived their main income from the slave trade, finally became convinced that it was best for them to abandon it.

Only one of the African chiefs who are subject to Italy, after abiding for some time by the obligation which he had assumed, again engaged in slave hunting and the slave trade, the very things from which he ought to have abstained, both because he is a Christian and because he personally requested, through Italy, to be admitted to the Brussels conference, at which he was represented by Italy, having approved in advance all the decisions that should be adopted.

¹ Treaty of amity and commerce with Sultan Mohammed Anfari, of Haussa, dated December 9, 1888 (Art. VIII).

² Solemn declaration of August 2, 1893, made before the civil commissioner of Assab by Abdelrahman Sheikh Yusef and by Ahmed Dini, representing Sultan Mohammed Anfari, and by the principal Dancali chiefs and headmen.

³ Declaration of November 20, 1891.

⁴ Declaration of November 16, 1891.

This chief is Menelik.¹

As he went on failing to keep faith with Italy he relapsed into barbarism in respect to the slave trade; and, having openly declared himself a rebel, he no longer pays any regard to public law as established by Europe in Africa.

According to concurrent testimony from non-Italian sources,² Menelik capped the climax in his last expedition against the Vollamo. Leading his hordes even into territories comprised within the other sphere of Italian influence, viz, that of the Indian Ocean, he sought to have the Amharic invasion accompanied not only by plunder and destruction, but by slavery, with all its horrors. Gangs of men were counted like flocks of sheep; here 60,000, there 15,000. And beside those whom he has kept entirely in his own possession, Menelik levies a tax of \$1 officially on each slave taken by his soldiers that enters Shoa, or that is sold and leaves it.

The slave trade has never been carried on more extensively than it is now, and the little expeditions to the coast which were first attempted by the Musselmans in a timid, covert way, and which were detected by the vigilance of the Italian authorities, were nothing in comparison with this trade which is openly carried on on so large a scale.

It is consequently not proper to permit any contravention of the provisions of the Brussels act in order to please Menelik; our protectorate renders it our duty to compel him to observe those provisions, but it is especially the duty of all the signatory powers to fulfill the duties that are entailed on all of them by that act as regards Menelik, in view of the obligations assumed by him, in a more solemn manner, perhaps, than by any other African chief, and of the outrages of which he is guilty to a greater extent than others, and also in view of the more extended sovereignty conferred upon him by us, of which he avails himself in order to extend those outrages in a way that is extremely disastrous to the cause of civilization and humanity, to the detriment of tribes whose only fault is that they are exposed to his acts of violence.

Now, it was for the express purpose of suppressing the slave trade that the powers whose representatives met at Brussels determined to restrict the importation of firearms (Art. I, par. 7, of the general act of July 2, 1890)³ and pledged themselves (Art. III)⁴ not only to repress the traffic in human beings in their possessions, but to "lend their good

¹ As I have learned that a congress is to be held at Brussels, I beg your excellency to be pleased to telegraph to the Italian ambassador residing in that city requesting him to discuss in my name all questions that may concern my State, and as you know that I do not object to any reforms that may be adopted by the Christian powers of Europe, and that I do not reject anything that can benefit the Christians, I beg you to take measures to prevent my State from being deprived of the necessary arms and ammunition. (Extract from a letter from Menelik to His Excellency M. Crispi.)

² Mr. Venderheyne, a French citizen, was expelled from Ethiopia because he had been guilty of publishing certain truths in the newspapers in relation to the affairs of that Empire and to Menelik's slave-hunting expeditions among the Vollamo.

³ ART. I. The Powers declare that the most effective means of counteracting the slave trade in the interior of Africa are the following:

* * * * *

PAR. 7. Restriction of the importation of firearms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave trade is carried on.

⁴ ART. III. The Powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations and engage to proceed gradually, as circumstances may permit, either by the means above indicated or by any other means that they may consider suitable with the repression of the slave trade, each State in its respective possessions and under its own direction. Whenever they consider it possible they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

offices to such powers as, with a purely humanitarian object, may be engaged in Africa in fulfillment of a similar mission;" it was for this reason that the prohibition of the importation of firearms and ammunition was extended in Article VIII¹ from the twentieth parallel of north latitude to the twenty-second parallel of south latitude; it was for this reason that severe restrictions were laid in Article IX² upon the introduction of arms and ammunition, when it was authorized in the possessions of the signatory powers that exercised rights of sovereignty or protectorate in the zone which is defined in Article VIII; it was for this reason that the aforesaid Article IX, by providing for the few slight personal exceptions to the prohibition, decided (in addition to the most thorough control) that the regions in which the slave trade was carried on should be excluded from those exceptions; it was for this reason that the right of transit was regulated in Article X;³

¹ ART. VIII. The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by firearms in operations connected with the slave trade as well as internal wars between the native tribes, and this same experience having clearly proved that the preservation of the African population, whose existence it is the express wish of the powers to protect, is a radical impossibility if measures restricting the trade in firearms and ammunition are not adopted, the Powers decide, so far as the present state of their frontiers permits, that the importation of firearms, and especially of rifles and improved weapons, as well as of powder, ball, and cartridges is, except in the cases and under the conditions provided in the following article, prohibited in the territories comprised between the twentieth parallel of north latitude and the twenty-second parallel of south latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean, and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

² ART. IX. The introduction of firearms and ammunition, when there shall be no occasion to authorize it, in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported firearms shall be deposited at the cost, risk, and peril of the importers in a public warehouse under the supervision of the State government. No withdrawal of firearms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports, and under conditions affording the needful guaranties, the respective Governments may permit private warehouses, but only for ordinary powder and for flintlock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by Governments for the arming of the public force and the organization of their defense, individual exceptions may be allowed in the case of persons furnishing sufficient guaranties that the weapon and ammunition are intended for their personal defense exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to warehousing shall also apply to gunpowder.

Only flintlock guns, with unfired barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave trade is carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses shall present to the State government every six months detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

³ ART. X. The Governments shall take all such measures as they may deem necessary to insure as complete a fulfillment as possible of the provisions respecting the importation, sale, and transportation of firearms and ammunition, as well as to prevent

it was for this reason that Article XI¹ provided that the signatory powers should "communicate to one another information relating to the traffic in firearms and ammunition, and that Article XIII² extended the precautions to territories situated outside of the specified zone, but in contact therewith.

Now, the Italian Government is responsible to the powers that have recognized its protectorate over Ethiopia for the observance of the Brussels act in those territories; consequently while it takes measures to prevent Menelik from continuing to violate the act in question it is under strict obligation to call the attention of the signatory powers to this condition of things, to the end that, even independently of Menelik's hostility to Italy, those powers, by prohibiting the introduction of arms and ammunition into Ethiopia, may enforce the observance of those international provisions of the disregard of which Menelik has taken, and is still taking, advantage with a view to opening up to the slave trade regions in which Europe sought to abolish it.

BLANC.

Mr. Olney to Baron Fava.

No. 41.]

DEPARTMENT OF STATE,
Washington, June 20, 1895.

EXCELLENCY: Circumstances have prevented an earlier reply to the note you were pleased to address to the late Secretary of State on the 11th ultimo, communicating a copy of the circular dispatch of his excellency the Italian minister for foreign affairs, under date of April 20 last, touching the provisions of the general act of Brussels of 1890 so far as the same inhibits dealing in slaves and in arms and ammunition in Ethiopia and the neighboring Italian dependencies.

The question of the extent of the obligations incumbent upon the United States, which have no territorial interests in the regions covered by the said general act, and the steps to be taken in view thereof, has on previous occasions had the attention of this Government; and I have

either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, toward the inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory. If this access be wholly interrupted, the authorization of transit can not be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its territory if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the dispatch of arms and ammunition may compromise its own safety.

¹ART. XI. The powers shall communicate to one another information relating to the traffic in firearms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

²ART. XIII. The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII bind themselves to take the necessary measures for preventing the introduction of firearms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

the honor to recite the following passage in the annual message of the President to the Congress of the United States, dated December 4, 1893:

By Article XII of the general act of Brussels signed July 2, 1890, for the suppression of the slave trade and the restriction of certain injurious commerce in the Independent State of the Congo and in the adjacent zone of Central Africa, the United States and the other signatory powers agreed to adopt appropriate means for the punishment of persons selling arms and ammunition to the natives and for the confiscation of the inhibited articles. It being the plain duty of this Government to aid in suppressing the nefarious traffic, impairing, as it does, the praiseworthy and civilizing efforts now in progress in that region, I recommend that an act be passed prohibiting the sale of arms and intoxicants to natives in the regulated zone by our citizens.

That recommendation has not yet been acted upon by Congress.

Prior to this suggestion by the President, the Government of Belgium addressed this Government on the subject, advancing the proposition that the provisions of Article XII of the general act of 1890 are obligatory upon all of the signatory powers, without distinction whether they have or have not possessions or protectorates in Africa, and that they are consequently constrained to adopt the measures contemplated by said article for the punishment of persons unlawfully trafficking in arms and ammunition.

In response to this proposition, the minister of Belgium at this capital was informed on the 6th of February, 1893, that there was then pending a proposal made by the British Government to the several powers interested in the Western Pacific and trading therewith looking to the adoption, by international accord, of measures restrictive of the traffic in spirituous liquors, firearms, and ammunition in that region; that the Government of the United States had given its assent to the principal of that proposal; that the consummation of such an arrangement with the participation of the United States would call for some general legislation by Congress regulating and penalizing such traffic when engaged in by citizens of the United States, and that in such event the needful legislation might conveniently be made broad enough to cover not only that arrangement, but generally any obligation which this Government may have under the Brussels general act as regards similar traffic on the African continent.

The Western Pacific project, in which our philanthropic citizens are deeply interested because concerning uncivilized regions and communities with which citizens of the United States carry on extensive trade, has not, however, as yet assumed international proportions, and no general legislation on the subject has been had.

In the absence of appropriate statutory provisions, this Government is without judicial or other machinery to punish, in Ethiopia or any part of the African territory under Italian control or influence, infractions by American citizens of the general act of Berlin as regards traffic in firearms and ammunition. So far as is known, no commerce is carried on by citizens of the United States in those quarters, and no practical application of the considerations advanced by his excellency the minister for foreign affairs is thought to be likely.

Accept, etc.,

RICHARD OLNEY.

LOUISIANA INHERITANCE TAX.

Baron Fava to Mr. Gresham.

[Translation.]

EMBASSY OF HIS MAJESTY THE KING OF ITALY,
Washington, May 16, 1895.

MR. SECRETARY OF STATE: By the report which I have the honor herewith to inclose the acting consul of Italy at New Orleans informs me that an estate has recently been placed in the hands of an administrator which was left by a Mrs. Amelia Rizner, formerly Mrs. Sarzana, and which consists of real estate situated in the aforesaid city, and that the son of the deceased, who is an Italian subject and a resident of the Kingdom, has been notified that, as the sole heir, he is required to pay 10 per cent of the net amount realized for the benefit of the New Orleans Charity Hospital. This payment is required in pursuance of law No. 130, enacted in the year 1894 by the general assembly of the State of Louisiana, which provides that any person not domiciled in the United States, who is a subject of a foreign power and who, as an heir or legatee, is entitled to the whole or any part of an estate consisting of property situated in that State, shall pay 10 per cent of the net amount realized on such estate to the Charity Hospital.

I hardly need call your excellency's attention to the unconstitutionality of this law. It is a tax, in fact, which none but the subjects of foreign powers are required to pay, some of which powers, like Italy, have special treaties with the United States which, as regards the taxes to be paid on the estates left by deceased persons in either of the contracting countries, provide that heirs who are subjects of the other country are entitled to the same usage as the subjects of the country in which the property constituting the estate is situated.

Article 22 of the treaty of February 26, 1871, between the United States and Italy is explicit on this point. It provides that "the citizens of each contracting party shall have power to dispose of their personal goods within the jurisdiction of the other by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases. As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation."

According to the Constitution of the United States, no law can be enacted in contravention of the laws and international treaties of the Federal Government; consequently the law in question, passed by the general assembly of Louisiana, appears to be wholly unconstitutional.

I therefore beg leave to call your excellency's attention to this state of things, and I have the honor to invoke the good offices of the United States Government, with the competent authorities of the aforesaid State, to the end that so flagrant a violation of the treaties existing between our two Governments may not be permitted.

Tendering you my thanks in advance, I reiterate, etc.,

FAVA.

¹ The English text of the treaty says "the contracting parties."

[Inclosure—Translation.]

Mr. Naselli to Baron Fava.

ITALIAN CONSULATE,
New Orleans, May 14, 1895.

EXCELLENCY: I have the honor to inform your excellency that my attention has been called to the following facts:

Some time ago a lady by name of Amelia Rizner died, leaving as her heir her son Ignazio Sarzana, who resides at present in Marsala, Italy. Said lady was married in Paris to an Italian citizen, a Mr. Giuseppe Sarzana, and from there went with him to Italy, where their son Ignazio was born.

Neither husband nor son ever came to America, and consequently remained Italian subjects. The husband died before the wife, and the son, as lawful heir, is now entitled to his mother's estate, which consists of immovable property situated in New Orleans, valued to the amount of \$67,848. The administrator of the succession here has been notified that by virtue of law 130 of the general assembly of the State of Louisiana, enacted in 1894, he is compelled to pay 10 per cent on the amount realized to the Charity Hospital.

The last paragraphs of article 22 of the treaty dated February 26, 1871, existing between Italy and the United States, reads:

Regarding the possession of immovable property, citizens of the two contracting parties shall be treated on the same footing as those of the most favored nation.

And article 10 of the treaty between the German Empire and the United States provides, viz:

In all successions to inheritances citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay if they were citizens of the country in which the property is situated, or the judicial administration of the same may be exercised.

As no State, according to the Constitution of the United States, can pass a law contrary to the laws and treaties of the Union, said law 130 of the general assembly of Louisiana appears to be unconstitutional.

In accordance with the provisions of said two articles I have the honor to apply to your excellency, in order that the rights of the above-mentioned heir may be guarded. Said heir has secured the services of an attorney, who will test in these courts the case in question, and I think that it would help matters should your excellency call the attention of the Department of State in Washington to said case, so that proper steps may be taken for the observation and fulfillment of our treaty.

I have, etc.,

NASELLI, Acting Consul of Italy.

Mr. Adee to Baron Fava.

DEPARTMENT OF STATE,
Washington, July 27, 1895.

No. 53.]

EXCELLENCY: I have the honor to acknowledge the receipt of your note of May 16 last raising the question of the constitutionality of the act of the general assembly of Louisiana, No. 130 (1894), imposing an inheritance tax on estates passing to foreign heirs or legatees not domiciled in the United States.

Copy of your note was at once transmitted to the governor of Louisiana and referred by him to the attorney-general of that State.

That officer has replied to the Department that the question, being judicial, is for the construction of the courts, whither the heir to the estate of the late Mrs. Rizner is prepared to carry it, and that, while it is impossible for him to assure the representative of any foreign Government that no improper claim will ever be made against its subjects under this law, he is confident no such claim will be allowed by the courts.

The Department is of opinion, therefore, that their decision should be awaited.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

EVIDENCE OF CITIZENSHIP OF PERSONS BORN ABROAD OF NATURALIZED FATHERS.

Mr. Gresham to Mr. MacVeagh.

No. 102.]

DEPARTMENT OF STATE,
Washington, April 25, 1895.

SIR: I have received your No. 103, of the 5th ultimo, reporting the application of Mr. James Hillhouse Fuertes for a passport.

Mr. Fuertes states that he was born at Ponce, Puerto Rico, August 10, 1863; that his father was a naturalized citizen of the United States and is now residing in this country; that he (the applicant) was brought to the United States when he was about a year old, and has continually resided here since, with the exception of journeys of a few months abroad. Mr. Fuertes says he is unable to present his father's certificate of naturalization.

Your dispatch presents the question whether a person born abroad to a father who was at the time and has ever since been a naturalized citizen of the United States should be required, when applying for a United States passport, to produce the certificate of his father's naturalization, as is required of a person claiming citizenship through naturalization of parents during his minority.

The Department is of opinion that he should not be required to produce the certificate nor to furnish any other evidence than that required of a person born in a foreign country to a native-born citizen of the United States.

I am, etc.,

W. Q. GRESHAM.

JAPAN.

GOOD OFFICES TO JAPANESE SUBJECTS IN CHINA.

Thanks of Emperor.—Translation.

[Delivered to the President by the Japanese Minister, November 1, 1895.]

Mutsuhito, by the grace of Heaven, Emperor of Japan and seated on the throne occupied by the same dynasty from time immemorial, to His Excellency Grover Cleveland, President of the United States of America.

GREAT AND GOOD FRIEND: During the war between our Empire and that of China, which has now happily been brought to an end by the conclusion of a treaty of peace, the diplomatic and consular officers of the United States in China, with Your Excellency's gracious permission and acting under Your Excellency's wise direction, extended their friendly offices to our subjects in China and on many occasions afforded them succor and assistance.

Again, as the war was nearing its final stage, the representatives of the United States at Tokyo and Peking, by Your Excellency's authorization, provided the way whereby China was able to approach directly our Government, and it was through the facilities afforded by those two representatives by direct reciprocal communication between the Governments of Japan and China that all the preliminaries looking to the opening of negotiations for the definite termination of hostilities were adjusted. The manner in which those delicate services in the interest of peace were performed left nothing to be desired.

And we make this opportunity to express to Your Excellency our high appreciation of those acts on the part of Your Excellency as well as on the part of Your Excellency's officers, acting under Your Excellency's wise directions; which not only tended to mitigate the severities and hardships of the war and finally to promote the successful issue of the negotiations for peace, but served to draw still closer the bonds of friendship and good neighborhood which happily unite our two countries.

We assure Your Excellency of our highest regard and esteem.

MUTSUHITO.

Done at our palace at Kioto the twelfth day of the fifth month of the twenty-eighth year of Meiji.

VISCOUNT MUTSU MUNEMITSU,
Minister for Foreign Affairs.

GOOD RELATIONS.

Mr. Kurino to Mr. Gresham.

LEGATION OF JAPAN,
Washington, March 23, 1895.

SIR: I have just received by telegraph from His Excellency Viscount Mutsu, His Imperial Majesty's minister for foreign affairs, instructions which read as follows:

Inform the Secretary of State that I have received with much satisfaction your telegram announcing the exchange of the ratifications of the treaty. You will express

to him our high appreciation of the friendly attitude continually maintained by the United States of America throughout the protracted negotiations for treaty revision, and assure him that the result will certainly draw still closer the bonds of cordial friendship which have ever existed between the two countries.

I have great pleasure in communicating this message to you, and in adding to it the expression of my own gratification at the conclusion of a treaty so just to Japan, and so well calculated to foster and perpetuate those relations of sincere good will which have always been such a notable feature of the intercourse between Japan and the United States.

To you personally, Mr. Secretary, I beg to express the sense of obligation I entertain of your effective efforts to bring about the successful consummation of the task with which we were intrusted by our respective Governments, as well as my cordial thanks for the considerate and appreciative attitude on your part which has so largely tended to make the performance of that task a most agreeable duty for me.

Accept, etc.,

S. KURINO.

Mr. Gresham to Mr. Kurino.

DEPARTMENT OF STATE,
Washington, March 27, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, by which you convey to me, under instructions by telegraph from His Excellency Viscount Mutsu, an expression of the high appreciation felt by your Government in view of the exchange of ratifications of the recently negotiated treaty between the two countries, adding your personal gratification at the agreeable outcome of your and my endeavors to reach conclusions in accord with the mutual friendliness and interests of the United States and Japan.

It affords me sincere pleasure to receive the cordial assurances you thus communicate, and to express in reply the reciprocal satisfaction I feel in having contributed to bring about a fuller recognition of the high principles which have long controlled the relations of the United States and Japan and to embody them in conventional engagements which I am happy to believe will prove advantageous to both.

Accept, etc.,

W. Q. GRESHAM.

BERING SEA REGULATIONS.

Mr. Uhl to Mr. Dun.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1895.

British Government informs the Department that the sealing regulations for 1895 are not agreed to. Instruct consuls in Japan to refuse privilege to British vessels in future under articles 4, 5, and 6, and that regulations are still in force as to American vessels.

UHL, Acting.

KOREA.

KOREAN INDEPENDENCE.

Mr. Adee to Mr. Sill.

No. 87.]

DEPARTMENT OF STATE,
Washington, July 9, 1895.

SIR: I have to acknowledge the receipt of your No. 120, diplomatic series, of the 7th ultimo, in regard to recent political changes in Korea.

Your action in refusing to recognize that Korean independence dates from the 6th of June, 1895, is approved. The position assumed by this Government toward Korea since contracting a treaty with it in 1882 has in no wise been affected by recent events. Korea's treaty independence since then has been for us an established and accepted fact.

I am, sir, etc.,

ALVEY A. ADEE, *Acting Secretary.*

POLITICAL EVENTS.

Mr. Dun to Mr. Olney.

[Telegram.]

TOKYO, *October 9, 1895.*

The following telegram has been received from Allen, dated Seoul, October 9:

Yesterday morning King's father, with the assistance of Japanese, forcibly entered into royal palace. Two officers killed in attempting to save Her Majesty. Queen and three ladies murdered. Murderers were Japanese in civilian dress. King's father is making a great many changes in the administration. The people are quiet. Royal palace in charge of Japanese troops.

DUN.

Mr. Dun to Mr. Olney.

[Telegram.]

TOKYO, *October 12, 1895.*

The following telegram has been received from Allen, dated October 11:

I have received to-day a detachment of marines from the *Yorktown*. Chargé d'affaires of Russia the same. English consul sent immediately for a war vessel. Missing Queen deposed. Succession of Her Majesty's family will be discontinued and three years' mourning can be avoided, and therefore Her Majesty's demise not yet announced. But notwithstanding it is generally believed cabinet ministers are in sympathy with Japanese.

DUN.

Mr. Dun to Mr. Olney.

[Telegram.]

TOKYO, October 14, 1895.

The following telegram has been received from Allen, dated October 13:

This Government is now under control of King's father and five traitors, under the guidance of Japanese. The condition of His Majesty pitiful. Queen murdered; murderers in full power. His own life in imminent peril. Compelled to act abhorrently. Can I recognize the Government under such circumstances? Chargé d'affaires of Russia has asked definite instructions and a fleet. Japanese minister states that atrocities were committed by natives disguised to represent Japanese. It is absurd. Chargé d'affaires of Russia and myself saw 30 of them leaving the royal palace just after atrocities, armed with swords. They were Japanese. Also a reliable American military officer of the Government saw Japanese troops enter into royal palace, in advance of insurgents, and they witnessed atrocities, but make [made] no attempt to prevent them. Sufficient evidence implicating Japanese minister overwhelming.

DUN.

Mr. Sill to Mr. Olney.

[Telegram,]

SEOUL, October 26, 1895.

Japanese minister and officers of his legation and army have been sent to Japan. Count Inoye is coming to Seoul as special ambassador. The King is under strict duress. His life in peril. I do not recognize decrees forced from him. Allen's conduct of affairs excellent.

SILL.

Mr. Sill to Mr. Olney.

[Telegram.]

SEOUL, November 9, 1895.

The King is still in grievous peril and under duress of conspirators. The representatives of England, Russia, France, and myself are urging Japanese to protect the King and restore status by necessary temporary force.

SILL.

Mr. Sill to Mr. Olney.

[Telegram.]

SEOUL, November 10, 1895.

Japan will restore status, using temporary force if approved foreign powers. Russian Government has telegraphed approval. Answer is expected from others. I hope you will approve. Answer by telegraph.

SILL.

Mr. Olney to Mr. Sill.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 11, 1895.

Intervention in political concerns of Korea is not among your functions, and is forbidden by diplomatic instruction 64.

OLNEY.

Mr. Olney to Mr. Sill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 20, 1895.

Allen's dispatches 156 and following received. Confine yourself strictly protection of American citizens and interests. You have no concern in internal affairs. Your actions to be taken independently of other representatives unless otherwise instructed.

OLNEY.

Mr. Olney to Mr. Sill.

No. 125.]

DEPARTMENT OF STATE,
Washington, November 21, 1895.

SIR: I have received Mr. Allen's dispatches¹ Nos. 156, 157, 158, 159, 160, and 161, of October 10, 11, 13, 14, 17, and 19, respectively, in which he relates incidents of the revolt of October 8, which resulted in the murder of the Queen of Korea, and reports his action during and after the revolt.

Mr. Allen, in company with the representatives of Russia, Great Britain, Germany, and France, declined to recognize the royal decree transmitted to him by a member of the Korean cabinet at a meeting of the diplomatic corps to which the Japanese minister had not been invited. In his note to the Korean foreign office of October 12, declining to recognize said royal decree, he takes occasion to give his version of the outbreak of October 8, and the murder of the Queen, and requests that a thorough and formal investigation of these occurrences be made and that the instigators as well as the perpetrators of the foul crimes be traced and brought to justice.

While commending Mr. Allen's desire to serve the interest of His Majesty the King of Korea, for whose person this Government entertains sincere friendship, and whose welfare and happiness we shall always be willing and desirous to promote, I feel constrained to call your earnest attention to the very serious misunderstanding to which the steps taken by Mr. Allen might give rise. His action in calling on the Japanese minister, Viscount Miura, in common with the representatives of Russia, Great Britain, Germany, and France, and urging upon him the necessity of taking steps for the maintenance of order in the city (as he alone had at his command a sufficient number of Japanese troops to enforce it), was quite proper and in the line of his duty; but it is a matter of regret that Viscount Miura should have been completely ignored at the subsequent meetings of the diplomatic corps to determine upon a line of action to follow toward the new ministry.

Regret is also felt at Mr. Allen's stand in his note to the foreign office, for it was no part of his duty, as representative of a friendly and absolutely neutral power, whose citizens residing in Korea were not by this revolt imperiled in life or property, to in any way interfere in the internal affairs of the country. While our representative in Korea may, and should whenever opportunity arises, but always acting independently of other powers, give to the Government to which he is accredited, when his advice is sought, such friendly counsel as he, in his judgment, deems

¹ Not printed.

most conducive to the welfare and prosperity of the sovereign and his people, it is in nowise his function, unless acting under instructions from this Department, to take action with the representatives of other treaty powers in calling the Government to account or in any way mixing himself up with the internal affairs of the country.

The Department attaches so much importance to your strict compliance with the views laid down in the present instruction that, although their general tenor must be well known to you by former instructions either to yourself or your predecessors, a cablegram was sent to you on the 20th instant, which I confirm herewith:

Allen's dispatches Nos. 156 and following received. Confine yourself strictly protection American citizens and interests. You have no concern in internal affairs. Your actions to be taken independently of other representatives unless otherwise instructed.

I am, etc.,

RICHARD OLNEY.

Mr. Sill to Mr. Olney.

[Telegram.]

SEOUL, December 1, 1895.

OLNEY, Washington:

Three days ago loyalists made a fruitless attempt to capture royal palace, in consequence of which usurpers are very bold, arresting and killing loyalists. I have eight refugees. See my dispatch No. 159. No charge made against them, but if caught they will be tortured and killed by the King's father. A demand may soon be made for them for some reason or other. It is desirable for them to leave. *Yorktown* will shortly leave for Shanghai. Will you authorize commander in chief to grant them passage?

SILL.

Mr. Olney to Mr. Sill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 2, 1895.

SILL, Minister, Seoul:

Refugees can not be sheltered by you against officers of de facto government charged with apprehending them as violators of the laws of their country. Use of *Yorktown* in manner suggested is wholly inadmissible. The Department sees with disfavor your disposition to forget that you are not to interfere with local concerns and politics of Korea, but are to limit yourself strictly to the care of American interests.

OLNEY.

Mr. Olney to Mr. Sill.

No. 130.]

DEPARTMENT OF STATE,
Washington, December 31, 1895.

SIR: I have received your No. 173, diplomatic series, of the 20th ultimo, reporting on events at Seoul.

With regard to the Department's telegraphic instructions to you of

the 20th ultimo to refrain from interference in the internal affairs of Korea, you state:

I can only say that, guided by the mutual promise of the exercise of friendly offices, set forth in our treaty with Korea, and by the instruction I received by telegraph on June 23, 1894, "to use every possible effort for the preservation of peaceful conditions," I have been diligent in doing what I could to bring about the amelioration of a condition of affairs. * * *

The provisions contained in article 1 of our treaty with Korea, to which you here refer, is to the effect that "if other powers deal unjustly or oppressively with either Government, the other will exercise their good offices * * * to bring about an amicable arrangement." This provision in no wise implies that our diplomatic representative in Korea should at all or any time, and without specific instructions from this Department, use his discretion in determining whether the condition of the internal affairs of the country requires him to use his good offices in the interest of the peace of the realm. On the contrary, it reserves to the Government of the United States the right to determine when this condition exists, and in its judgment it did shortly before the beginning of hostilities between China and Japan in Korea, when you were instructed by cable on the 22d of June, and by the direction of the President, to use every possible effort for the preservation of peace. This instruction only referred to events which were then occurring, and was not, as you appear to think, a standing instruction.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Sill.

WASHINGTON, January 10, 1896.

SILL, Minister, Seoul:

Your dispatches Nos. 175, 176, and 177 received. Your course in continued intermeddling with Korean political affairs in violation of repeated instructions noted with astonishment and emphatic disapproval. Cable briefly any explanation you have to make; also answer whether you intend to comply with instructions given. OLNEY.

Mr. Olney to Mr. Sill.

No. 132.]

DEPARTMENT OF STATE,
Washington, January 11, 1896.

SIR: I have received your Nos. 175 and 177, of the 2d and 3d ultimo, respectively, reporting on events at Seoul.

With your number 175 you inclose a memorandum of the conversation between the King and the members of the diplomatic corps during the audience granted November 26 for the purpose of His Majesty informing them of the revocation of a former decree of October 8, by which the Queen had been degraded, and of her restoration to her previous rank. In the memorandum you state that you expressed to the King your satisfaction with this action, and you added that you had intended to ask him whether the previous decree had been his own action, and that you wished also to say for yourself that you had never recognized the decree of the 6th of October as from His Majesty.

It was quite within the line of your duty to report to the Department that, in your belief, the decree of October 8 last had been issued by the King of Korea under compulsion, but it was neither a matter for you to discuss in your intercourse with the officials of the country, nor one in regard to which this Government could have any concern or express any opinion.

The Department has to express its astonishment and thorough disapproval of your conduct in this matter. It is incomprehensible, in view of the cablegrams sent you on November 11 and 20 (the receipt of which you duly acknowledged), by which you were instructed to confine yourself exclusively to such questions as involved the direct interests of American citizens and to refrain from mixing yourself in any way with the internal affairs of Korea, that you should, as late as November 26 and 28, without directions from the Department, have acted and spoken as the dispatches under acknowledgment state you did. In view of these actions and utterances I sent you, under yesterday's date, the following cablegram instruction:

Your dispatches No. 175 and 176 [177] received. Your course in continued intermeddling with Korean political affairs in violation of repeated instructions noted with astonishment and emphatic disapproval. Cable briefly any explanation you have to make; also answer whether you intend to comply with instructions given.

In your No. 177 you state that the Americans now resident in Seoul are exposed to much danger, apparently by reason of the anti-Japanese opinions to which they have openly given voice and their indiscreet expressions of sympathy for the party opposed to Japanese influence. You should, on receipt of the present instructions, inform all Americans resident in Korea that they should strictly refrain from any expression of opinion, or from giving advice concerning the internal management of the country, or from any intermeddling in political questions; that if they do so it is at their own risk and peril; that neither you nor the Government of the United States can approve of such action on their part or perhaps be able to adequately protect them should they disregard this advice. They should strictly confine themselves to their missionary work, whether it be teaching in schools, preaching the gospel, or attending to the sick, for which they went to the country. Use such other arguments as you properly can to discourage and stop, if possible, the habit which has steadily increased since the arrival of American citizens in Korea, of irresponsible persons advising and attempting to control, through irregular channels, the Government of the country.

I am, etc.,

RICHARD OLNEY.

Mr. Sill to Mr. Olney.

[Telegram.]

SEOUL, January 13, 1896.

Telegram received. I did err unintentionally in certain points recited in my 175 and 176. No harm has resulted in Korea. There will not be henceforth any cause for criticism. I will act according to instructions scrupulously. Affairs here quiet. The legation guard leaves on Wednesday. I will write you fully.

SILL.

Mr. Sill to Mr. Olney.

No. 189.]

LEGATION OF THE UNITED STATES,
Seoul, Korea, January 20, 1896. (Received Feb. 18.)

SIR: I have the honor to address you on the subject-matter of your telegram of the 11th instant, which reached me on the morning of the 13th. I answered by cable the same day. When this telegram reached me I was starting for Chemulpo to attend an important meeting of the municipal council, of which I am *ex officio* a member, and I am now taking my first opportunity to write, as promised in my telegram.

I can add little to what I said in this telegram. Referring to my Nos. 175 and 176, to which you call attention, I may say that No. 175 confirms my telegram of December 1, and recites my reasons for sending it. In reference to it and to your reply thereto, I desire to say I had at no time supposed that refugees could be sheltered by me "against officers of the *de facto* Government charged with apprehending them as violators of the laws of their country." On the contrary, they had been informed by me that I must at any time give them up upon proper demand of the Korean Government; hence my desire to get them out of the way before any demand for them should be served on me.

In citing my reasons for sending the telegram mentioned above, I give an account of our audience with His Majesty on occasion of the revoking of the decree degrading the Queen. In my remarks to His Majesty on this occasion I plainly see that I went wrong, and that it was superfluous and perhaps dangerous to allude to the former decree of October 8, though I was addressing a man who had, under great difficulty, communicated directly to this legation that it was issued in absolute opposition to his feelings and wishes and while he was under a duress that he was powerless to resist.

As to my No. 176, I doubtless erred, in hesitating, with others, to give full credence to the dispatch from the foreign office announcing the death of the Queen on October 8, but the decree which it was proposed to revoke was based on the theory that she was not killed on October 8, but had undutifully fled away when most needed by His Majesty; and again, these doubts were expressed only in our preliminary conference, and were practically dispelled by Mr. Komura's emphatic statement that in his opinion Her Majesty's death had been satisfactorily established.

So far as my letter to the foreign office is concerned, it expresses no doubt on this point.

I will add that my position as doyen of the diplomatic body makes it my duty to call conferences of the foreign representatives when it seems proper to do so, and especially when requested by my colleagues. The meeting held on December 1, to discuss the proper action to be taken in case of announcement of the death of the Queen, was convened at the request of two of my colleagues. In some cases, when conferences have been held and a unanimous conclusion reached, I have been requested to submit such conclusion in behalf of the body. This may sometimes have given the impression of joint action when there was no previous intention of acting otherwise than independently.

I regret that the position of doyen falls to me, since it often gives me a prominence in action that I would by no means seek or desire.

Possibly the circumstances by which I am surrounded have influenced me unconsciously, for I live in an atmosphere of continual and often arbitrary and violent interference in Korean affairs. Sometimes this interference is directly antagonistic to American interests. Sometimes,

in my judgment, it endangers the peace and good order of Korea and, by consequence, the safety of American life and property. In either case there is some temptation to meet interference with counter interference. However, I shall make no further errors in this direction.

In conclusion, I can only repeat what my telegram was intended to make plain, that is, that I am far from desiring to be neglectful of instructions, and that I shall in future exercise extra caution to keep well within them.

I have, etc.,

JOHN M. B. SILL.

MEXICO.

DISPUTED BOUNDARY BETWEEN MEXICO AND GUATEMALA.¹

Mr. Mariscal to the Mexican Chargé d'Affaires in Guatemala.

[Handed to the Secretary of State by the Mexican minister, January 24, 1895.—Translation.]

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
City of Mexico, November 30, 1894.

I have not yet been informed that the minister of foreign relations of Guatemala has made any reply to the note which you addressed to him under date of the 28th of August last, in reference to the depredations committed by Guatemalan officers at the logging camp known as Egipto in the months of May and July, 1892. Nevertheless, in his communication of the latter part of September he promised that he would reply to that note; and it is to be observed that your aforesaid note embodied the principal reasons alleged by you in pursuance of the instructions of this department, in order to prove that the land on which the said logging camp was belongs and has belonged to Mexico, and that consequently all the other camps that have been molested or destroyed by order of the Guatemalan Government were on Mexican soil, our claim being based on the fact that all those camps are, or were, on the left of the Usumasinta or of the Lacantun. There is consequently good ground for saying that Guatemala has thus far made no reply to our arguments and assertions that the territory which it has forcibly occupied is Mexican territory, because the few reasons which it has stated in order to prove that that territory belongs to it, which amount to nothing more than alleged recognitions of her authority by a few inhabitants of Mexico, have been answered by you, and the minister of foreign relations of Guatemala has made no rejoinder.

We must therefore insist upon the reasons which we have alleged, and also upon our demands for satisfaction and redress, supplementing these latter in view of what has recently taken place. Before returning, however, to the concrete question which has so long been under consideration it is proper for us to make, albeit in very brief and general terms, a statement of the questions which we have had with Guatemala for some time past, and of the course which we have pursued with that neighboring Republic; which, in view of the sentiments that we have desired to cultivate with it, is also our sister.

Without going back to the epoch of the independence achieved by Mexico or to the long years of subsequent boundary disputes, I will take as my point of departure the treaty of 1882, which established our boundaries forever, taking away from certain politicians of Guatemala the pretext that we had taken unlawful possession of Chiapa (including Soconusco) with a view to fomenting a sentiment of antipathy to our Republic among the people of Guatemala.

¹ See also under Guatemala, page 766.

Now, ever since that treaty was solemnly adopted by both Governments in virtue of the exchange of its ratifications Guatemala has in one way or another endeavored to throw obstacles in the way of its execution, and the work of drawing the boundary line, which, according to the provisions of the treaty, was to last two years, has now been going on for twelve years, having been interrupted for long periods of time, and it is impossible to foresee when it will be completed. Especially has the unwillingness been observed to determine the parallel which runs from Santiago in the direction of the Chixoy River, the engineer in chief of the Guatemalan commission claiming that before that determination is reached it should be agreed by the engineers of both countries that the Chixoy is the termination of that parallel, as if the modification of the convention concluded by the minister of Guatemala and the undersigned depended upon the agreement between them.

You will remember that that convention was signed *ad referendum*, at my suggestion, on the 24th of December, 1890, with the double view of showing proper deference to Guatemala and of preventing new delays from being raised in future. It was thereby declared that Mexico would abandon her interpretation of the treaty (which was based on excellent grounds, especially of a geographical character), and according to which the parallel ought to run beyond the Chixoy as far as the Rio de la Pasion; this we were willing to do on condition that no obstacles should be laid in the way of the drawing of the parallel until that work was completed. No definitive convention concerning the extension of that parallel was, therefore, possible, but it had to be fixed, provisionally, at the Chixoy, the question of its prolongation being left in abeyance until the labors of the commissions should be entirely completed.

The result is that years have been lost in those discussions, as they were likewise lost in trying to ascertain whether Guatemala was willing to accept the aforesaid arrangement or not. You are aware that the Guatemalan Government until a few months ago positively stated that it was willing to accept it, after it had proposed another arrangement in lieu of the one above mentioned, and after the latter had been accepted by our Government, Guatemala having been left at liberty to choose the one first named should she so prefer, which she did after a long period of indecision, and after making many efforts to prevent anything from being settled.

All this deference on our part, which was designed to lead to an amicable settlement of the question, appears to have been misinterpreted as weakness and obtuseness, of which it was possible to take advantage in order to nullify the treaty and avoid the performance of the obligations thereby contracted. We know that a great outcry was raised against that treaty, it being declared that it deprived Guatemala of a large portion of her territory, which assertion can be justified only by establishing the right (in reality unfounded) of Guatemala to Chiapa and Soconusco, for if Guatemala anywhere loses territory that she has occupied she acquires other territory elsewhere and receives compensation. Even supposing, however, that that freely concluded treaty, which was specially recommended to the Legislative Assembly by President J. Rufino Barrios, for which that gentleman received a vote of thanks—supposing that that international compact had been ruinous to Guatemala, that nation would have no legal or becoming means of avoiding its obligations, nor could it violate them otherwise than by means of a successful war against Mexico, which certainly would not justify, although it would secure to her the result which she desires.

Among the reasons for delay in drawing the boundary line between

the countries is the following: One of the numerous extensions of the time fixed in the boundary treaty for the duration of that work expired October 31, 1892, and although we succeeded in due time in securing another extension, it was impossible to secure a continuation of those operations, for the reason that the Assembly of Guatemala did not approve the new convention within the two years therein fixed for that purpose. It has thus been necessary to sign another similar convention for one year only, which is now awaiting the examination of the legislative body of that Republic.

As I stated at the beginning, the Government of Guatemala ordered the destruction, in 1892, of the logging camp called Egipto, which belonged to Miguel Torruco, a Mexican citizen, from whom it took certain property that he had there, and sent him under arrest to Peten for the alleged offense of smuggling. Our Government complained of this outrage, and the Government of Guatemala in reply raised the claim that the logging camp was within its territory. The question remained for some time in abeyance; that is to say, that territory had to be considered as being in dispute between the two Republics, however unsubstantial the claims of both might be.

Such was the state of things in January, 1893, when the Guatemalan Government concluded a contract for five years with Don Manuel Jamet, of Tabasco, for cutting timber in the woods situated "in and near the banks of the Passion, Sabinas, and Lacantun rivers, and on and near the banks of the adjacent creeks, from their sources." As the territory which extends from the left bank of the Passion River to the Chixoy or Sabinas is the one in dispute between the two nations, as its becoming the property of Guatemala is dependent upon the fulfillment of the condition laid down in the contract concluded by that country with Mr. Dieguez, as the Sabinas or Chixoy river undoubtedly belongs to Mexico according to the treaty, and as the Lacantun, with its adjacent tributary streams to the west of it, likewise belongs to Mexico according to the generally received boundary traditions, the attention of General Alatorre, our minister in Guatemala, was called to the article on the subject in the contract by a telegram dated April 12, 1892, and also by a note inclosing a copy of a letter which had been addressed to me in reference to the matter by the secretary of public works. A protest was transmitted to the Government of Guatemala, in reply to which that Government simply stated that "the contract in question would in no event be an obstacle to the speedy settlement of our boundary question."

Notwithstanding this reply, we were able to understand that Guatemala proposed again to delay the execution of the treaty of 1892, since she leased for five years certain lands which, although she claimed (without any foundation) that they belonged to her, in virtue of the recognition of the boundary previously to the conclusion of the aforementioned treaty, did evidently, according to said treaty, belong to Mexico, which fact was expressly admitted by the Guatemalan minister of foreign relations, as we shall see hereafter. Thus, the Government of Guatemala proposed to delay the execution of the treaty for at least five years, at a time when its execution might have been effected in a few months, one year at most having been the length of time that was thought necessary to effect it.

In August of that year (1893) the Government of Guatemala made the following proposals to that of Mexico with the view of settling the pending difficulties with regard to our boundary line:

1. That it should at once renounce the rights which it thought it had

to the region which had been the subject of what was known as the Dieguez-Mariscal arrangement.

2. That the two Governments should conclude a convention for the adoption, as a definitive boundary line, of the mean between the differences of computation with regard to the lines fixed by the heads of the respective boundary commissions.

3. That Engineer Pastrana, the head of the Mexican commission, should discontinue his opposition to the fixing, in pursuance of a protocol appended to the treaty, of geographical points on the frontier rivers.

The first proposal was not admissible, nor had it any *raison d'être*, since, according to the aforesaid arrangement, it was sufficient for the Government of Guatemala to raise no fresh difficulties on the remainder of the boundary line in order to secure, without any other condition, the renunciation which it sought, and since, before the drawing of the said line was finished, it was impossible to know whether the condition had been fulfilled. The second proposal, moreover, could not be accepted, because, if simple and real errors in calculation were concerned, they would be corrected by the engineers in accordance with the technical rules established for such cases; and if (as was to be feared) the proposal involved any other object, its acceptance would have been dangerous and senseless, because, according to it, the drawing of an arbitrary line, however absurd it might have been, by the engineer of Guatemala (such as that which he made of the old boundary, and to which I will again refer hereafter) would have been sufficient in order that, that arrangement being invoked, the line which best suited the purpose of the Guatemalan Government should be fixed as the boundary line. We were thus compelled to reject the first two proposals, realizing the ulterior design which they were intended to compass; and as to the third, we stated that Engineer Pastrana's objection to the fixing of geographical points along the Chixoy was due to Rock's insistence that that river should thenceforth be considered as the definitive boundary line.

We come, finally, to the most remarkable part of the behavior of the Guatemalan Government in these boundary disputes. While, as we have seen, the discussion with regard to the nationality of the logging camp at which Torruco was arrested by the Guatemalan authorities, and, generally, that of the lands wrongfully leased by Guatemala to Jamet, as they lie on the left bank of the Lacantun, was pending, the following occurred in the months of May, June, and July of this year: The engineer, Miles Rock (chief of the Guatemalan commission), entitling himself officially special commissioner of the Guatemalan Government, at the head of a party of armed men has committed a new invasion of the territory of Mexico, an invasion aggravated by acts of the most outrageous character. He burned the following logging camps: That of La Constantia, belonging to the Spaniards Romano & Co., successors; that of San Nicolas, belonging to the Mexican Valenzuela; and that of Agua Azul, recently established by Torruco. He destroyed everything found there, the occupants and laborers of those logging camps having escaped his fury by taking to flight. He placed at the disposal of his Government, in the shape of plunder, a large number of wooden casks, which, without any further formalities, were sent to be sold at auction in the city of Guatemala. Furthermore, there remained at Agua Azul, in token of occupation by Guatemala, a body of armed men who remained there until the 9th instant.

All these logging camps are on Mexican territory, the territory which we have been claiming as ours ever since 1892, when the civil chief of Peten invaded the one called Egipto; the territory which Guatemala

leased to Jamet by a contract, against which we protested as soon as we learned its terms. It is thus that Guatemala has appealed to force to possess herself of a territory which we were disputing with her by argument, and has had recourse to robbery and violence against the owners of the logging camps acknowledging the jurisdiction of Mexico.

At the same time that these incharacterizable acts were being committed in its name and by its authority, the Guatemalan Government was demanding satisfaction of Mexico for a supposed invasion of its territory, committed by the civil chief of Tenosique, who, accompanied by a few men, had proceeded to make a reconnoissance on our territory lying on the left bank of the Usumasinta and the Lacantun, which rivers Guatemala persists in regarding as hers on both banks.

The Mexican Government, at the same time that it has protested repeatedly against these violations of the national territory and demanded due satisfaction, has demonstrated through you to the Government of Guatemala its absolute want of right to complain of what it calls an invasion of the Guatemalan territory, referring to the reconnoissance made by the civil chief above mentioned.

The arguments of Guatemala to defend her conduct are confined, up to the present time, (1) to maintaining that in that region the old line traditionally recognized by both countries is determined by an arbitrary line drawn by her engineer, Rock, on a sketch sent to your legation by her minister of foreign relations, it appearing that that line, never before thought of, has for its object only to place under the jurisdiction of Guatemala the lands in dispute and others adjacent; (2) to maintaining that, according to article 6 of the boundary treaty, the territory included between the said arbitrary line and the Usumasinta River does not yet belong to Mexico, although it will be, as is admitted, the property of Mexico when the dividing line has been finally laid off, for, it is added, until that event occurs and the respective commissions, by common and complete agreement, have terminated their operations, it is incumbent upon both countries to respect the status quo.

According to this, the whole contention on the part of Guatemala has been to maintain the extremely transient status quo which is to last, in her opinion, as long as the running of the dividing line lasts, for which the last convention, signed by both parties, grants one year as the maximum. And for these twelve months of sovereignty over the territory in dispute, Guatemala not only contends for its lease for five years, but occupies it by main force, and by actual depredations on the territory now in dispute, provokes Mexico to renounce her pacific and friendly relations in order to repel these acts of insulting violence, and to seek, if necessary, by force of arms, just reparation and satisfaction. The prudence of this Government still impels it to invent excuses for that of Guatemala, trusting that its conduct has been the effect of an hallucination produced by the malignity or the officious zeal of its subordinate agents, rather than an intentional and premeditated insult.

Be this as it may, it is certain that, basing the question on the ground which I have just stated, the controversy as to whether the ancient boundaries, destined very soon to disappear, if not the treaty, favors the claims of Guatemala. This controversy, I say, possesses trifling and secondary interest. Mexico has a right to reparation, because Guatemala has had recourse to violence and robbery to make a display of her transient rights (if she had any) to territory [the right to] the temporary possession of which was under discussion. This is the real question, if I may so call the inevitable corollary of proven facts. In fact, Minister Salazar, in his reply to you under date of August 3 last, tacitly declares that the trespasses committed by Miles Rock, complained of by this

Government, were perpetrated by that engineer by order of the Guatemalan Government, and that he has obtained from it the full approbation of his conduct.

Confident, therefore, as we are, that this is a sufficient foundation for our demands, let us still investigate, for greater certainty, the value of the proofs adduced by that Government to sustain a sovereignty which, according to its own admission, is temporary over the territory in which it has exercised it with such violence. I will not stop to examine its assertions with regard to the pretended acknowledgment of that sovereignty by Mexican private individuals or by any inferior authorities, such as a justice of the peace, or, negatively, by the Mexican Government, in not protesting against acts of which it had no knowledge. In addition to the fact that these allegations are based on uncertain data, they are extremely weak in themselves, and you have answered them in a satisfactory manner in accordance with the instructions which you have received. I will speak of the most ridiculous proof cited by the Guatemalan Government—the sketch made by its engineer, Miles Rock, in which the dividing line marked as the ancient and traditional one is certainly all that could be asked to satisfy the pretensions of that Government, having been made for that purpose by its own servant. For the rest, the line to which I refer lacks historical and all other antecedents, and, far from being the traditional one, there is not a single known and respectable map containing it. On the contrary, that which we have contended for as existing before the treaty, or the one fixed by the treaty, is given by Guatemala's own maps, the former being given by the map which possesses an official character in that country, published in 1875, with the following title: "Map of the Republic of Guatemala, drawn and published by order of the Supreme Government, by Herman Au, engineer.

On this Guatemalan official map is drawn the line acknowledged before the treaty, formed in the disputed region, and beginning on the south, by a parallel commencing at the peak of Santiago (run, as is read on the map, in 1811), running toward the east until it touches the Lacantun River. It is afterwards formed by this same river and follows its course to its junction with the Usumacinta, and then by the Usumacinta to opposite its junction with the Yaxchilan, which flows into it on the right bank. Miles Rock's fanciful sketch, which is sought to be given as the ancient and traditional line, passes by the junction of the Yaxchilan and, in a straight line, in a southwestern direction, reaches the neighborhood of the peak of Santiago, completely ignoring the parallel run in 1811—that is to say, attempting to deprive Mexico of an extension from west to east of not less than 84 kilometers in any event of the application of the ancient boundaries, for if such a sketch were to have any influence on the fixing of the boundaries designated by the treaty, the loss would be much greater, in view of the fact that, in accordance with that convention, the parallel is prolonged toward the east to a much greater distance.

The audacity of the engineer, Rock, in drawing his line so arbitrarily, in the face of the discredit which such a proceeding must cause in an international dispute, seems incredible; and it can hardly be believed that the interest in the matter has been so slight as the usufruct of the territory during the status quo, unless it was hoped to prolong it for an indefinite time, or unless this sketch might serve besides (I do not know in what way) for the fixing of the permanent line by Guatemalan engineers, [with the intent] that, by moving it to a great distance from the one fixed by the Mexican experts, the enormous space between the two should be taken as the difference in calculation, and a

middle line adopted, thereby acceding to the proposition made to us by Guatemala. I shall not venture, however, on more or less hazardous suppositions to explain the conduct of the engineer who was the author of the sketch, but content myself with calling it simply inexplicable.

Up to this point we have considered what appears to be the chief evidence of that Government, to wit, the sketch of the engineer in its service, but it must be remarked that that map and its boundary line would be of no use without the other argument which is adduced, which consists in saying that, according to article 6 of the boundary treaty in force, the territory in dispute shall belong to Mexico when the line has been permanently run in consequence of a complete agreement between the engineers of both parties, but that, in the meantime they belong to Guatemala, and Mexico is obliged to respect the status quo. This argument is sought to be based upon the provisions of article 6 of the treaty of 1882, although it really finds no support in it, as the article refers to a different thing. Let us see whether this is so by its text, which is as follows:

It being the object of both Governments, in concluding the present treaty, not only to put an end to the difficulties existing between them, but to terminate and prevent those which arise or may arise between neighboring towns of the two countries in consequence of the uncertainty of the present dividing line, it is stipulated that, within six months after the meeting of the scientific commissions mentioned in Article IV, they shall send to their [respective] Governments, by common agreement, a memorandum of those villages, estates, and ranches which, without any doubt, are to remain on a determined side of the dividing line agreed upon in Article III. Upon the receipt of this memorandum, each of the Governments shall be authorized to send immediately the necessary orders, in order that its authority may be established at those points which are to remain within the territory of their respective nations.

As will be seen, the object of the article is to hasten any change of sovereignty made by the treaty, provided it is very clear that it will take place by virtue of the treaty in the opinion of both commissions, and thus prevent as soon as possible, within the short period of six months, the evils occasioned by the uncertainty of the old line, even before the new one has been run very far, from postponing the change to the time when this [new line] shall be permanently fixed, as is asserted without any foundation. As to whether the engineers have or have not given the notice directed by this article, with regard to the flying ranches or logging camps referred to, it signifies nothing in the matter, because it was not a requisite established to give the sovereignty to the proper party, but a means of hastening the exercise of it by the party having it undoubtedly by the treaty. It is sufficient to read carefully the text which we have copied to be convinced that this is its meaning and spirit, and not that attributed to it by Guatemala.

Moreover, the article speaks of terminating and preventing the evils caused by the uncertainty of the old line, and if it is true that there was such uncertainty on other portions of the line, there was none on the part bordering on the territory of the logging camps, because there the boundary has been clearly defined, as is seen by the above-mentioned official map of Guatemala, by the Lacantun and Usumacinta rivers, which are well known by these names, the second, at least, from its confluence with the Chixoy, which occurs before it reaches these boundaries.

If the Guatemalan Government had merely alleged that where the labors of experts are required to determine the line on territory of doubtful ownership, as it can not [otherwise] be known, it will be necessary, in the meantime, to respect the status quo, it would have alleged, not a provision of the treaty of 1882, which does not touch that point, but a con-

sideration of common sense. But how could it demonstrate that there exists in the region mentioned the absolute necessity of laying off the line in order to protect the jurisdiction recognized by the treaty? It is so perfectly evident that that region is included in Mexico by the provisions of the said convention that the minister of foreign relations himself, Señor Salazar, comes forward admitting that, by virtue of the convention, that territory will belong to our country. There is, therefore, no possible doubt upon this point—no necessity for having recourse to the science of the engineers or to the good faith which is to bring them to an agreement, in order to see that those lands now belong to Mexico by virtue of the treaty of 1882, as they did even before it went into force.

The disputed territory, which the Dieguez-Mariscal settlement left dependent on a condition, lies to the east of the Chixoy, very far from the logging camps. The utmost that Guatemala disputes there in interpreting the treaty is that lying between the Chixoy and the Rio de La Pasion, and the logging camps are much farther on this side. There is, therefore, not even the shadow of a doubt that that well-known natural boundary (to which the engineers must give, on their maps, the true position which it occupies, on the other side of the logging camps and at a great distance from them) marks upon the ground, on the supposition most favorable to Guatemala, the dividing line between the two countries. All this is evident at a glance upon the mere consultation of any map, including that which Guatemala published in 1875. It is thus seen that nothing but the firm resolution not to carry out the treaty, to say that it is out of force, creating difficulties in its way without regard to the means employed, or, as we still believe, a delusion occasioned by the malignity of agents more zealous than wise, can have suggested arguments such as those which I find myself compelled to answer in the present note.

The Guatemalan Government might have seen long ago that Mexico, in defending her interests, has always employed a candid and loyal policy, tending to remove obstacles to the cordial relations between the two countries. Thus, for example, asserting with sincerity that she had no other object, she exerted herself for the institution of a mixed commission to adjust all the mutual claims pending between the two Governments; and although the commission sat in this city, apparently under the official influence of Mexico, so much dreaded by Guatemala in this case, that Government (Guatemala) has seen that the pecuniary result has been favorable to it, because we did not desire undue gains, but only that these causes of discord should be removed by means of just decisions. It is not our fault if other more serious ones present themselves now.

In the foregoing mention is made of an incontrovertible fact—that Guatemala has invaded the territory the right to the possession of which was under discussion between the two Governments, employing force in order to make a parade of her pretended sovereignty. It is also shown that she possesses no right to that territory, not only by virtue of the treaty of 1882, as her own Government admits, but even according to the old boundaries laid down on her official map of 1875. It is likewise proved that it is not obligatory to respect the traditional boundaries, as is claimed, until the new line is definitely laid off by the engineers, because the treaty does not so provide. There is no necessity for it, because not only the original boundaries but those fixed by the treaty are, in that region, and so far as regards the question in dispute, clear and incontrovertible natural boundaries.

In view of this absolute clearness and of the length of time that we have been discussing the sovereignty of that territory, which sovereignty, even accepting her arguments, would be extremely transient for Guatemala under the treaty; in view, especially, of the fact that that discussion has been interrupted by Guatemala by acts of violence, we will not continue to discuss that subject, but only the species of satisfaction and the amount of the indemnity due us.

What we demand is as follows:

1. Guatemala shall make a demonstration satisfactory to Mexico for the injury done her in having recourse to invasion and force in the logging camps in question.

2. She shall indemnify, through the medium of this Government, Messrs. Policarpo Valenzuela, Romano y Compania, Sucesores; Miguel Torruco, and Federico Schindler, and others who have been damaged in the said logging camps, for the damages which she has caused them, in accordance with the claims, accounts, and satisfactory proofs which they shall present.

3. She shall also indemnify the Mexican Government for the expenses incurred in the movement of troops and other preparations of the war department which it has been compelled to make in consequence of the invasion and prolonged occupation of the logging camps by armed men in the service of the Guatemalan Government. These preparations on the part of Mexico were necessary, as it could not be imagined that the invading Government would venture to occupy the territory in question with a handful of men without being resolved to defend it with its whole military power.

4. The Guatemalan Government shall remove from her scientific boundary commission Señor Miles Rock, who has been the instrument, if not the cause, of the chief delays and of the recent outrages of which we complain.

5. As soon as the honorable Legislative Assembly of Guatemala, at its next session, has approved the new convention for running the boundary line, recently signed, that operation shall be executed without loss of time and in the manner specified by the agreement signed by Señor Dieguez on the 24th of December, 1890.

You will transmit a copy of the present note to the minister of foreign relations, with a communication devoted exclusively to that object.

I renew, etc.

MARISCAL.

Mr. Gresham to Mr. Gray.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 21, 1895.

The terms of Mexico's demand upon Guatemala have been obtained from the ministers of both countries here. The fact that the present controversy is related to, if not, the outgrowth of, the boundary treaty of 1882 between Mexico and Guatemala, the conclusion of which was largely due to the mediation of the United States, constrains the President to express the earnest hope that the two neighboring States will omit no means of reaching a direct settlement of their differences, and failing in that refer them to friendly arbitration. The President is unwilling to believe that Mexico contemplates a precipitate resort to

arms. By their example the United States have contributed to the establishment of the principle of arbitration, and, in the President's judgment, Mexico can not assume the responsibility of disregarding the moral obligation to assist in extending the beneficent influence of this principle, especially on the American continent.

You will immediately communicate to the minister of foreign affairs the substance of this instruction, leaving with him a copy if desired.

GRESHAM.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, January 24, 1895.

The following is the reply of the Mexican minister for foreign affairs to your cablegram of the 21st instant:

The Mexican Government has taken cognizance with due consideration of the telegram addressed yesterday from Washington by the Secretary of State to the chargé d'affaires of the United States resident at this capital, respecting the question pending between Mexico and Guatemala. Mexico recognizes the friendly spirit evinced toward the two countries and the prudent character of the suggestions made. The question we to-day discuss is due to an attempt by Guatemala to evade compliance with the treaty of 1882, which was concluded, thanks to the impartial and judicious conduct of the Government of the United States, in finally refusing to interfere in the case; thus leading President Barrios to enter into negotiation for a boundary treaty. Now that Mexico has suffered injuries by the repeated use of force during the discussion over the right to certain lands, which even by confession of Guatemala the treaty [confers upon] Mexico, this Government considers it to be a point of national honor not subject to arbitration as to whether it is entitled to satisfaction for such injuries, but is disposed to accept a friendly arbitration to fix the indemnity due by Guatemala.

BUTLER.

Mr. Gresham to Mr. Gray.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 6, 1895.

The Guatemalan minister here informs me that his Government has submitted the following proposition to the Government of Mexico:

While it is true that under the boundary line as indicated by the treaty of 1882 the disputed territory is undoubtedly in Mexico, Guatemala is confident that the correct line is the old recognized boundary line as it now exists, and until the whole line is marked out under the treaty the disputed territory belongs to Guatemala, and she, therefore, had the right to send to it a military force and expel the persons who were cutting timber there under the grant of a foreign Government. Guatemala agrees, however, that if the controversy is determined by arbitration or some other peaceful settlement, and it appears that the disputed territory belongs to Mexico, she (Guatemala) will express her regret to Mexico for having invaded it under misapprehension.

Guatemala has dispensed with the services of Rock, and you will inform Mr. Mariscal that the President sincerely hopes that Mexico will not now decline a peaceful settlement of her other demands.

GRESHAM.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, February 12, 1895.

Herewith is the reply of the Mexican Government to your cipher telegram of the 6th instant:

Herewith I advise you, as I have already advised you verbally, that it is not true that the Guatemalan Government, as reported by its minister in Washington, submitted to the Government of Mexico the proposition at hand, nor any other in answer to our demands. The proposition which in the form indicated comes now from Washington is substantially identical to another submitted without instruction therefor by Mr. Romero through the medium of Mr. Gresham, and which this Government did not approve, as it was under another form a proposition for arbitration upon the question which we consider of national honor, and inadequate, therefore, for a solution of that kind. This does not imply a refusal to consider any proposition which Guatemala may present here to the end of reaching a pacific settlement. On the contrary, Mexico keenly desires to reach such a result, and will be gratified if the hope expressed by the President of the United States can thus be realized. We already know, though not by communication from the Government of Guatemala, that Rock had left its service.

BUTLER.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, April 1, 1895.

Congress has just opened. President's message declared. Convention signed with Guatemala.

BUTLER.

Mr. Butler to Mr. Gresham.

No. 476.]

LEGATION OF THE UNITED STATES,
Mexico, April 10, 1895. (Received April 17.)

SIR: I have the honor to submit, in text and translation, the agreement between Mexico and Guatemala, signed on the 1st and published on the 8th instant in the *Diario Oficial*.

I am, etc.,

E. C. BUTLER.

[Inclosure in No. 476.—Translation from *Diario Oficial*, April 8, 1893.]

Agreement between Mexico and Guatemala.

The undersigned, duly authorized thereto, in consequence of the correspondence between them exchanged and the conferences mutually held for the purpose of arranging pacifically and in a manner honorable to Mexico and Guatemala the difficulties caused to both countries by the exercise of acts of sovereignty within the territory lying west of the Lacantun River, have agreed upon the following articles, to wit:

ARTICLE I.

Guatemala hereby declares, as it has hitherto declared, that, believing itself warranted thereto, it exercised acts of sovereignty within the territory lying west of the Lacantun River, and that therefore it has not been its intention in so doing to offend Mexico.

ARTICLE II.

Notwithstanding, in the interest of good harmony, the Government of Guatemala, moved thereto by a spirit of equity, agrees to indemnify parties who may have suffered by their agents for the value of the properties occupied or destroyed and for the damages directly occasioned thereto by such occupation or destruction. An arbiter, mutually selected, shall fix the amount of such indemnity.

ARTICLE III.

The Government of Mexico desists from its demand relative to the reimbursement of its expenses in connection with the mobilization of troops and other preparations for war, by reason of the occupation of the forests situated to the westward of the Lacantun River by agents of the Guatemalan Government. It likewise desists from its request¹ contained under No. 4 in its note of November 30, last year, as being now unnecessary.

ARTICLE IV.

Guatemala consents that Mexico forthwith occupy the territory extending westward from Chixoy and Usumasinta rivers;² while, on its part, Mexico agrees that the true understanding of the boundary treaty of September 27, 1882, is, in the light of most reliable data, that the dividing line between the two countries, with respect to the region embraced between the Chixoy and Pasion rivers, shall be definitely fixed as the parallel of latitude which, as determined in said treaty, passes a point "4 kilometers beyond" the Ixbul Hill; thence eastward to the Chixoy River, where, as Guatemala has sustained, it terminates; following the center of the deepest channel of the Chixoy River, and then that of the Usumasinta, to the parallel 25 kilometers south of Tenosique, Tabasco, as measured from the plaza (center square) of said town.

ARTICLE V.

Both parties accept the average of the differences in the rest of the boundary limits outlined by boundary commissions, i. e., from the intersection of the Usumasinta with the second of the said parallels onward, as the boundary line is described in the treaty, provided such differences do not exceed 200 meters. In contrary event, the line shall be corrected as per agreement of the scientific commissions appointed under article 4 of the said treaty. In case these commissions do not agree, the question shall be submitted to an arbiter.

ARTICLE VI.

The geographical position of the Chixoy and Usumasinta rivers shall be fixed as follows: The Chixoy from its intersection with the first-mentioned parallel referred to in Article IV of this agreement until it enters the Pasion River to form the Usumasinta; and the position of the Usumasinta from such point of junction until it touches the second-mentioned parallel; furthermore, the boundary monuments lacking shall be set up; all in accordance with the protocol to the agreement entered into on September 14, 1883, between Messrs. José Fernandez and Manuel Herdera.

ARTICLE VII.

This agreement shall be submitted to the approval of the Senate of the United States of Mexico and of the National Legislative Assembly of Guatemala, while it may forthwith be published in the official journals of both Governments. The exchange of ratifications shall be effected in the City of Mexico, on or before the 31st of May ensuing.

Done and signed, in duplicate, in the City of Mexico, this 1st day of April, 1895.

IGNACIO MARISCAL.
EMILIO DE LEON.

¹ The request was for the dismissal of the engineer Miles Rock from the service of Guatemala; this Guatemala had already done, as is shown by the correspondence leading up to this agreement.

² Territory which the treaty of 1882 assigned to Mexico, and which Guatemala has claimed pending the definite fixing of the boundary line by the engineers.

Mr. Butler to Mr. Olney.

No. 48.]

LEGATION OF THE UNITED STATES,
Mexico, August 20, 1895. (Received Aug. 28.)

SIR: On Thursday, the 15th, I received a visit from Señor Emilio de Leon, the Guatemalan minister here.

He advised me that Article II of the convention of April 1, 1895, between Mexico and Guatemala having provided for the appointment of an arbitrator to pass upon the claims of Mexican citizens, he had, after full conference with minister Mariscal, selected Mr. Matt. W. Ransom, United States minister in Mexico, as such arbitrator, a selection concurred in by Mr. Mariscal. Señor de Leon then requested me upon receipt of the note of invitation from his legation to forward same to Mr. Ransom.

This I have the pleasure to do, under cover of this dispatch inclosing the said note in English and Spanish text, in original, also copies of the same, for transmission through your kindness.

Although in the said note Mr. Mariscal appears to be a party to the appointment made, this legation had at the time of closing this dispatch received no note or advice whatever in the matter from Minister Mariscal.

I beg to confirm my telegram of last evening, to wit:

Guatemalan minister brought me this afternoon a communication from his legation designating United States Minister Ransom arbitrator on claims under the convention of April 1, Mexico-Guatemala, but no communication nor intimation has come from Mexican minister for foreign affairs, though a party to the agreement.

I am, etc.,

E. O. BUTLER.

[Inclosure in No. 48.—Translation.]

Mr. de Leon to Mr. Ransom.

LEGATION OF GUATEMALA IN MEXICO,
Mexico, August 17, 1895.

MR. MINISTER: In the month of September, 1882, a boundary treaty was concluded between the Governments of Guatemala and Mexico, determining the principal points to be followed by the respective commissions of engineers appointed under that treaty for the definite delimitation of the frontier of both countries.

Unforeseen difficulties, sometimes interposed by Guatemala and sometimes by Mexico, prevented the demarcation and erection of the landmarks on the whole of the line in the time agreed upon.

It would be tedious and unnecessary to refer in detail to the cause of those difficulties. The fact is, and it has been so understood and held by my Government, that pending the fulfillment of that which had been determined in that convention, both Governments, in compliance with the bases of August 12, 1882, which had served as preliminaries, were required to respect the ownership which until then each Government would have exercised in its territory, although it might pass over to the dominion of the other by virtue of that treaty when consummated. Pending the fulfillment and execution of this, the Government of Mexico, interpreting the treaty in a different manner, held that from the date that the treaty was signed it obtained the right to perform acts of dominion on territory that was subsequently to belong

to it, and granted sundry licenses to lumbermen to establish their chases (places where the lumber is cut) on territory which Guatemala considered as belonging to it, pending the demarcation of the boundary.

When my Government learned that the Government of Mexico had, in violation of what was agreed upon, expressly issued such licenses, the authorities of the Guatemalan frontier ordered those who were illegally felling its woods to remove. The lumbermen, believing themselves illtreated, appealed to the Government of Mexico, asking protection and aid, as it had authorized them to commit such acts; and this was the origin and cause of the last claims by Mexico, which terminated with the convention of April 1.

An exact history of the reasons which each Government advanced in its behalf appears in the respective pamphlets printed by each, and copies of which I have the honor to herewith transmit to your excellency.

The Government of Guatemala which, from the beginning, did nothing but uphold its legitimate and indisputable rights, desired to give a fresh proof of its good intentions to maintain cordial relations with the Mexican nation, and, demonstrating the greatest prudence and good sense to the civilized nations of the world, entered into conciliating and equitable arrangements that assured the peace and tranquillity of both nations, putting an end to small differences which should never be an obstacle to their aggrandizement and prosperity. That tendency found its fulfillment in the convention, already mentioned, of April 1, wherein it was provided in the last section of article 2 that the Government of Guatemala, from fairness and for the sake of harmony, should indemnify those who claimed to have suffered direct injury from such expulsion, in accordance with the amount determined by an arbitrator named by both Governments.

The matter having reached the stage of fixing the amount of the indemnity, in order to definitely fulfill and execute the provisions of the convention, and bearing in mind the honorable position and distinguished characteristics of your excellency, as well as the marked tokens of cordial friendship and sympathy which the Government that you so worthily represent extends to the Government and people of Guatemala, the latter has not hesitated a moment to submit for decision by your excellency the amount of the indemnity which is to satisfy those claiming damages, fully persuaded that your excellency's award will be the highest expression of justice and of the most perfect impartiality.

I therefore invite your excellency, in my own name and in that of the Government which I have the honor to represent, to accept the designation, which in the person of your excellency we have made, in common accord with the minister of foreign relations, to assume the office of arbitrator for the above-named purpose.

We have agreed, too, with his excellency, the minister of foreign affairs of Mexico, that we will draw up an additional or supplemental protocol of the convention of April 1 in question, designating therein the rules and limits to be observed by the arbitrator before rendering his definite decision, and of which I will have the honor to advise you in due time.

Renewing to your excellency the desire expressed for you to accept the nomination made in your name, it is the greatest satisfaction to me to tender you the homages of my very distinguished consideration.

EMILIO DE LEON.

Mr. Ransom to Mr. Olney.

No. 69.]

LEGATION OF THE UNITED STATES,
Mexico, September 21, 1895. (Received Sept. 27.)

SIR: I have the honor to transmit the inclosed copies of a letter from Secretary Mariscal, requesting me to act as arbitrator in the designated convention between Mexico and Guatemala. Copies of a similar letter from the Guatemalan minister, Mr. Emilio de Leon, have already been sent to your Department.

I have not felt at liberty to accept this trust without your approbation. I see no chance for any unpleasant complication in any way with our Government. I should like an answer by telegraph.

I have, etc.,

M. W. RANSOM.

[Inclosure in No. 69.—Translation.]

Mr. Mariscal to Mr. Ransom.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 18, 1895.

MR. MINISTER: In compliance with Article II of the convention had on the 1st of April of the current year, between the representatives of the Governments of Mexico and Guatemala, at my proposal your excellency has been designated to act in the arbitration provided for in said article.

I hope that your excellency will be pleased to accept said appointment as a token of friendly deference toward both Governments; and it gratifies me to reiterate the assurance of my highest regard.

IGNO. MARISCAL.

Mr. Olney to Mr. Ransom.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 4, 1895.

Department sees no objection your acting as arbitrator as desired by Mexico and Guatemala.

OLNEY.

Mr. Ransom to Mr. Olney.

No. 75.]

LEGATION OF THE UNITED STATES,
Mexico, October 8, 1895. (Received Oct. 15.)

SIR: I have the honor to inform you that I have accepted the position of arbitrator between Mexico and Guatemala. The choice comes at the same time from both Governments, and though the work will be arduous and the result possibly not entirely satisfactory, I thought it my duty to undertake the office.

With very high regard,

M. W. RANSOM.

[Inclosure in No. 75.]

*Mr. Ransom to Mr. Mariscal and Mr. Leon.*LEGATION OF THE UNITED STATES,
Mexico, October 7, 1895.

SIR: I have the honor to communicate to you that I have received from my Government its approbation of the joint designation of myself as arbitrator of the Governments of Mexico and Guatemala under the convention of these two countries of the 1st of April, 1895, and that it will give me very great pleasure to accept that high trust.

I am deeply sensible of the distinguished honor conferred upon me as the representative of the United States by this appointment, coming from sister and neighboring Republics, and it will be my constant endeavor to pursue and render equal and impartial justice to both.

I have, etc.,

M. W. RANSOM.

DEATH OF MINISTER GRAY.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, February 14, 1895.

Minister Gray died at 7 o'clock this evening.

BUTLER.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, February 15, 1895.

Minister Mariscal, in acknowledging advice of death of Minister Gray, expresses profound regret, and asks the legation to convey to my Government and to the bereaved family the sincere sentiments of condolence of President Diaz.

BUTLER.

Mr. Butler to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, February 16, 1895.

The funeral of Minister Gray, attended by hundreds of the American colony and leading Mexican citizens under very moving conditions, was also solemnized with military honors rendered by the Mexican Government. Mr. Mariscal assured Consul-General Crittenden and myself that Minister Gray had received the highest military honors ever accorded to a foreigner in Mexico. A guard of honor sentinelled the remains last

night, and troops escorted them to the depot. President Diaz, accompanied by his cabinet, the personnel of this legation, the United States consul-general, and the entire diplomatic corps in full uniform, walked to the railroad station, a mile distant, through heat and dust, and on its departure the funeral train was dismissed with a salute of artillery. Minister Mariscal and the other cabinet officers made especially touching reference to the loss to Mexico of such a staunch friend. With full heart I conveyed to the Presidential party the appreciative thanks of the bereaved family and the assurance that the graceful and spontaneous courtesy of the Mexican Government would endear it to the American people and Government. Dispatch with newspaper clippings will be mailed to-morrow.

BUTLER.

Mr. Butler to Mr. Gresham.

No. 433.]

LEGATION OF THE UNITED STATES,
Mexico, February 17, 1895. (Received Feb. 25.)

SIR: It is with the deepest pain that I inform the Department of the death, in this city, of the Hon. Isaac Pusey Gray, envoy extraordinary and minister plenipotentiary of the United States of America near the Government of Mexico.

Telegrams from this legation have informed you that Mr. Gray reached this city on the morning of the 14th instant very ill with double pneumonia, and in an unconscious condition. He was immediately carried, in a covered litter, to the American hospital close by, and every possible effort was made to save his life, or, at least, to restore him to consciousness ere he died; but all without avail.

I called upon President Diaz at once, and when I tried to convey the sad news of the death of the minister, the President drew me toward himself in sympathy, and, with tears in his eyes, spoke of the loss of his friend and the friend of Mexico. Like expressions of affectionate esteem and high respectful regard were also made by Minister Mariscal and the other members of the Mexican ministry.

The body, embalmed, was taken northward yesterday by the family of Mr. Gray to be buried at Union City, Ind., and the flags will be kept at half mast over this legation and the United States consulate-general until the funeral rites are concluded.

I am, etc.,

E. C. BUTLER.

Mr. Gresham to Mr. Butler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 18, 1895.

The President, to whom I communicated your telegram reporting the exceptional honors paid to Minister Gray's memory, directs that you express in his name and that of the people of this country deep appreciation of these signal and touching tributes of esteem on the part of the President and Government of Mexico.

GRESHAM.

Mr. Butler to Mr. Gresham.

No. 437.]

LEGATION OF THE UNITED STATES,
Mexico, February 22, 1895. (Received Feb. 27.)

SIR: Per inclosure herewith you will be apprised that this legation conveyed to the Mexican Government in the name of His Excellency the President of the United States and that of the American people their deep appreciation of the signal and touching tributes of esteem on the part of His Excellency the President and the Government of Mexico paid to the memory of Minister Gray.

I am, etc.,

E. C. BUTLER.

[Inclosure in No. 437.]

*Mr. Butler to Mr. Mariscal.*LEGATION OF THE UNITED STATES,
Mexico, February 18, 1895.

MR. MINISTER: Referring to my note of the 16th instant, expressive of the sincere appreciation by Mrs. Gray and her son Bayard of the friendly sympathy conveyed in your excellency's kindly note of the 15th instant, I have the honor to advise you that, by cablegram, I am directed through the Department of State, at Washington, D. C., by His Excellency the President of the United States to convey in his name and that of the American people their deep appreciation of the signal and touching tributes of esteem on the part of His Excellency the President and the Government of Mexico paid to the memory of Minister Gray.

Praying that you will be pleased to convey to President Diaz this expression of appreciation, accepting for yourself our heartfelt gratitude, I subscribe myself, etc.,

E. C. BUTLER.

Mr. Uhl to Mr. Butler.

No. 357.]

DEPARTMENT OF STATE,
Washington, February 28, 1895.

SIR: I inclose herewith copy of the concurrent resolution adopted by the Senate on the 21st instant, and agreed to by the House of Representatives on the following day, expressing the gratification of the Congress at the honors paid to the memory of Mr. Isaac P. Gray by the Mexican Government.

The engrossed copy is now being prepared and will be sent to you, when completed, for delivery to the Government of Mexico.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

[Inclosure in No. 357.]

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States has learned with high gratification of the special honors paid to the memory of the deceased by the Government of Mexico upon the occasion of the death of the Hon. Isaac P. Gray, late minister of the United States, near the Republic of Mexico.

Resolved, That in token of the appreciation of the same, the Secretary of State be requested to forward to the Mexican Government an enrolled copy of this resolution.

Passed the Senate February 21, 1895.

Passed the House of Representatives February 22, 1895.

ASSUMPTION OF MEXICAN CITIZENSHIP TO EVADE EXTRADITION.

Mr. Adee to Mr. Butler.

No. 45.]

DEPARTMENT OF STATE,
Washington, July 8, 1895.

SIR: I have to inform you that the President has issued his warrant authorizing William Farmer Forsee to proceed to Mexico for the purpose of taking into custody and returning to the State of Iowa for trial Chester W. Rowe, a fugitive from the justice of the United States, charged with the crime of embezzlement of public moneys and understood to be at present in the City of Mexico.

The President's warrant and a copy of the papers in the case, authenticated under the seal of this Department, have, in accordance with the request of Governor Jackson, been sent to Mr. Forsee in care of Mr. T. T. Crittenden, consul-general of the United States at Mexico City. These should be further attested under the seal of your legation. You will then request of the Government of Mexico the surrender and delivery of the fugitive to Mr. Forsee.

I am, etc.,

ALVEY A. ADEE,
*Acting Secretary.**Mr. Butler to Mr. Olney.*

[Telegram.]

MEXICO CITY, *July 17, 1895.*

Referring to Department's 45, of 8th instant. Forsee here and located Chester Rowe. Latter assumed Mexican nationality by purchase real estate, thus protected from extradition. See article 6 extradition treaty, article 30 Mexican federal constitution, and article 1, section 10, law on foreigners, reported by legation's 241, June 10, 1886. Please instruct me.

BUTLER.

Mr. Adee to Mr. Butler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 18, 1895.

Request provisional arrest and detention Richard Rowe, charged as accomplice in embezzlement public moneys Iowa. Accused has assumed named Richard Rose, of Rose Brothers, Second Plateros, Number 2, Mexico.

ADEE, *Acting.*

Mr. Adee to Mr. Butler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 19, 1895.

In opinion of Department, citizenship assumed for purpose evading extradition should not be allowed that effect. If Mexican Government refuse surrender Rowe on this ground, urge this view. Inform Department status case.

ADEE, *Acting.*

Mr. Butler to Mr. Olney.

[Telegram.]

MEXICO, July 20, 1895.

Parties arrested, and stolen funds embargoed.

BUTLER.

Mr. Butler to Mr. Olney.

[Telegram.]

MEXICO, July 25, 1895.

Reply of Mexican Government regarding Rowes not yet received. Have ascertained, however, that extradition Chester will be refused upon the ground of his Mexican nationality, but he will be tried here for stolen funds. Richard will be held pending the arrival of extradition papers. This result in despite of presentation your cabled opinion of the 19th. Can you urge extradition Chester through Mexican minister at Washington?

BUTLER.

Mr. Butler to Mr. Olney.

No. 38.]

LEGATION OF THE UNITED STATES,
Mexico, July 25, 1895.

SIR: I have the honor to confirm this legation's cablegrams of the 20th and of even date in regard to the extradition of the Rowe brothers.

The latter telegram was sent upon my ascertaining, through a third party, but authoritatively, that it was the intention of the Mexican Government to refuse the surrender of Chester W. Rowe for extradition to the United States.

Inclosing copies of my two notes, of 23d and 25th instants, to Minister Mariscal, I am, etc.,

E. C. BUTLER.

[Inclosure 1 in No. 38.]

Mr. Butler to Mr. Mariscal.

UNITED STATES LEGATION,
Mexico, July 23, 1895.

DEAR SIR: This legation was informed that Chester W. Rowe, recently arrested at the request of my Government for the purpose of

extradition, intended to defend himself from extradition on the ground that he had assumed Mexican citizenship. That such citizenship was assumed by Rowe for the purpose of evading extradition can, if necessary, be established by the evidence of Mr. William Farmer Forsee, the extradition agent.

Having so apprised my Government, I received a responsive telegram, which I have the honor to quote, as follows:

In opinion of Department [Department of State] citizenship assumed for purpose evading extradition should not be allowed that effect. If Mexican Government refuse surrender Rowe on this ground, urge this view.

Trusting that, in case such plea as stated be made in behalf of said Rowe, the opinion of my Government may be duly borne in mind by your excellency, I beg to renew the assurance of my highest respect and esteem.

E. C. BUTLER.

[Inclosure 2 in No. 38.]

Mr. Butler to Mr. Mariscal.

UNITED STATES LEGATION,
Mexico, July 25, 1895.

DEAR SIR: Most respectfully I beg to submit the statement prepared by Mr. William Farmer Forsee and his attorney, Sr. Lic. Francisco Alfaro, in the matter of the extradition of the Rowe brothers.

I beg that you will give this communication careful perusal and grant it due weight in the consideration of the case. Trusting that the opinion of my Government, as quoted to your excellency on the 23d instant, and the legal deductions set forth in the inclosed statement may lead your excellency to grant the extradition of Chester and Richard Rowe, I beg most sincerely to renew to your excellency the assurance of my highest consideration.

E. C. BUTLER.

[Subinclosure to inclosure 2 in No. 38.—Translation.]

Messrs. Forsee and Alfaro to Mr. Butler

MEXICO, July 25, 1895.

William Farmer Forsee, commissioned by the President of the United States of America and duly authorized to receive and conduct Chester W. Rowe to the United States, said Rowe having been accused of the crime of embezzlement of public funds, and his extradition having been solicited by the American Government, now begs that the legation will be pleased to support the following allegations proving the justice of such extradition.

The prisoners, Chester W. Rowe and Richard A. Rowe, who are here known under the alias of Rowes, taking advantage of the freedom of communication they now enjoy, on Saturday last executed a power of attorney before the notary San Martin in favor of Lic. Mariano Espejo, in order that the latter should represent them before the department of foreign affairs and all the tribunals, and with the object of resisting the extradition which the Government of the United States of America has solicited, of said prisoner. Now, they have proved, and perhaps they will base their defense on that point, that they are Mexicans through having purchased and being the owners of a lot in the neighboring town of Guadalupe; these facts give rise to some arguments which are founded on express and specific instructions from the Government of the United States.

Consequently, and although the legation is perfectly convinced of and has always applauded the justice and ability with which the Mexican Government acts in all questions that are referred to the department of foreign affairs, it ought to assist in

obtaining justice, by presenting the following arguments, to which I would respectfully call your attention.

Chancellor Kent considers it evident in principle and precedence, that every state is in duty bound to refuse its asylum to criminals, and even without a previous examination of the case, deliver the guilty absconder to the jurisdiction of the state in which the crime has been committed. This sound principle of international law, which is generally observed, can in the present case be applied without giving room for an answer, if an examination of the case furnishes convincing proof as far as regards the demonstration of the *corpus delicti* and the solicited extradition can not be denied through the malicious act of the accused, in having purchased property in the Republic, seeing that Section III of Article 30 of the federal constitution, in declaring that foreigners who purchase real estate in the Republic are Mexicans, could not include in that category the criminals or enemies of the country, because the former are unworthy of the citizenship which they claim, both because their criminal conduct renders them unworthy of entering another community, which can only expect injury from them, as well as because they desire that citizenship in order to obtain impunity, and thus evade the action of justice, which it is the general interest to protect.

Vincent and Pinard, in their Dictionary of International Law, V, "Extradition," page 332, say: "*L'extradition a pour but, d'assurer le triomphe de la justice.*"

The right of expatriation having been recognized by the Mexican law of foreign rights, the Republic admits the citizens of other countries and states, and grants them naturalization in accordance with the legal provisions. And if by naturalization we understand the act of investing a foreigner with the rights, privileges, and obligations which pertain to the natives of the country, it is necessary to determine when a man can break the ties that connect him with his mother country, in order to adopt those which will connect him with his adopted country. One of the cases in which that tie can not be considered as broken, is that which gives rise to these observations.

In fact, the brothers Rowe, one of whom is the principal and the other the accomplice, have not been able to obtain Mexican citizenship with the object of liberating themselves from the liabilities they incurred in their native country, because the extradition treaty is not of a date subsequent to that of the criminal act, which was duly provided for in that treaty, as otherwise the change of nationality would have a retroactive effect, and would be against the principles of international law, seeing that the state is not an asylum for criminals, nor its naturalization a refuge to furnish impunity. It is for this reason that the law of the 28th of May, 1886, provides, in article 26, that the change of nationality shall have no retroactive effect. In support of the above, and in view of their applicability to the case, we beg to quote the words of the eminent Mexican jurist, Ignacio L. Vallarta, which can be read in page 90 of the Explanation of the Reasons for the Bill of Naturalization and Foreigners, which he wrote by instructions from the department of foreign affairs and which reads as follows (par. 110, art. 70.):

"Rather than an exception to the principle, article 8 of the bill establishes the rule which can not be ignored in the name of the right of expatriation. The citizen of a country who becomes naturalized in another after having committed those crimes which to-day can find no asylum in any territory and no protection under any flag whatever, can not plead his adopted nationality to escape the punishment which he deserves or avoid the extradition which is solicited by his native country."

If Jefferson, who was interested in fomenting the immigration to the United States, could say that "they received every fugitive and no person in authority can take into account the offenses committed beyond their jurisdiction, and the most atrocious criminals are received as if they were innocent," this claim can not now be sustained in view of the progress of international law, and he can not find any protection, even in countries which, like Mexico, are so greatly in want of immigrants.

If that law has already convinced different states of the principle that even their own citizens are subject to extradition; if the tendencies of this age are toward wiping out frontiers before the justice that pursues the criminals, the enemies of the human race, as said by Mr. Seward; if our own convenience, as has been said by England, not to mention the honor of each country, condemns the old theory that a territory should constitute an inviolable asylum for crime, far from presenting any difficulties, the provisions of article 8 do not show any cause for criticism that is not in approval.

No civilized nation will ignore the justice of our law. The advisability and convenience of article 8 will be more fully appreciated if we take into consideration that the treaty with respect to citizenship which has been executed between the United States and Germany, and with Mexico itself, provides for the observance of the extradition treaty at present in force between those countries, so that the naturalization shall not serve to protect the criminal.

Besides this, our treaties respect this principle in foreign countries. In the treaty which has recently been concluded with Spain, after exempting the citizens of both countries from extradition, it says:

"For the purposes of this article, the foreigners who may be naturalized in Mexico or in Spain will not be considered as Mexicans or Spaniards if the offense was committed before the date of their naturalization."

This agreement shows that in intention, if not in the text, it ought to appear in all treaties of extradition or naturalization which are executed by the Republic.

In view of the above arguments, it is expected that the extradition will not be refused, but before concluding this brief plea I consider it necessary to call your attention to a most important fact, and that is, that the naturalization which is taken as a pretext by the brothers Rowe in order to avoid the action of justice in the United States, is, as I have already said, fraudulent. I am perfectly prepared to prove this fact by means of witnesses, even though on the other hand the documents which have been presented clearly show the culpability of the person who has thus obtained Mexican nationality, and are in themselves enough to show the existence of a fraudulent intention. The result is that for one reason or another the person who deceives the Mexican Government must lose its protection. The same jurist, Lic. Vallarts, says as follows on page 128 of his work:

"Article 23 [I think he refers to article 22] is also taken from article 9 of the law of 1854, and is supported by the obvious principle that the concession of naturalization to famous criminals who may come to the country in their flight from foreign justice, besides compromising the interests of the latter, dishonor our own nationality. Although the bill, with all the precautions which have been adopted, avoids as far as possible the danger that a criminal of this character should become a Mexican, the case is not impossible, especially if we consider that it is easy for an incendiary or a foreign assassin to acquire real estate or have children in Mexico, and to take advantage of the facilities offered by naturalization for him to become a Mexican. In order to avoid any evasions or abuse of the law, the law declares that the naturalization granted to the guilty party who has been able to hide his crimes shall be legally null and void. Thus not only is the person who in a fraudulent manner has obtained naturalization, subject to extradition as provided in article 8, but all the effects of the naturalization are rendered void, as soon as it is duly proved to the authorities that it was fraudulently obtained the Government recovers its right to expel from the national territory, in the character of a pernicious foreigner, as provided by article 33 of the constitution, the person who abuses in such manner the hospitality which Mexico offers to foreigners."

W. F. FORSEE.
Lic. FRANCISCO ALFARO.

Mr. Butler to Mr. Olney.

[Telegram.]

MEXICO, July 26, 1895.

Extradition Chester denied. Held here for trial. Shall I protest against precedent or ask his extradition as Mexican citizen?

BUTLER.

Mr. Adee to Mr. Butler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 27, 1895.

Take no further action at present concerning extradition Chester Rowe.

ADEE, Acting.

Mr. Butler to Mr. Olney.

No. 40.]

LEGATION OF THE UNITED STATES,
Mexico, July 30, 1895. (Received Aug. 6.)

SIR: In continuation to my No. 38, of the 25th instant, I have the honor to submit copies of additional papers in the matter of the extradition of Chester W. and Richard Rowe.

These papers include two notes from Mr. Mariscal—of the 22d (received on the 26th) and the 29th instants—declining to grant the extradition of Chester W. Rowe, and reserving decision as to the extradition of Richard Rowe until the arrival of the requisite papers.

I am, sir, etc.,

E. C. BUTLER.

[Inclosure 1 in No. 40.—Translation.]

Mr. Mariscal to Mr. Butler.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 22, 1895.

MR. CHARGÉ, ETC.: I received two notes, dated the 18th of the current month, in the first of which you communicated to me that your Government had sent you instructions to request from the Mexican Government the arrest and detention of Chester W. Rowe (alias Rose) and of Richard Rowe (alias Rose), charged, the former as principal and the latter as accomplice, in the crime of embezzlement of public moneys, to the end that they might be surrendered, in virtue of the extradition treaty between Mexico and the United States, to Mr. William Farmer Forsee, authorized to receive them, and that the papers requisite under the treaty would be delivered to this department, which papers were about to arrive; while in the second note you advised me that the said Farmer Forsee was charged to deliver to me the papers relating to the extradition of Chester W. Rowe, while these relating to the extradition of Richard Rowe would be subsequently submitted to me.

That same day, the 18th, Mr. Farmer Forsee placed in my hands the papers referred to, of which he was the bearer. This department ordered the arrest of the two parties accused and they were secured under safe custody; the police officers effecting the arrest taking from Chester W. Rowe a lease contract for safety box No. 300, which the International Mortgage Bank of Mexico had made out on the 29th of April last with Señor E. P. Rose, and which lease contract had been forwarded to this department.

It was ascertained forthwith that Chester W. Rowe acquired Mexican citizenship by naturalization by reason of the purchase of real estate in this federal district, as provided in the constitution of the United Mexican States (article 30, section 3), as declared by the President of the Republic on the 24th of June last.

For the reason assigned, the President has been pleased to decide on refusal of the request for the extradition of Chester W. Rowe, while action on the request for the extradition of Richard Rowe is to be held in abeyance pending the arrival in this department of the requisite papers.

Although the extradition of the first-named party is denied, and therefore he should be forthwith liberated, it has been decided to hold him in

custody, and that he be consigned to the prosecuting attorney of the federal district, to the end that this official may, ex officio and in accordance with the laws, institute the necessary proceedings before the courts looking to the investigation and punishment of the crime attributed to Chester W. Rowe, the case falling within the scope of article 185 of the penal code; for in event of the existence of the crime, such crime continues by commission in the Republic while the responsible party retains in possession the stolen property, as your legation believes in this case (vide your first note now under reply), and as is also presumable from the finding upon the person of Chester W. Rowe of the lease contract of a safety box in the International Mortgage Bank of Mexico, as above referred to.

This contract (or receipt), together with the documents filed by Mr. Farmer Forsee, and to which I have just referred, have been sent to the prosecuting attorney for the ends stated. You can furnish to said official any other information conducive to place him in position to prove the guilt of the accused, advising that, once he is consigned to the court, he must, within the period of three days, be declared formally committed to imprisonment or placed at liberty, according to the nature of the evidence submitted.

I reiterate, etc.,

IGNO. MARISCAL.

[Inclosure 2 in No. 40—Translation.]

ARTICLE 185.

In regard to continuous offenses, the commission of which was previously begun in a foreign country and continues in the Republic, the offenders, whether Mexicans or foreigners, shall be punished in accordance with the laws thereof.

[Inclosure 3 in No. 40.]

Mr. Butler to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, July 26, 1895.

DEAR SIR: I have just received your excellency's note of the 22d, advising me that Chester W. Rowe and Richard Rowe were arrested, as requested by this legation; that upon the person of the first-named party was found a receipt dated April 29 last, made out to Señor E. P. Rose for a safety box at the International Mortgage Bank of Mexico; that as Chester Rowe had on the 21st of June last acquired Mexican citizenship by the purchase of real estate within the federal district, his extradition would be declined by the Government of Mexico, while action on the request of the Government of the United States for the extradition of Richard Rowe would be held in abeyance pending the arrival of the requisite papers; that although the refusal to surrender Chester W. Rowe should operate to place him at liberty, he would be held subject to the action of the courts of Mexico under the provision of article 185 of the Mexican Penal Code for the attributed crime of retention of stolen property.

I beg to reiterate to your excellency, etc., E. C. BUTLER.

[Inclosure 4 in No. 40.]

Mr. Butler to Mr. Mariscal.

UNITED STATES LEGATION,

Mexico, July 26, 1895.

DEAR SIR: Since addressing your excellency this afternoon, responsive to your note of the 22d instant relating to the extradition of Chester W. and Richard Rowe, I obtained an audience with Hon. Agustin Boyes, prosecuting attorney of the federal district, and arranged for the appearance before him of Messrs. William Farmer Forsee and W. L. Buston as witnesses against the two parties named.

This I did pursuant to the closing suggestion in your excellency's note referred to, and beg herewith to renew the assurances, etc.

E. C. BUTLER.

[Inclosure 5 in No. 40—Translation.]

Mr. Mariscal to Mr. Butler.

DEPARTMENT OF FOREIGN AFFAIRS,

Mexico, July 29, 1895.

MR. CHARGÉ: I have the honor to answer the note dated the 25th of the current month, which you have addressed to me, inclosing statement signed by W. F. Forsee, agent for the extradition of C. W. Rowe, and by his attorney, Lic. Don Francisco Alfaro, requesting that in virtue of reasons set forth in said statement, and the opinion of the Government of the United States, which you were pleased to communicate to me on the 23d instant, the extradition of the party named might be granted.

In the first place I should state to you that your said note, and the statement accompanying the same, reached my hand on the night of the 25th, the day upon which it was dated, advising that in my dispatch of the 22d I had communicated to you the decision of the President declining to grant extradition of C. W. Rowe, and consigning him to the prosecuting attorney for trial before the criminal court. Therefore, when I received your note the matter had been already consigned to the prosecuting attorney, and probably had been by him referred to the judge, who now has jurisdiction over the accused. The President is therefore now without authority to pass upon the case, and only in case the judge should declare himself incompetent to try it could the matter of extradition be treated again. Due to this, the discussion of arguments contained in the statement of Mr. Forsee, as well as any stipulating the high opinion of the Government of the United States in this case, do not have practical, or at least, immediate effect.

Nevertheless, desirous of demonstrating that the decision of the Mexican Government is based upon just grounds and very clear reasoning, in addition to setting forth the reasons given in my said dispatch of the 22d, I will here add that all the allegations in the statement of Mr. Forsee, with one sole exception, go to demonstrate the serious trouble of not delivering a naturalized citizen, responsible for a crime committed in another country before his naturalization; such expediency resulting in the immunity of the party whose extradition is requested. However, in the case in question, such immunity does not exist, for C. W. Rowe shall be tried in Mexico, in accordance with

Mexican law which allows for the punishment of crimes committed abroad, especially that of the embezzlement of funds under false pretenses, provided always that the party guilty preserved such funds in his possession, which, according to those who have moved in the extradition, is the case at issue.

Unless a competent tribunal declares that the naturalization of C. W. Rowe is null and void, we shall consider it as valid and of effect (as was really the case) in accordance with the laws of Mexico. This validity is a point which does not allow of discussion, and whereon the Mexican Government would not be disposed to make any admission, even if placed upon the "via diplomática," basing such disinclination upon the principles declared by the Government of the United States itself, of which I do not here make mention, as it does not seem to be necessary. Therefore, this Government believes itself in duty bound to consider Rowe a Mexican. The extradition treaty in force between the two countries excludes from any obligation of delivery for the purpose of trial all natives of the country upon which such requisition is served. Thus, this Government is not obliged to deliver C. W. Rowe, even though it might entail the unfortunate consequences of a precedent in impunity which, however, in this case, are not to be feared. Aside from the treaty the only grounds upon which apparent right to request the extradition of Rowe might be predicated are as follows:

1. What is being styled the "fraudulent character" of his naturalization.

2. His incompetency to free himself from criminal responsibility had by him in his native country for, it may be said, a retroactive effect can not be given to this act. The so-called "fraudulent character" in naturalization proceedings did not exist in this case, for the facts set forth by Rowe upon his seeking naturalization did exist as stated, and they come within the scope of law, the very constitution of this Republic, to wit, the naturalization of a foreigner acquiring in Mexico real estate. This does not require that the intention shall be this or that, or that it shall be, or shall not be, in consonance with the ends of universal justice. Nor does it require the even directly expressed intention of the interested party; it declares to be a Mexican any foreigner who acquires real estate, and omits to set forth his desire to preserve his previous nationality.

In view of a declaration so positive, it is useless to allege that there was fraud, not in the naturalization itself, which was according to the law, but in the end or intention, whereby C. W. Rowe procured the same, for the hidden intention moving in such cases does not produce, even when unmasked, any legal effects.

On the other hand, even when the procedure attributed to Rowe serves to swerve the justice of his native country, it is not be allowed in numerous cases, among them the one in question, to vitiate the ends of justice in Mexico. If, in the conduct of any remote cases, the Mexican naturalization of a foreign offender might produce the effect of leaving him untouched, this is the unavoidable consequence of limitations which, as yet, hedge about extradition in all countries, even those most advanced, as occurs in the United States, where neither the law on extradition, neither the treaties thereon embrace the perpetrators of all common crimes, for which reason many remain unpunished, and seek refuge in American territory. There is also impunity inevitably in your country for those who hide the fact that they have committed a crime in another country, for in the United States, as a general rule, crimes committed abroad are not punished.

Mexican legislation, therefore, does not offer more serious obstructions than does the legislation of other nations. On the contrary, under our legislation, such impunity is very rare, and allows for the punishment in Mexico, in many cases, of a crime committed abroad, as in the case of C. W. Rowe.

The second allegation which might seem to support the request for extradition, now refused, is, as I have before stated, the statement that the naturalization, although legitimate, is insufficient, and to do away with the criminal responsibility that Rowe assumed in his own country. However, to declare such naturalization as insufficient for anything would be to place limits thereon, whereas it is not limited, under the law, the only agent that could so limit it (and certainly did not do so), for among us every naturalized citizen has the same rights which a native citizen has, with no other restriction than that of not being allowed to hold certain public positions which require birth in Mexico. On the other hand, to say that retroactive effect is given to the naturalization of Rowe would be completely erroneous, for he has not had attributed to him the character of a Mexican in acts which he performed before becoming one, but considered as vested with our nationality, as he already is, at the moment his extradition was sought. This is denied, for Rowe being a Mexican, in virtue of law, there is no obligation to deliver him in case of any act which occurred at any time.

Before passing to other considerations, I shall examine the value to the question in hand of a fact alleged by Mr. Forsee's attorney. It is said, and it is true, that in the treaty of extradition in force between Mexico and Spain, there is an article (the fourth; in its second part) whereunder it is agreed that the naturalization of a subject or a citizen of either of the contracting countries shall not operate to prevent the delivery, and for an offense committed prior to such naturalization. The article does say so; but it does not therein set forth that such is a principle of national right for general application, but a special stipulation of said treaty, inapplicable therefore to other nations, which can not invoke its provisions, even in case they seek to allege for themselves most-favored-nation treatment. It was decided in the United States as follows, when Attorney-General Caleb Cushing said:

Engagements of extradition, whether of fugitives from justice or from service, stand in each case on particular stipulations of the treaty, and are not to be inferred from the favored-nation clause in treaties. (6 Op., 148 Cushing, 1853. Authority confirmed by J. C. B. Davis in his notes; vide Wharton, Digest of International Law, 135.)

There is, therefore, no ground upon which to base the request for extradition of C. W. Rowe; there would only be the possibility of requesting the same as a discretionary act of Mexico, based upon mutual conformity, or as a token of deference toward the Government requesting the same.

Mutual conformity or agreement does not exist in this case, for it should be predicated upon some act of reciprocity expected from the United States by Mexico, and this is impossible, for your Government has not as yet measured up to the conduct of this Government, which in 1877 delivered up some Mexicans, although the extradition treaty did not oblige them to do so, at the same time receiving a promise of reciprocity, which has not been redeemed.

So far as concerns the disposition of the Mexican Government to show itself deferent to your Government, such disposition is upon our part, great and sincere, subject, however, as is natural, to other conditions of justice and expediency. What this Government did once, when it sacrificed delicate national sentiments, whether they be just or not,

against the delivery of a Mexican, it would do again in like circumstances. It can not do so in the present instance for the circumstances are radically different. Not only does it see that it can not obtain reciprocity in action, but this is not a case, as it was then, where a capital crime is involved, one wholly extraordinary—an assassin menacing the frontier of both territories. Of course, the crime at issue is repugnant, as all crimes are, but it is not of colossal proportions, nor is it a crime such as horrifies humanity. Therefore, there is not sufficient reason to justify a waiver of the general rule which admits of delivery (without reciprocity) of one's own citizens.

It seems to me unquestionable that when this Government follows up its refusal of extradition of Rowe, by his committal to the Mexican courts for trial, it could not in justice be required to do otherwise. It has complied with the moral obligation which rested upon it in this regard, an obligation at all times alternative, i. e., the delivery of an offender, or his trial, if the laws so permit. This doctrine is very ancient, and is based upon opinion of the writer who can be styled the "father of international law," who expresses himself as follows:

A people or a King are not obliged specifically and indispensably to deliver over the guilty, but either to deliver or punish them. (Grotius, *De Jure Belli ac Pacis*, lib. 2, chap. 21.)

James Wharton, quoting the Secretary of State (Frelinghuysen), in the Trimble case, says the following, the application of which to ourselves is so marked:

When the question is one of discretion, the better rule is that wherever by the jurisprudence of a particular country, it is capable of trying one of its subjects for an offense alleged to have been committed by such subject abroad, the extradition in such case should be refused. (Digest of International Law of the United States, par. 273.)

Otherwise, if the Government of the United States is of the belief that it can remedy the ill results incident to any possible immunity of offenders, who may take out letters of naturalization in Mexico, and that the remedy might be found in a new treaty, this Government, which, on its part, has met with serious difficulties in consequence of procedure observed in extraditions requested by your country, would be disposed to negotiate a new treaty upon this important matter, and to such effect would transmit instructions to its minister at Washington for negotiations for a treaty to substitute the treaty of 1851, now in force, in order to do away with the difficulties brought to the surface in the matter by experience.

I reiterate to you, etc.,

IG. MARISCAL.*

[Inclosure 6 in No. 40.]

Mr. Butler to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, July 29, 1895.

DEAR SIR: I have the honor to acknowledge the receipt of your excellency's note of to-day in relation to the extradition of Chester W. and Richard Rowe.

With assurances, etc.,

E. C. BUTLER.

Mr. Olney to Mr. Ransom.

No. 131.]

DEPARTMENT OF STATE,
Washington, December 13, 1895.

SIR: Mr. Butler's dispatch No. 40, of July 30 last, has been received and its contents considered.

It contains the text and a translation of the reply of the Mexican minister of foreign affairs to this Government's demand for the extradition of Chester W. Rowe upon the charge of embezzlement. Extradition was refused on the ground that Rowe had become a citizen of Mexico by naturalization under the constitution and laws of that Republic, and that Mexico was not bound under the treaty to surrender its citizens to the United States.

The method of this man's naturalization is peculiar, and when the antecedents, the manifest purpose, and the announced result are considered, is startling. Yet it is not within the province or intent of this Department to find fault with the laws of Mexico, nor to deny the effect attributed to them by Mr. Mariscal in this case. Rowe, it is believed, basely betrayed the public trust reposed in him by the community of which he was a native and an honored member, and under a false name sought a hiding place for himself among the people of a friendly, neighbor Republic, whose laws he violated in the very act of crossing its border with his ill-gotten gains. With a part of the proceeds of his crime, and taking advantage of a provision in Mexico's constitution and laws obviously designed to encourage the immigration of industrious and law-abiding settlers from other lands, he obtained, as a cover to his flight and as a barrier to pursuing justice, the shield of Mexican citizenship. The result is that this criminal has escaped unpunished from the people whom he has wronged and is a fellow-citizen of the people against whom his very presence is a wrong. He has escaped the penalty of embezzlement in the United States and awaits trial in his new home for the offense of coming there with his stolen gains.

If Chester W. Rowe is a bona fide citizen of Mexico, the refusal of the Mexican Government to surrender him for extradition is perfectly satisfactory. The United States asks nothing which may not be demanded under the treaty. Nothing is sought upon the ground of favor of comity; for the United States is powerless to reciprocate, the Executive being bound under our law to surrender or to refuse to surrender according as upon facts the case is within or without the obligation of the treaty. I can not refrain, however, from calling attention to certain provisions of the Mexican law of naturalization as it has been published in the United States, and inquiring whether Rowe's adoption of Mexican citizenship as a cloak to his crime is not inconsistent with the spirit if not the letter of the law, and subversive of its intent.

The law, as I have said before, was doubtless intended as an invitation to immigrants of probity and industry who desired to own homes. It guaranties them, without any period of long waiting as strangers in the land of their adoption, the rights and privileges accorded to native-born Mexicans as soon as they shall manifest their intent to abide and cast their lot with the Mexican people by acquiring real estate in Mexico with intent to become citizens of Mexico. I refer here to the law promulgated May 28, 1886, in its entirety, and with special reference to Article I, section 10, and to Articles VII, VIII and XXII. This law would seem to exclude such incomers as Rowe from naturalization, and to make null any formal naturalization obtained by a fugitive from the justice of a neighboring country.

The inevitable consequence of protecting Chester Rowe from extradition will be to induce other criminals in the United States to flee to Mexico as the most accessible and the safest haven for the lawbreaker on the continent. If they have but the price of a bit of land they will flock to the Mexican border like the criminals of old to the city of refuge, and there, unwhipped of justice and rejoicing in evil, they will take on the highest honor and privilege the Mexican nation can bestow—its citizenship. The detriment to the peace and good order of both countries which perseverance in the course now threatened by the Mexican Executive would cause is inestimable. The protection of Rowe from extradition would be an invitation to lawlessness in the United States and to an invasion of lawbreakers into Mexico.

In the contemplation of these results this Government feels justified and constrained to appeal to the Government of Mexico for a judicial interpretation of the law in question as it affects the treaty rights of the United States and the case of Chester W. Rowe. You are, therefore, instructed to suggest to Mr. Mariscal that if there is any way in which the validity of Rowe's naturalization and its effects with reference to our extradition treaty can be judicially determined, proper proceedings ought, in the interest of both countries, to be instituted and prosecuted to a conclusion while Rowe is undergoing trial for the offense against Mexico with which he stands charged.

The right of Mexico to hold Rowe for trial upon the charge of bringing stolen property into Mexico is acknowledged, and the United States has no desire to interfere with the execution of the Mexican law upon him; but the offense for which he is arraigned in Mexico is not the offense for which he is wanted in the United States, and the punishment which may be administered in the Mexican court is no vindication of the law of the State of Iowa which was violated and set at naught by Rowe. There is, furthermore, another reason why it is important that Rowe should be brought back to the place where he committed the crime and there tried and punished for it, and why any amount of punishment in Mexico will not suffice. In our law, the end of punishment judicially administered is not in the nature of atonement or expiation for the crime committed, but it is a precaution against future offenses of the same kind, and has for its prime object and purpose the deterrent influence of the offender's example upon others who were cognizant of his crime and might otherwise be tempted to imitate it. This element of the effect of legally administered punishment is wanting when the crime is committed in one place and the consequent punishment is inflicted at another and a distant place. The State of Iowa earnestly desires, not to avenge itself upon Rowe, but to make an example of him for the benefit of those who may otherwise be tempted to do as he has done—embezzle trust funds and escape to Mexico.

The suggestion of Mr. Mariscal that a repetition of this disappointment of justice can be avoided by amending the treaty has not escaped attention. The United States is ever ready to annul or to narrow the exemptions contained in its extradition treaties based on the citizenship of the fugitive; but it hopes and believes that the Mexican Government will find it practicable to submit its laws, upon which Rowe bases his claim to Mexican citizenship and to exemption from the extradition treaty, to judicial interpretation before proclaiming for them the international effect indicated in the note inclosed by Mr. Butler.

You are instructed to present this matter to the minister for foreign affairs for his consideration. The United States claims nothing in the

premises as a right, but earnestly solicits the judgment of a court on Rowe's Mexican citizenship and his right to exemption from extradition under the treaty.

I am, etc.,

RICHARD OLNEY.

Mr. Butler to Mr. Olney.

No. 103.]

LEGATION OF THE UNITED STATES,
Mexico, January 2, 1896. (Received January 8.)

SIR: Upon receipt of your dispatch No. 131, of December 13, 1895, regarding the extradition of Chester W. Rowe, I submitted a copy of same, as also a copy of Mr. Lacey's memorandum, to Minister Mariscal, bespeaking his careful consideration of the views and of the request of our Government therein contained.

Inclosing copy of this legation's note to Mr. Mariscal, I am, sir, etc.,
E. C. BUTLER.

[Inclosure in No. 103.]

Mr. Butler to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, December 31, 1895.

DEAR SIR: I have the honor to submit copy of a dispatch just received by this legation from the Department of State, in regard to the case of Chester W. Rowe.

Bespeaking your excellency's careful consideration of the views and of the request of my Government, as contained therein, it honors me to reiterate, etc.,

E. C. BUTLER.

Mr. Butler to Mr. Olney.

No. 115.]

LEGATION OF THE UNITED STATES,
Mexico, January 25, 1896. (Received Jan. 31.)

SIR: In continuation to my No. 112, of the 23d instant, I beg to inclose, in copy and translation, another note received from Minister Mariscal in regard to the case of Chester W. Rowe.

I am, sir, etc.,

E. C. BUTLER.

[Inclosure in No. 115—Translation.]

Mr. Mariscal to Mr. Butler.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 23, 1896.

MR. CHARGÉ: I had the honor to receive your note, dated the 31st of December last, under cover whereof you were pleased to inclose copy of a dispatch from the Department of State of your Government and copy of a memorandum presented by Mr. Lacey touching the case of Chester W. Rowe.

In the first of those inclosures the Honorable Secretary of State, after setting forth certain considerations designed to call into question the application of our laws on naturalization to the case aforesaid, suggests the idea of soliciting the judgment of the courts upon the interpretation which has been given to said laws to invest Chester W. Rowe with Mexican citizenship, and in virtue thereof to waive the obligation to deliver him to the United States under the treaty on extradition in force between the two countries.

The Government of Mexico would have been pleased had the Government of the United States advanced the judicial declaration which it solicits before a competent Mexican court, when through the medium of your legation it was advised that Chester W. Rowe had been committed to the trial judge and it was invited to assist in the prosecution of the case. At that time, instead of advancing the judicial declaration to-day solicited, the agent of the State of Iowa consented to substantiate the accusation formulated by the public prosecution and constituted himself a party in curia, under civil proceedings, before a judge of this federal district whose jurisdiction he thus recognized. He, therefore, recognized likewise the international effect of the naturalization of Rowe which invested the said judge with authorization to try him (Rowe).

The naturalization of Chester W. Rowe, being declared by the President, in compliance with the constitution of the country which grants Mexican citizenship to a foreigner upon the acquisition of any real estate in the Republic, without reservation of his original nationality,¹ the department in my charge can not call into doubt the efficacy of such naturalization, even in its international bearings. Furthermore, among its faculties, the Executive is not authorized to introduce any revision of proceedings pending before a legal tribunal, being solely obliged to explain or defend its acts before a competent court, at the instance of a legitimate party in interest, as undoubtedly the Government of the United States is in the present case.

In view of the foregoing, I find myself under the necessity of stating that it does not lie within the faculties of this Government to institute the declaration of judicial interpretation indicated by the Honorable Secretary of State of the United States. However, your Government will find the Mexican courts prepared to pass in due legal form upon such interpretation, if it be deemed expedient.

I reiterate to you, etc.

IGNO. MARISCAL.

MEXICAN LAWS CONCERNING ALIENSHIP AND NATURALIZATION.

Mr. Ransom to Mr. Olney.

No. 82.]

LEGATION OF THE UNITED STATES,
Mexico, November 9, 1895. (Received Nov. 16.)

SIR: I have the honor to inclose herewith, in original and translation, the laws of Mexico concerning naturalization and the law relative to the acquisition of real estate in Mexico by foreigners.

I have, etc.,

MATT W. RANSOM.

¹ See Paragraph X, article 1, of Mexican law on naturalization, page 1013.

[Inclosure 1 in No. 82—Translation.]

Law relative to the acquisition of real estate by foreigners.

MINISTRY OF PUBLIC WORKS,
COLONIZATION, INDUSTRY, AND COMMERCE,
Mexico, February 1, 1856.

SECOND SECTION.

His Excellency the Acting President of the Republic has been pleased to address me the following decree:

Citizen Ignacio Comonfort, Acting President of the Mexican Republic, to its inhabitants, know ye that by virtue of the powers granted me by the plan proclaimed at Ayutla and amended at Acapulco, I have thought proper to decree as follows:

ARTICLE 1. Foreigners domiciled and residing in the Republic may acquire and own property in the country and in the city, including mines of all kinds of metals and of coal, either by purchase, award, denouncement, or any other title of ownership fixed by the common laws or by the mining ordinance.

ART. 2. No foreigner shall be permitted, without the previous permission of the Supreme Government, to acquire real estate in the frontier state or territories within the distance of 20 leagues from the boundary line.

ART. 3. Foreigners desiring to obtain the permission mentioned in the foregoing article must address their petition to the ministry of public works, in order that, after examination of the petition and of the report of the Government of the respective state or territory, a proper decision may be arrived at.

ART. 4. In the case of purchases made by foreigners of houses in towns or of building lots near towns, under the provisions of this law, the actual occupants or tenants shall enjoy the same rights as citizens under the same circumstances and upon the same conditions.

ART. 5. Foreigners acquiring real estate under this law remain subject, in everything relating to such real estate, to such regulations as may have been made or shall hereafter be made in the Republic with regard to the transfer, use, and retention of such real estate, as well as to the payment of all kinds of taxes, without the right to allege at any time with respect to these matters their rights as aliens.

ART. 6. Hence, all questions which may arise as to such property shall be tried in the courts of the Republic and in conformity with its laws to the exclusion of all foreign intervention of any kind.

ART. 7. Foreigners acquiring country or town property or mines under this law shall be bound to render military service whenever the security of such property or the maintenance of order in the district in which it is located is involved. Except in these cases such service shall not be required of them.

ART. 8. In order that aliens who have acquired property in the Republic may become citizens thereof, it shall be sufficient for them to make a declaration of their wish [to be naturalized] before the civil authorities of the place of their residence. On the presentation of that declaration at the ministry of [foreign] affairs, accompanied by their petition to that effect, their letter of citizenship shall be issued to them.

Wherefore I order these presents to be printed, published, circulated, and duly executed.

Given in the national palace of Mexico, February 1, 1856.

IGNACIO COMONFORT.

To Citizen MANUEL SILICEO.

And I communicate it to you for your information and for the necessary purposes. God and liberty.

SILICEO.

[Inclosure 2 in No. 82—Translation.]

Law concerning alienship and naturalization.

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
CHANCELLOR'S OFFICE,
Mexico, May 28, 1886.

The President of the Republic has been pleased to transmit me the following decree:

Porfirio Diaz, President of the United States of Mexico, to its inhabitants, know ye, that the Congress of the Union has decreed as follows:

The Congress of the United States of Mexico decrees the following:

LAW CONCERNING ALIENS AND NATURALIZATION.

CHAPTER I.

OF MEXICANS AND ALIENS.

ARTICLE 1. The following are Mexicans:

I. Those born in the national territory of a father who is a Mexican by birth or by naturalization.

II. Those born in the national territory of a Mexican mother and of a father who is not legally known under the laws of the Republic. Those born of unknown parents, or of parents of unknown nationality, shall be classed under this head.

III. Those born outside of the Republic, of a Mexican father who has not lost his nationality. If he has lost his nationality the children shall be considered aliens, but may, nevertheless, elect to be Mexicans within one year from the day on which they attain the age of 21 years, provided they make a declaration to that effect before the diplomatic or consular agents of the Republic, if they reside abroad, or before the department of [foreign] relations if they reside in the national territory.

If the children to whom this section relates reside in the national territory, and on attaining their majority have accepted any public office, or have served in the army, navy, or national guard, they shall be regarded in consequence of such acts as Mexicans, without the necessity of any further formalities.

IV. Those born outside the Republic, of a Mexican mother, if the father is unknown and if the mother has not lost her nationality under the provisions of this law. If the mother has been naturalized in a foreign country her children will be aliens, but they shall have the right to elect to be Mexicans on the same terms and conditions as those provided by the foregoing section.

V. Mexicans who, having lost their national character under the provisions of this law, recover it by the fulfilment of the conditions fixed by this law, in accordance with the various cases recited.

VI. Foreign women who have intermarried with Mexicans; and they retain their Mexican nationality during their widowhood.

VII. Those born outside of the Republic, but who, having been residents in it in 1821, took the oath to the act of independence, have continued their residence in the national territory, and have not changed their nationality.

VIII. Mexicans, who, residing in the territories ceded to the United States by the treaties of February 2, 1848, and November 30, 1853, fulfilled the conditions required by those treaties for the preservation of their Mexican nationality. Under this head shall be classed Mexicans who continue to reside in territory belonging to Guatemala, and citizens of Guatemala remaining in territory belonging to Mexico under the treaty of September 27, 1882, provided such citizens comply with the requirements stipulated in article 5 of that treaty.

IX. Aliens who are naturalized in accordance with the present law.

X. Aliens acquiring real estate in the Republic, provided they do not declare their intention of retaining their nationality. At the time of making the acquisition the alien shall declare to the officiating notary or judge whether he does or does not wish to acquire the Mexican nationality granted him by Section III of article 30 of the constitution; and the alien's decision on this point shall appear in the document.

If he chooses Mexican citizenship, or if he omits making any declaration on the subject, he may, within one year, apply to the department of [foreign] relations, in order to comply with the requirements of article 19, and be deemed a Mexican.

XI. Aliens having children born in Mexico, provided they do not prefer to retain their alien character. At the time of registering the birth, the father shall declare his decision on this point before the judge of civil registration, and such decision shall appear in the document itself; and if he elects to acquire Mexican citizenship, or if he omits making any declaration on the subject he may, within one year, apply to the department of [foreign] relations, in order to comply with the requirements of article 19, and be deemed a Mexican.

XII. Aliens serving the Mexican Government in an official capacity, or accepting from it titles or public offices, provided that within one year after accepting the titles or public offices conferred upon them, or after beginning to serve the Mexican Government in an official capacity, they apply to the department of [foreign] relations in order to comply with the requirements of article 19, and be deemed Mexicans.

ART. 2. The following are aliens:

I. Those born outside of the national territory who are subjects of foreign Governments, and who have not been naturalized in Mexico.

II. The children of an alien father, or of an alien mother and unknown father, born in the national territory, until they reach the age at which, according to the law of the nationality of the father or of the mother, as the case may be, they become

of age. At the expiration of the year following that age, they shall be regarded as Mexicans; unless they declare before the civil authorities of the place where they reside that they follow the citizenship of their parents.

III. Those absent from the Republic without permission or commission from the Government, excepting in order to prosecute their studies, or in the interests of the public, or for the establishment of trade or industry, or in the practice of a profession, who allow ten years to elapse without asking permission to prolong their absence. Such permission shall not exceed five years for each request; and after the first is granted good and valid reasons shall be required in order to obtain another permission.

IV. Mexican women who have married aliens, and they retain their alien character during their widowhood. If the marriage is dissolved, the Mexican woman may recover her citizenship, provided that, in addition to fixing her residence in the Republic she declares before the judge of the civil state of her domicile her wish to recover her citizenship.

A Mexican woman who has not acquired by marriage the nationality of her husband under the laws of his country, shall retain her own nationality.

The husband's change of nationality after marriage involves the change of the nationality of the wife and of the minor children subject to the paternal power, provided they reside in the country in which the husband or father, as the case may be, has been naturalized, saving the exception provided in the preceding paragraph of this section.

V. Mexicans who have been naturalized in other countries.

VI. Mexicans serving foreign governments officially in any political, administrative, judicial, military, or diplomatic capacity, without the permission of Congress.

VII. Mexicans accepting foreign decorations, titles, or offices, without the previous permission of the Federal Congress, excepting literary, scientific, and humanitarian titles, which may be accepted freely.

ART. 3. For the purpose of determining the place of birth in the cases stated in the foregoing articles, national vessels, without any distinction, are hereby declared to be a part of the national territory, and those who are born on board of them shall be regarded as having been born within the Republic.

ART. 4. By virtue of the right of extraterritoriality enjoyed by diplomatic agents, the children of the ministers and employees of the legations of the Republic shall, likewise, never be deemed to have been born outside of the country, so far as regards the operation of this law.

ART. 5. The nationality of artificial persons or entities (corporations) is regulated by the law authorizing their creation; hence, all corporations created under the laws of the Republic shall be Mexican, provided that, in addition, they have their legal domicile in the Republic.

Foreign corporations enjoy in Mexico the rights granted them by the laws of the country of their domicile, provided such laws do not conflict with those of the nation.

CHAPTER II.

OF EXPATRIATION.

ART. 6. The Mexican Republic recognizes the right of expatriation as natural to, and inherent in, every man, and as necessary to the enjoyment of individual liberty; hence, just as it permits its inhabitants to exercise that right, allowing them to leave its territory and settle in foreign countries, so, likewise, it protects the rights of aliens of all nationalities to come and settle within its jurisdiction. The Republic consequently receives the subjects and citizens of other States, and naturalizes them in accordance with the provisions of this law.

ART. 7. Expatriation and the subsequent naturalization obtained in a foreign country do not exempt a criminal from the extradition, prosecution, and punishment to which he is liable under the treaties, international practices, and the laws of the country.

ART. 8. Citizens naturalized in Mexico, although they may be abroad, are entitled to the same protection from the Government of the Republic as Mexicans by birth, where either their persons or their property are involved. Nevertheless, if they return to their native country, they remain subject to liabilities which they may have incurred under the laws of that country before their naturalization.

ART. 9. The Mexican Government will protect Mexican citizens abroad by such means as are authorized by international law. The President, when he sees fit, will make use of those means, provided that they do not constitute acts of hostility; but if diplomatic intervention should not suffice, and if such means should prove inadequate, or if the offenses against Mexican nationality should be so grave as to demand more rigorous measures, the President shall immediately make a report to Congress, transmitting the documents on the subject for constitutional purposes.

ART. 10. The naturalization of an alien is rendered void by his residing for two years in the country of his birth, excepting where he has an official commission from the Mexican Government, or where he has its commission.

CHAPTER III.

OF NATURALIZATION.

ART. 11. Any alien who complies with the requirements fixed by this law may be naturalized in the Republic.

ART. 12. He must present himself in writing to the common council of his place of residence at least six months before asking for naturalization, declaring his intention to become a Mexican citizen and to renounce his foreign nationality. The common council shall give him a certified copy of such declaration, retaining the original in its archives.

ART. 13. At the expiration of the six months, and when the alien has resided two years in the Republic, he may petition the federal Government to grant him his certificate of naturalization. In order to obtain it he must first appear before the district judge in whose jurisdiction he is and undertake to prove the following facts:

I. That under the laws of his country he enjoys full civil rights, being of age.
II. That he has resided in the Republic at least two years, and has conducted himself properly.

III. That he has a business, trade, profession, or income to support him.

ART. 14. He shall annex to the petition which he presents to the district judge, asking that those facts be investigated, the certified copy issued by the common council, mentioned in article 12, and shall annex, besides, an express renunciation of all submission, obedience, and fealty to every foreign government, especially that of which the petitioner has been a subject, of all protection other than the laws and authorities of Mexico, and of every right granted to aliens by treaties or international law.

ART. 15. The district judge, after the petitioner has confirmed his petition, shall order the testimony of witnesses to be taken before the district attorney (promotor fiscal) with regard to the points recited in article 13, and, if he thinks necessary, may call upon the common council mentioned in article 12 for a report on those points.

The judge shall also admit such other testimony as the petitioner may present with regard to the points mentioned in article 13, and shall require the opinion of the district attorney.

ART. 16. The judge, if his decision is favorable to the petitioner, shall forward the original record to the department of [foreign] relations, that it may issue the certificate of naturalization if, in its opinion, there is no legal cause to prevent it. The petitioner shall send a petition to that department through the said judge, requesting the certificate of naturalization and confirming his renunciation of his alien character, and promising adhesion, obedience, and submission to the laws and authorities of the Republic.

ART. 17. Aliens serving in the national merchant marine may be naturalized after one year of service on board ship, instead of the two required by article 13. The district judge of any of the ports at which the vessel touches shall be competent to execute the naturalization formalities; any of the common councils of those ports may receive the declaration referred to in article 12.

ART. 18. Aliens naturalized by virtue of the law, and those who have the right to elect Mexican citizenship, are not included in the provisions of articles 12, 13, 14, 15, and 16; consequently the children of a Mexican man or woman who has lost his or her citizenship referred to in Sections III and IV of article 1; alien women who have married Mexicans, referred to in Section VI of article 1; the children of an alien father, or of an alien mother and unknown father, born in the national territory, referred to in Section II of article 2; and Mexican women who are the widows of aliens, referred to in Section IV of article 2, shall be deemed naturalized, for all legal purposes, upon simply complying with the requirements fixed by those provisions without the necessity of further formalities.

ART. 19. Aliens who come under the provisions of Sections X, XI, and XII of article 1 may petition the department of [foreign] relations for their certificate of naturalization within the period fixed by those sections. They shall annex to their petition a document proving that they have acquired real estate, or that they have had children born to them in Mexico, or that they have accepted some public position, as the case may be. They shall present, moreover, the renunciation and promise required by articles 14 and 16, as a preliminary to naturalization.

ART. 20. Absence in a foreign country by permission of the Government does not interrupt the residence required by article 13, provided it does not exceed six months during the period of two years.

ART. 21. No certificates of naturalization shall be granted to the subjects or citizens of a nation with which the Republic is in a state of war.

ART. 22. Nor shall they be given to persons judicially reputed and declared in other countries pirates, slave dealers, incendiaries, coiners of false money or counterfeiters of bank notes or of other papers representing money, nor to murderers, persons enslaving free men, or robbers. Naturalization fraudulently obtained by an alien in violation of law is legally void.

ART. 23. Certificates of naturalization shall be issued without charge, and no tax shall be levied upon them under pretense of costs, registration, stamp, or any other appellation.

ART. 24. The act of naturalization being strictly personal, the person concerned can be represented by another person only by means of a special and sufficient power for that act, containing the renunciation and promise which the party interested should make in person, according to articles 14 and 16; but the power shall in no case supply the want of the alien's actual residence in the Republic.

ART. 25. The character of citizen or alien is not transmissible to third persons; consequently, a citizen can not enjoy the rights of an alien, nor an alien the privileges of a citizen, by means of transfer from another person.

ART. 26. Change of nationality has no retroactive effect. The acquisition and rehabilitation of the rights of Mexican citizenship can take effect only from the day following that on which all the conditions and formalities prescribed by this law for obtaining naturalization have been complied with.

ART. 27. Colonists coming into the country under contracts made by the Government, and whose expenses of transportation and settlement are defrayed by the Government, shall be deemed Mexicans. Their engagement to renounce their original nationality and to adopt the Mexican nationality shall appear in their enrollment contract, and upon settling in the colony they shall execute before the competent authorities the renunciation and promise required by articles 13 and 16, which shall be forwarded to the department of [foreign] relations, that it may issue a certificate of naturalization in favor of the party interested.

ART. 28. Colonists coming into the country on their own account, or under the auspices of private companies or enterprises not subsidized by the Government, as well as immigrants of all classes, may be naturalized, according to circumstances, in conformity with the provisions of this law. Colonists already settled here are likewise subject to those provisions, so far as they do not conflict with the rights which they have acquired under their contracts.

ART. 29. Naturalized aliens shall be Mexican citizens as soon as they possess the qualifications required by article 34 of the constitution, and shall be on an equality with Mexicans in all their rights and obligations; but they shall not be eligible to hold such offices or stations as, under the laws, require native citizenship, unless they were born within the national territory and their naturalization was effected in accordance with Section II of article 2.

CHAPTER IV.

OF THE RIGHTS AND OBLIGATIONS OF ALIENS.

ART. 30. Aliens enjoy in the Republic the civil rights belonging to Mexicans and the guaranties granted by section 1 of Title I of the constitution, without prejudice to the Government's right to expel a mischievous alien.

ART. 31. Aliens shall not be compelled to reside in the Republic in order to acquire uncultivated national lands, real estate, or vessels, but they shall be subject to the restrictions prescribed by the laws in force, it being understood that every lease of real estate to an alien shall be deemed an alienation if the term of the contract exceeds ten years.

ART. 32. The federal law alone can modify or abridge the civil rights enjoyed by aliens in consequence of the principle of international reciprocity, and in order that the aliens may thereby be subject in the Republic to the same disqualifications as the laws of their own country impose on Mexicans residing there; hence the provisions of the civil code and of the code of civil procedure of the [federal] district on this subject have a federal character and shall be obligatory throughout the whole Union.

ART. 33. Aliens may be domiciled in the Republic for all legal purposes without losing their nationality. The acquisition, change, and loss of domicile are governed by the laws of Mexico.

ART. 34. When the suspension of individual guaranties is declared under the circumstances under which it is permitted by article 29 of the constitution, aliens as well as Mexicans are subject to the provisions of the law decreeing the suspension, without prejudice to the stipulations of treaties.

ART. 35. Aliens are bound to contribute to the public expenses in the manner prescribed by the laws, and to obey and respect the institutions, laws, and authorities of the country; they must submit to the judgments and decisions of the courts, and

have no right to have recourse to other measures than those which the laws grant to Mexicans. They may appeal to the diplomatic channel only in the case of denial of justice or intentional delay in its administration, after exhausting in vain the ordinary means created by the laws, and in the manner prescribed by international law.

ART. 36. Aliens do not enjoy the political rights of Mexican citizens; hence they can not vote for, nor be elected to, any office filled by election of the people, nor can they be appointed to any other office or charge peculiar to the careers of the State; nor can they belong to the army, navy, or national guard; nor can they assemble to discuss the political affairs of the country, nor exercise the right of petition in that class of affairs. This is to be understood as not affecting the provisions of article 1, Section XII, and article 19 of this law.

ART. 37. Aliens are exempt from military service. Domiciled aliens, however, are bound to perform police service when the security of property or the maintenance of order in the town in which they are residing is involved.

ART. 38. Aliens taking part in the civil dissensions of the country may be expelled from its territory as mischievous aliens, and are subject to the laws of the Republic as to the offenses which they commit against it, without prejudice to the regulation of their rights and obligations during the state of war, by international law and treaties.

ART. 39. The laws ordering the registration of aliens are repealed. The ministry of [foreign] relations alone can issue certificates of any given nationality in favor of the aliens requesting them. These certificates constitute the legal presumption of foreign citizenship, but do not exclude proof to the contrary. The final proof of any given nationality is made before the competent courts and by the means prescribed by the laws and treaties.

ART. 40. This law does not grant to aliens the rights denied them by international law, treaties, or the legislation in force in the Republic.

CHAPTER V.

TEMPORARY PROVISIONS.

ART. 1. Aliens who have acquired real estate, who have had children born to them in Mexico, or who have held any public office, being those referred to in Sections X, XI, and XII of article 1 of this law, are bound to declare within six months' after the promulgation of this law, provided they have not done so previously, to the civil authorities of their place of residence whether they wish to acquire Mexican citizenship or to retain their own. In the former case they must immediately ask for their certificate of naturalization in the form prescribed in article 19 of this law. If they fail to make the declaration in question, they shall be considered Mexicans, except in those cases where there has been an official declaration on this point.

ART. 2. Colonists residing in the country, being those referred to in the last sentence of article 28 of this law, shall declare in the manner prescribed by the preceding

¹ This period was prolonged by the following decree :

SECTION 4.

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
Mexico, May 30, 1887.

The President of the Republic has been pleased to address me the following decree:

Porfirio Diaz, President of the United States of Mexico, to its inhabitants, know ye that the Congress of the Union has decreed as follows:

The Congress of the United States of Mexico decrees:
Only article: The term fixed by article 1, Chapter V, of the law enacted May 28, 1886, is prolonged for eight months, counting from the date of the present decree, in order that aliens who have acquired real estate, who have had children born to them in Mexico, or who have held any public office prior to May 28, 1886, being those referred to in Sections X, XI, and XII of article 1, Chapter I, of the said law, may declare whether they wish to acquire Mexican citizenship or to retain their own.
[Signed, etc.]

Wherefore, I order it to be printed, published, circulated, and duly executed.

Given in the national palace of Mexico, May 30, 1887.

PORFIRIO DIAZ.

To the SECRETARY OF STATE AND OF THE
DEPARTMENT OF FOREIGN RELATIONS.

I communicate this to you for your information in order that the aliens referred to in the foregoing decree may make the declaration prescribed therein, before this ministry, or before the civil authorities of their place of residence, or of the place nearest to it, to the end that the said authorities may forward it immediately to this department, which will issue to them the document required, suitable to each case.

I renew to you the assurances of my consideration,

MARISCAL.

article under what nationality they wish to be classed, and if it should be the Mexican, they shall also ask for their certificate of naturalization, as prescribed by the preceding article.

ART. 3. The Executive, in issuing the necessary regulations for the execution of this law, shall be careful to give the proper directions in order that the local authorities, so far as they are concerned, may duly execute it.

[Signed, etc.]

Wherefore, I order it to be printed, published, circulated, and duly executed.
Given in the national palace of Mexico, May 28, 1886.

PORFIRIO DIAZ.

To Citizen IGNACIO MARISCAL,
Secretary of State and of the Department of Foreign Relations.

In communicating it to you for your information and for the necessary purposes, I assure you of my great consideration.

MARISCAL.

NETHERLANDS.¹

SALT AND SUGAR DUTIES.

Mr. Planten to Mr. Gresham.

NEW YORK, August 31, 1894.

SIR: In the Journal of Commerce of this day I read in a circular issued by the Secretary of the Treasury that some of our Dutch colonial islands impose a duty on salt. This is erroneous.

The colony of Curaçao, comprising Curaçao, Buen Ayre, Oruba, St. Martin, St. Eustatius, and Saba, do not impose duties on salt, these duties having been abolished already six years ago.

In behalf of the salt traders in those colonies, or their agents here, I beg you to advise the Secretary of this fact, so that the necessary alterations in the interest of commerce and navigation may be made in this circular.

Accept, etc.,

J. R. PLANTEN,
Chargé d'Affaires of the Netherlands.

Mr. Uhl to Mr. Planten.

DEPARTMENT OF STATE,
Washington, September 1, 1894.

SIR: Replying to yours of the 31st ultimo, I have the honor to inform you that the Secretary of the Treasury has been notified as to your request, that the colonies of Curaçao, Buen Ayre, Oruba, St. Martin, St. Eustatius, and Saba do not impose duties on salt, those duties having been abolished six years ago.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Planten to Mr. Gresham.

NEW YORK, September 14, 1894.

SIR: In the Journal of Commerce of yesterday I notice that the Department of the Treasury at Washington, D. C., still persists that import duties on salt are levied in the Dutch West India Islands, Oruba, St. Martin, and Buen Ayre, and bases its decision on the official publication of the international customs bureau at Brussels.

In my letter of August 31 last I wrote your excellency that this supposition was erroneous, because our minister of foreign affairs cabled me that import duties on salt in all our West India islands had been abolished six years ago.

¹ Reprinted from Senate Ex. Doc. No. 58, Fifty-third Congress, third session.

The international customs bureau at Brussels must be laboring under a mistake, for I cabled to the governor of Curaçao as follows: "Buen Ayre, St. Martin salt dutiable because you reimposed duties December, 1892," and I have just received the following answer: "Error; import duty on salt never reimposed;" which seems to leave no room for any doubt whatever.

As there are some cargoes of salt expected here from these islands, I beg your excellency to inform the Secretary of the Treasury of the foregoing facts.

Accept, etc.,

J. R. PLANTEN.

Mr. Gresham to Mr. Platen.

DEPARTMENT OF STATE,
Washington, September 17, 1894.

SIR: Referring to your note of the 31st ultimo, in which you inform the Department, with reference to a recent United States Treasury circular, that no duty is now levied on salt in certain Dutch colonies, I have the honor to inclose a copy of a letter from the Secretary of the Treasury of the 10th instant, in which he says that the information relative to the Dutch colonies upon which they were included in the list in the circular in question was derived from the publications of the international customs bureau.

Calling your attention to the statement of the Secretary of the Treasury that the colony of Curaçao is not included in the list of those colonies which were supposed to levy a duty on salt, I beg you to accept, sir, the renewed assurance of my high consideration.

W. Q. GRESHAM.

[Inclosure.]

Mr. Carlisle to Mr. Gresham.

TREASURY DEPARTMENT,
Washington, September 10, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, in regard to the inclusion of certain Dutch colonies in the list of countries imposing duty on salt, published by this Department in its circular of the 29th ultimo, and stating that you have been advised by the chargé d'affaires and consul-general of the Netherlands that "the colony of Curaçao, comprising Curaçao, Buen Ayre, Oruba, St. Martin, St. Eustatius, and Saba, do not impose duties on salt, these duties having been abolished six years ago."

In reply I would state that the colony of Curaçao is not included in the list, and that from the International Customs Journal it appears that duty is imposed on salt imported into the Dutch colonies, East Indies, by ordinance of the governor-general, which went into force on July 1, 1886, and on salt imported into St. Eustatius, St. Martin, Oruba, and Buen Ayre by decrees of the governor of Curaçao of December 24, 1892. These decrees were issued subsequently to the exemption from duty of salt imported into the island of Curaçao by ordinance of the governor of August 28, 1888, and being contained in the official publications of the international customs bureau, from data furnished

by the respective governments, were accepted by the Department as conclusive on the subject.

Under the terms of paragraph 608 of the new tariff act each of the dependencies of the colony of Curaçao must be treated per se, and should any of them impose a duty on salt exported from the United States it would be necessary to treat salt coming from such dependency as dutiable, although the same merchandise coming from Curaçao would be entitled to free entry.

Respectfully, yours,

J. G. CARLISLE.

Mr. Gresham to Mr. Planten.

DEPARTMENT OF STATE,
Washington, September 18, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, stating that the duty on salt has been abolished in all the West India islands under the dominion of the Netherlands, and to state that a copy of your communication has been sent to the Secretary of the Treasury for his information and consideration.

Accept, etc.,

W. Q. GRESHAM.

Mr. Planten to Mr. Gresham.

NEW YORK, September 25, 1894.

SIR: Referring to my letter of September 14 last, and yours of the 18th, I have the honor to inclose a decree of the governor of Curaçao, dated August 20, 1888, No. 14, whereby import duties on salt in the colony of Curaçao were abolished, and copy of a cable from our minister of foreign affairs at The Hague stating that import duty on salt was not reestablished by decree of December, 1892.

Hoping that these facts will convince your excellency of the mistake of the international customs bureau at Brussels, I beg you to accept the assurance of my high consideration.

J. R. PLANTEN.

[Inclosure—Translation.]

THE HAGUE, September 24, 1894.

TUNELESS, New York:

Import duty salt not reestablished by decree December, 1892. See letter.

ROELL.

Mr. Gresham to Mr. Planten.

DEPARTMENT OF STATE,
Washington, September 27, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, relative to the question as to whether the Dutch colony of Curaçao imposes an import duty on salt, and to inform you that a copy of your communication has been sent to the Secretary of the Treasury for his information and consideration.

Accept, etc.,

W. Q. GRESHAM.

Mr. Planten to Mr. Gresham.

NEW YORK, *September 27, 1894.*

SIR: In connection with my letter of September 25, last, I have the honor to inclose translation of a letter of the governor of Curaçao in regard to the laws on the importation of salt in the Netherlands West Indian Islands, addressed to me.

Accept, etc.,

J. R. PLANTEN.

[Inclosure.]

[Translated abstract from letter of September 13, received by Hon. John R. Planten, consul-general of the Netherlands at New York, from the governor of Curaçao.]

By decree of August 28, 1888, the import duties on salt for the entire colony of Curaçao (comprising Curaçao, Oruba, Buen Ayre, Little Curaçao, Little Buen Ayre, St. Martin, St. Eustatius, and Saba) were abolished and they have never been reimposed.

It is probable that the Washington authorities were misled by consulting the tariff laws of 1892, in which, as is the case every year, also the article salt is mentioned, and they must have overlooked the fact that these published tariff laws refer as well to export as to import duties; and, for instance, as St. Martin and Buen Ayre pay export duties, the mention of the duties as regards salt simply refers to these export duties and not to import duties, which latter were abolished since 18—, and never reimposed.

Mr. Planten to Mr. Gresham.

NEW YORK, *October 2, 1894.*

SIR: It has been brought to the knowledge of our minister of foreign affairs at The Hague and to my notice that, on sugar imported from the Netherlands in different parts of the United States a duty of one-tenth of a cent additional per pound had been levied, on the supposition that the Netherlands pay an export bounty on sugar.

In order to remove all doubts on the subject I hereby inclose a copy of a note handed, in September, 1891, by the chief administrator of customs to Mr. Thayer, at that time minister of the United States at The Hague, about our sugar laws, and containing a further explanation of a note addressed by our minister of foreign affairs, dated August 10, 1891, to Mr. Thayer, copy of which you will also find inclosed, the result of which was, as you are aware, that under the McKinley law the additional duty of one-tenth of a cent per pound was not levied on Dutch sugars, and consequently ought not to be imposed now either under the new tariff.

Requesting you to inform the Honorable Secretary of the Treasury of the foregoing news of my Government, I beg you to accept the assurance of my high consideration.

J. H. PLANTEN.

[Inclosure.]

The law of the Netherlands concerning sugar.

A manufacturer of beet sugar is at liberty to choose between the "exercice" (a tax on sugars intended for consumption without bounty, drawback, or refund of duties when the sugar is exported) and the system of "prise en charge" for a fixed quantity of sugar in proportion to the quantity and the density of the juice previous to defecation. This "prise en charge" amounts to 1.45 or 1.40 kilograms of refined sugar per hectoliter and degree of (density of the?) juice, according as the defecation takes

place before or after the end of the year. Manufacturers are required to pay an additional tax when they subject the juices to osmosis, or to separation by the Steffen method.

As the cultivation of beets and the beet-sugar industry have made decided progress, while the "prise en charge" has remained unchanged since 1867, it follows that the actual yield of sugar exceeds the quantity which is charged to the manufacturer (for the collection of duty thereon) and the manufacturer receives a bounty more or less large according to the richness of the beets used and the care taken by him in the process of manufacture.

This advantage, the only one of the kind that is granted by law to the sugar industry, is enjoyed by all manufactured sugar products, and, even considering as a bounty on exportation that which is enjoyed, together with others, by sugars intended for exportation after or before being refined, the law takes no account of this shade of color, the drawback on raw and bastard sugars being calculated according to their richness, as demonstrated by analysis (i. e., as shown by the polariscope, with the coefficients 2 for glucose and 4 for ashes).

Mr. Uhl to Mr. Planten.

DEPARTMENT OF STATE,
Washington, October 4, 1894.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, relative to the duty imposed on Dutch sugar imported into the United States, and to inform you that the matter has been referred to the Secretary of the Treasury for his consideration.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Planten.

DEPARTMENT OF STATE,
Washington, October 5, 1894.

SIR: Referring to previous correspondence relative to the question as to whether a duty is imposed upon salt imported into certain West Indian possessions of the Netherlands, I have the honor to acknowledge the receipt of your note of the 27th ultimo on the subject, and to inform you that a copy of your note has been sent to the Secretary of the Treasury for his information.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Planten.

DEPARTMENT OF STATE,
Washington, October 11, 1894.

SIR: Referring to your note of the 27th ultimo, inclosing a translation of a letter from the governor of Curaçao concerning the laws as to the importation of salt into the Netherlands West Indian Islands, I have the honor to inform you that I have received a letter from the Secretary of the Treasury, dated the 8th instant, stating that instructions have been issued to the collectors of customs at New York, Bos-

ton, Philadelphia, Baltimore, New Orleans, San Francisco, and Chicago authorizing the admission free of duty of salt imported from the islands in question into the United States.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Planten to Mr. Gresham.

NEW YORK, *October 13, 1894.*

SIR: I have the honor to acknowledge receipt of your note of 11th instant, in regard to the instructions which have been issued by the Secretary of the Treasury to the collectors of customs authorizing the admission free of duty of salt from the Netherlands West Indian Islands.

I beg you to convey to the Secretary of the Treasury my thanks for his prompt action in the matter.

Accept, etc.,

J. R. PLANTEN.

Mr. Uhl to Mr. de Weckherlin.

DEPARTMENT OF STATE,
Washington, December 29, 1894.

SIR: I have the honor to transmit to you herewith a copy of a letter from the Secretary of the Treasury, dated the 22d instant, inclosing for your use a form of a "Certificate on sugar exported for drawback of tax paid or with rebate or discharge of tax."

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure.]

Mr. Hamlin to Mr. Gresham.

TREASURY DEPARTMENT,
Washington, December 22, 1894.

SIR: I have the honor to inform you that the minister of the Netherlands, with the consent of your Department, has submitted an inquiry as to what certificate of his Government would be sufficient under the first proviso to paragraph 182½, act of August 28, 1894.

The Department, under the advice of the Attorney-General, decides that the inclosed form of certificate will be sufficient under said proviso.

Respectfully, yours,

C. S. HAMLIN,
Acting Secretary

NICARAGUA.

BRITISH DEMANDS.¹

Lord Kimberley to Dr. Barrios.

[Handed to the Secretary of State by the Nicaraguan minister.]

FOREIGN OFFICE, *February 26, 1895.*

SIR: Her Majesty's Government have carefully considered the voluminous documents inclosed in your note of the 22d of November last, which you have communicated to me, in justification of the proceedings of the Nicaraguan Government in regard to Mr. Hatch, British pro-consul, and certain other British subjects who were arrested in August last in the Mosquito Reserve, imprisoned, and expelled from Nicaragua not only without any form of trial, but without any communication to them of the charges against them, so as to afford them an opportunity of absolving themselves.

Before proceeding to examine the statements made in those documents, I may observe that, although Mr. Hatch was not strictly speaking an officer in Her Majesty's consular service, it might have been expected that the Nicaraguan authorities in the Reserve, who carried on a correspondence with him and made use of his services in a consular capacity whenever and so long as it suited their convenience to do so, would, as a matter of ordinary courtesy, have communicated with Her Majesty's Government before resorting to so extreme a measure as the arrest of that gentleman.

The British subjects who were arrested on the 16th of August and taken to Managua were, besides Mr. Hatch, British pro-consul: Mr. W. B. C. Brown, Mr. H. Brownrigg, Mr. J. W. Cuthbert, Mr. S. A. Hodgson, Mr. John Taylor, Mr. John O. Thomas, Mr. Markland Taylor, and Mr. W. Glover.

On the 23d of August two more British subjects were arrested—Mr. G. P. Hall and Mr. Hubert O. Bodden—and another British subject, Mr. Joseph P. Moody, was arrested on the 30th of August. There were also further arrests of persons said to be British subjects, viz, Green, Martin, Thompson, and Joel Bodden.

The object of much that is contained in the papers communicated by the Nicaraguan Government appears to be to connect Mr. Hatch and other British subjects arrested with the disturbances which took place on the Mosquito Reserve in July last.

Messrs. Hatch, Brown, Brownrigg, Cuthbert, S. A. Hodgson, John Taylor, Markland Taylor, and Glover, in a statement made on the 7th of September, have sworn that they did not in any way, directly or indirectly, participate in or encourage the riots in the Reserve.

Mr. J. O. Thomas also denies any complicity in the riots.

¹ See also under Great Britain, page 696.

As to Mr. G. P. Hall, who was kept in prison for six days and only released on giving an undertaking to leave the country, he states that, as police magistrate, he endeavored to quiet the people on the 5th of July, but was shot at and went home, and resigned the next day. His statement is supported by sworn statements made by two of the police, British subjects.

Mr. Hubert O. Bodden, who was kept in prison three days and was released on the intervention of the captain of the U. S. S. *Marblehead*, but was exiled, is in ignorance of the causes of his arrest and exile.

Mr. J. P. Moody states that he is in ignorance of the causes of his arrest and banishment.

Amongst the depositions which are brought forward by the Nicaraguan Government as proofs against Mr. Hatch are those of J. W. Cuthbert, S. A. Hodgson, and Charles Patterson, when under detention. The first-named person is represented to have deposed that it was Mr. Hatch who encouraged the movement against the Nicaraguan authorities, and that he was always in the midst of the insurgents. S. A. Hodgson is represented to have stated that the meetings of the Mosquito council from the 5th to the 7th of July were held in the house of Mr. Hatch, and that he was present at them then and afterwards when they were held elsewhere. Charles Patterson is represented to have affirmed that Mr. Hatch was nearly always present at the meetings of the council and advised them what to do.

Now, two of these deponents, Messrs. Cuthbert and Patterson, in a statement made to Consul Bingham, while swearing that they did not in any way participate in or encourage the riot of the 5th of July and did not furnish or import arms or ammunition for use in the disturbances, further say that "certain questions were asked us at the bluff by the minister of war, and written in Spanish, which was signed by us, but we can not say that it is correct, not knowing the language, but compelled to sign."

The third deponent, S. A. Hodgson, in a sworn statement made on the 17th of September, affirms that, while under arrest at Bluefields Bluff, he stated, in reply to questions by General Portocarrero respecting Mr. Hatch, that Mr. Hatch did not to his knowledge have a gathering of people at his business-house door on the 6th of July; that he did not instigate or advise the Jamaicans to take up arms, but that he warned them not to do so, and posted up notices to the same effect; that the Chief Clarence, after he was reinstated, did not reside at Mr. Hatch's house, but at that of Mr. Forbes; that no meeting of the council was held at Mr. Hatch's house, and that, except beseeching the people to keep quiet, Mr. Hatch had nothing to do with the affairs of the 5th and 6th of July; that he (Hodgson) was asked to sign the statement, but requested to have it read to him in English, which was refused, and after waiting an hour he was compelled to sign it.

Hubert O. Bodden, who is another of the deponents quoted in the documents communicated by the Nicaraguan Government, states in a sworn statement that he was arrested on the 23d of August, and asked questions tending to implicate Mr. Hatch and others in the disturbances; that on his pleading ignorance the judge said he was lying, and that "if you do not speak the truth you shall be shot;" that he was then sent back to prison, where he remained three days, when he was released on the intervention of the captain of the U. S. S. *Marblehead*, the judge informing him that he was exiled, but that he ought to be shot.

With regard to the other depositions produced by the Nicaraguan Government, the evidence as to Mr. Hatch's conduct at the time of the

disturbances is mere hearsay, and is not only in contradiction to the sworn statements to which I have just referred, but is at variance with the information obtained by Her Majesty's Government through the British naval officers on the spot.

I notice from the depositions which you have communicated to me that Green, Martin, and Thompson are stated to have been concerned in the police riot on the 5th of July, and that Joel Bodden is said to have taken part in the attack on the bluff on the following day. Her Majesty's Government are not fully informed as to how their cases have been dealt with by the Nicaraguan Government, and they are therefore excluded from consideration in my present note.

As to the other British subjects arrested, I may observe that, after the police riots of the 5th of July and the attack on the palace that night, the town of Bluefields was without organized government, until the Mosquito chief, at the request of the merchants and others, issued a proclamation that he has resumed his former position.

The Nicaraguan commissioner was within the palace with some thirty soldiers, and was without power to maintain either order or the authority of Nicaragua, which he had up to then exercised, and he took the first opportunity of coming to an arrangement to withdraw his soldiers to a place of safety.

In these circumstances certain British subjects, at the request of the Mosquito chief, reassumed the functions which they had formerly exercised before the entrance of the Nicaraguan troops into the Mosquito Reserve in February.

If a government of some sort had not been constituted after the riots of the 5th and 6th of July, a state of anarchy would undoubtedly have ensued, and Her Majesty's Government can not blame those British subjects who cooperated with the Mosquito chief in the maintenance of order.

With regard to the conduct of Mr. Hatch, Her Majesty's Government are satisfied, from the reports of Her Majesty's naval officers, that it was perfectly correct during the time that he acted as British proconsul.

General Cabezas, in his report to the Nicaraguan Government, finds fault with certain notices issued by Mr. Hatch, which he describes as "the grossest mockery of truth and Nicaragua."

These notices appear to Her Majesty's Government to have been very proper in the circumstances. That of the 6th of July was as follows:

I warn all British subjects to abstain from and not to interfere with any of the local troubles or questions now pending between Mosquito and the sovereign power, and to be law-abiding citizens.

The notice of the 19th of July was in the following words:

I have been directed by Her Britannic Majesty's minister at Guatemala to warn British subjects in Mosquito that rebellion will be treated with severity by the Government of Nicaragua.

General Cabezas further makes it a grievance against Mr. Hatch that he wrote a letter to Mr. Brownrigg, in which he tried to induce the latter to accept the appointment of a member of the council which the Mosquito chief had offered him. Mr. Hatch's letter, which was dated the 13th of July, when there existed no Nicaraguan authority at Bluefields, merely stated:

In answer to your request as to your right to assist in the executive council of the Mosquito Reserve, I see or know no cause to prevent your doing so. The only wish of the inhabitants is to maintain peace, and by your acceptance you assist in doing so. It can not deprive you of your right to English protection.

General Cabezas alleges that Mr. Hatch harbored the Chief Clarence for purposes hostile to Nicaragua. On this I have only to remark that the chief, being in fear for his life, was, by the advice of Captain Clarke, commanding H. M. S. *Magicienne*, received by Mr. Hatch in his house, on the 11th of May, but that when the chief reassumed his position as Mosquito chief on the 6th of July, Mr. Hatch requested him to cease to reside in his house, and he accordingly left it.

I do not know that there are any other points in the documents which you have communicated to me of sufficient importance to make it necessary that I should specially notice them. I have only to request that you will, without delay, inform the Nicaraguan Government that Her Majesty's Government can not admit that any adequate or reliable evidence has been produced to justify the arbitrary and violent action taken against the Queen's subjects.

They hold the Nicaraguan Government responsible for these proceedings, and they must require them to pay the sum of £15,000 on account of their action in arresting, imprisoning, and expelling those British subjects; further, to cancel unconditionally the decrees of exile issued against them, and to agree to the constitution of a commission to assess the losses sustained by them in their property or goods in the Reserve, owing to the action of the Nicaraguan authorities. Such commission to be composed of a British representative, a Nicaraguan representative, and a jurist not a citizen of any American state, to be selected by agreement between the Nicaraguan Government and the Government of Her Majesty, and failing such agreement, by the President of the Swiss Republic. The findings of the commission to be by a majority, and the awards to be final, and to be paid within three months of the conclusion of their labors. Besides the cases of British subjects arrested in the Mosquito Reserve to which I have referred, there are those of others who have suffered at the hands of the Nicaraguan authorities, namely, Arthur E. Sykes, of Sheffield, England, who had been working for a year in the Mosquito Reserve as an engineer, and was serving in that capacity on board the tug *Buena Ventura*, when, on the night of the 30th of July, he was forced at the point of a bayonet, by Nicaraguan soldiers, to get up steam and take a party of them down the river to the Bluefields Bluff, and was on arrival there fortunately released by the captain of the U. S. S. *Marblehead*.

Mr. Joshua E. Gayle, a Jamaican, settled in Great Corn Island, who early in the year 1894 was beaten with the flat of a sword for refusing to perform military service, and then made to serve.

There is further the unwarrantable seizure of the British schooner *Angelia* by the governor of Corn Island, and the detention of her owner and crew.

For these outrages Her Majesty's Government must also have satisfaction, and they require that the sum of £500 be paid as indemnity.

In previous letter which I have addressed to you, I have explained that Her Majesty's Government are not prepared to discuss any questions with regard to the treaty of Managua and the recent proceedings in the Mosquito Reserve until this matter of the arrest and imprisonment of British subjects had been disposed of. In order to avoid any misunderstanding on the subject, I think it right to inform you that to this determination Her Majesty's Government intend to adhere; but so soon as the demands which I have made in my present note have been satisfied, I shall be prepared to receive and consider in a friendly spirit any representations on those questions which the Nicaraguan Government may desire to make to Her Majesty's Government.

Mr. Guzman to Mr. Gresham.

[Translation.]

LEGATION OF THE REPUBLIC OF NICARAGUA,
Washington, April 13, 1895.

SIR: As I had the honor to inform your excellency orally, my Government has returned to that of Her Britannic Majesty a reply to the note which on the 26th of February last Lord Kimberley placed in the hands of our representative at London, and of which I personally delivered to your excellency a printed copy, as I received it.

In the said reply, my Government says to that of Her Britannic Majesty that Nicaragua, anticipating the wishes of England, has granted unconditional amnesty to the British subjects who had been expelled from the territories of the Republic on account of having appeared to be concerned in the Bluefields rebellion. As to the indemnity demanded by the British Government from ours in the above-mentioned dispatch of the Earl of Kimberley, Nicaragua declares in her reply that she is ready, as a tribute to justice, and in order to ever maintain friendly relations with Great Britain, to submit this point to the decision of an impartial arbitrator.

I beg your excellency to be pleased to bring the foregoing to the high knowledge of His Excellency the President of the United States.

With all consideration, I am, etc.,

H. GUZMAN.

Mr. Baker to Mr. Gresham.

[Telegram.]

SAN JOSE, COSTA RICA, *April 13, 1895.*

The Nicaraguan Government begs me to ask intervention my Government in their behalf for the settlement of indemnity question with Great Britain.

BAKER.

Mr. Baker to Mr. Gresham.

No. 503.]

LEGATION OF THE UNITED STATES,
San Jose, April 15, 1895. (Received April 25.)

SIR: Herewith I have the honor of inclosing copies and translations of correspondence with the Government of Nicaragua in regard to the demand of Great Britain for the payment of £15,500 by that Republic for the expulsion of various English subjects from Nicaragua charged with complicity in the disturbances at Bluefields in July, 1894.

I have, etc.,

LEWIS BAKER.

[Inclosure in No. 503—Telegram—Translation.]

Mr. Matus to Mr. Baker.

PALACE, *Managua, April 11, 1895.*

Notwithstanding the explanations given to Great Britain for the expulsion of the English subjects compromised in the Bluefields revolu-

tion, that country, reserving from all discussion and making itself judge, has sent an ultimatum which expires the 15th instant, although it did not come to the knowledge of my Government until yesterday.

The ultimatum requires the payment of £15,000 as indemnity for the expulsion of the English subjects, the unconditional raising of the decree, and the naming of a mixed commission, which, with the intervention of a lawyer, who shall not be an American, shall decide the indemnities of the injured citizens, which shall be paid three months afterwards. England required an answer by cable, which was sent to-day, saying that amnesty had been granted to all engaged in the Mosquito rebellion, and asking that the right of indemnity be submitted to arbitration.

This reply has been communicated to Minister Guzman, at Washington, for the knowledge of the American Government, but nevertheless I have received instructions from the President to beg your excellency to use your valuable influence before it, in order to secure a friendly arrangement of this incident, as it is the natural protector of the weak Republics of America. * * *

With all consideration, etc.,

M. C. MATUS.

Mr. Matus to Mr. Guzman.

[Telegram—Translation—Handed to the Secretary of State by the Nicaraguan minister, April 23, 1895.]

MANAGUA, April 22, 1895.

English war vessels are here to enforce the ultimatum. We have asked Lord Kimberley by cable to await the instructions sent to our representative in London for an amicable settlement of the difficulty. We are expecting his reply. Request the Government of the United States to aid Nicaragua in obtaining that.

Mr. Matus to Mr. Guzman.

[Telegram—Translation—Handed to the Secretary of State by the Nicaraguan minister, April 23, 1895, 3 p. m.]

MANAGUA, April 23, 1895.

Our representative at London cables British Government will not accede to our request. Ultimatum will be notified to-day.

Mr. Baker to Mr. Gresham.

[Telegram.]

SAN JOSE, April 24, 1895.

The minister for foreign affairs of Nicaragua telegraphs me three British vessels are at Corinto to collect indemnity, which Nicaragua can not pay. Great Britain refused postponement or arbitration.

BAKER.

Mr. Baker to Mr. Gresham.

No. 506.]

LEGATION OF THE UNITED STATES,
San Jose, Costa Rica, April 24, 1895. (Received May 2.)

SIR: I have just received from the Government of Nicaragua the inclosed telegraphic message in regard to the trouble of that Government with Great Britain. I hand you both the original and the translation, notwithstanding that Government has doubtless forwarded the same to you through Minister Guzman. I simply acknowledged the receipt of the message by wire.

I have, etc.,

LEWIS BAKER.

[Inclosure in No. 506—Telegram—Translation.]

Mr. Matus to Mr. Baker.

PALACE,
Managua, Nicaragua, April 23, 1895, 10.30 a. m.

On February 26 our minister at London was notified of the ultimatum of Great Britain concerning the expulsion from Nicaragua of certain English subjects who took part in the rebellion of the Jamaicans, which broke out at Bluefields last year. The ultimatum contains three points: First, payment of £15,500 for the arrest, imprisonment, and expulsion of British subjects; second, unconditional revocation of the decree by which that action was taken; third, payment of indemnities to private subjects which may be accorded to the said subjects by a mixed commission.

The period fixed for the compliance with the ultimatum was seven weeks, counting from February 26, a period scarcely sufficient for it to come to the knowledge of my Government, from which a reply by cable was demanded.

Nicaragua replied that there was no occasion for the revocation of the decree of expulsion, as all the persons guilty of taking part in the Mosquito rebellion had been pardoned, and that, so far as related to the right to an indemnity, it proposed that it be submitted to the arbitration of an impartial nation. England did not accept arbitration, and insisted on her demand. Nicaragua then asked her to await instructions to her (the Nicaraguan) minister at London, giving assurances that an amicable arrangement would be reached. She was as little disposed to listen to her voice. Since then three English war ships have arrived in our waters to forcibly demand immediate compliance with the ultimatum, at a time when Nicaragua, the victim of three revolutions, has exhausted her treasury and is making efforts to recover in order to meet numerous prior engagements.

England has denied to Nicaragua the right inherent in her sovereignty of expelling dangerous foreigners guilty of the crime of armed rebellion, and has closed all discussion. A friendly voice endeavoring to reach a harmonious conclusion has not been listened to, and appeal has been made to the menace of superior force as a last argument.

Under such circumstances no other recourse remains for this weak country than to protest in the presence of civilized nations, and it becomes the duty of my Government, the friend of that represented by your excellency, to make known the facts stated as sole evidence before the tribunal of national conscience.

With all consideration, I am, etc.,

M. C. MATUS.

Admiral Stephenson to the Nicaraguan Government.

[From the Pall Mall Gazette, April 25, 1895.]

I have received instructions from Her Majesty's Government to hand you the accompanying dispatch from Lord Kimberley, Her Majesty's principal secretary of state for foreign affairs, and I have the honor to present to your excellency Commander Stokes, of H. M. S. *Royal Arthur*, who is the bearer of the dispatch, together with a letter and a proclamation from me. I have the honor to inform your excellency that unless I receive a reply within three days' date containing the full compliance of the Nicaraguan Government with the demands contained in Lord Kimberley's dispatch, or in the event of an answer being received within the time fixed, if that answer should be unsatisfactory, I shall at once land an armed force and take military possession of Corinto by occupying the custom-house and other Government buildings, and appointing Capt. Frederick Percival Trench governor of the port. The lives, private property, and trade of all foreigners will be respected, but, in the event of any resistance or disturbance arising, I shall use the force at my disposal to maintain order. A copy of the accompanying proclamation will be issued to each official in Coerino, both Nicaraguan and foreign, on my taking possession of the place.

PROCLAMATION.

Whereas the Nicaraguan Government having unlawfully seized the persons of Her Britannic Majesty's vice-consul at Bluefields, together with some twenty British subjects, and has either confined them in the town of Managua or expelled them from Nicaraguan territory, I have in consequence received orders from Her Majesty's Government to occupy Corinto, and to seize all vessels carrying the Nicaraguan flag, and to hold the same until such time as the Nicaraguan Government shall have complied with the demands of the British Government. Be it known that during the occupation of Corinto the lives, property, and trade of all will be respected, and the force now landed will occupy only the Government buildings. In the event, however, of any resistance or disturbance arising, I shall be compelled to use the means at my disposal to maintain order. I have constituted Capt. Frederick Percival Trench, of H. M. S. *Royal Arthur*, governor of the port.

H. L. STEPHENSON, *Rear-Admiral*.

Mr. Baker to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES.

San José, April 27, 1895.

The Nicaraguan minister for foreign affairs informs me that the Nicaraguan Government notified British admiral that it can not accept ultimatum of England.

BAKER.

Mr. Baker to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
San José, April 27, 1895.

The Nicaraguan Government asked Central American Governments to protest against action of England. President of Costa Rica declined, but most generously proposed to contribute fifth of the indemnity. The Nicaraguan Republic refused paying the indemnity. British occupied Corinto this morning. Nicaragua fortifying San Juan del Sur; are moving large number of soldiers hence.

BAKER.

Mr. Baker to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
San José, April 29, 1895.

After the British occupied Corinto, 27th, town deserted by natives. The Nicaraguan Government stopped railway communication with that port. Pacific Mail steamers have been ordered not to touch there, thus completely isolating town. British seized Government building and archives. Hoisted British flag at that place.

BAKER.

Mr. Baker to Mr. Gresham.

[Telegram.]

CUESTA MARA. (Received May 6, 1895).

English Nicaraguan differences adjusted. British vessels will leave Corinto May 5.

BAKER.

Mr. Uhl to Mr. Baker.

No. 325.]

DEPARTMENT OF STATE,
Washington, May 6, 1895.

SIR: Your dispatch No. 506, dated at San José, Costa Rica, April 24, 1895, has been received. It communicates copy of a telegram addressed to you on the preceding day by the Nicaraguan secretary of foreign relations in regard to the indemnity claimed by Great Britain for the arrest and expulsion of British subjects from Nicaraguan territory without trial.

Contrary to your supposition, a copy of that telegram was not communicated to me by the Nicaraguan minister here.

The matter of the British demand has been before the Department in conference with the Nicaraguan minister, and in view of reports from the ambassador at London, but on account of your absence from Nicaragua, it has not been found advisable or practicable to communicate with that Government through you.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Baker to Mr. Uhl.

No. 531.]

LEGATION OF THE UNITED STATES,
San Jose, June 3, 1895. (Received June 15.)

SIR: As soon as I learned of the ultimatum issued by England against Nicaragua in the matter of the expulsion of Mr. Hatch I promptly sent my clerk to Managua for the purpose of keeping me well informed of all that might occur there. I also arranged with the minister for foreign affairs of Nicaragua to keep me posted in an official way of all passing events. In this way I was kept informed daily of what transpired.

The first impulse of the Nicaraguan Government was to resist the landing of the British marines, on advices from their own sources of information that the United States would uphold them in this attitude. As the prospect for interference on the part of the United States faded away, the idea of having the other four Central American Governments join in a solemn protest against the action of England took form. The Government of Honduras invited her sister Republics to join her in such a protest. Salvador consented. Costa Rica replied that as the protest could not be made effective by the powers signing she thought a good substitute for that plan would be to make up a purse and promptly pay the indemnity before the time set by England for landing at Corinto should expire. Being fully alive to the humiliation of the landing of British troops upon Central American soil under the circumstances, Costa Rica was willing to bear the one-fifth portion of the burden in money if the remaining Governments would join. This proposition was not accepted.

Honduras sent a minister to Nicaragua, who acted as a friend between that Government and Great Britain in bringing about an understanding by which the former agreed to pay the indemnity in London within fifteen days after the marines were withdrawn from land and the departure of the British ships from Nicaraguan ports.

Both Guatemala and Salvador sent ministers to Nicaragua with instructions to offer their friendly offices, but they arrived after a settlement had been concluded.

I have, etc.,

LEWIS BAKER.

INCORPORATION OF THE MOSQUITO TERRITORY INTO NICARAGUA.

Mr. Baker to Mr. Uhl.

No. 528.]

LEGATION OF THE UNITED STATES,
San Jose, June 3, 1895. (Received June 15.)

SIR: By a circular received from the minister of foreign affairs of Nicaragua, I am informed that the National Legislative Assembly of that country, in session on the 27th of February, 1895, approved the decree of the Mosquito convention of November 20, 1894,¹ incorporating that territory into the Republic of Nicaragua.

A copy of the latter decree was transmitted to the Department in my dispatch, No. 458, of January 15, 1895.

I have, etc.,

LEWIS BAKER.

¹ Printed in Foreign Relations, 1894; Appendix 1, page 361.

DEATH OF CATARINO E. GARZA.

Mr. Baker to Mr. Gresham.

No. 490.]

LEGATION OF THE UNITED STATES,
San Jose, March 10, 1895.

SIR: I have the honor to report the death of Catarino E. Garza, the notorious Mexican revolutionist and outlaw, who for a long time operated on the northern border of Mexico along the Rio Grande.¹

Garza has for some time past been residing in Costa Rica, but recently left Limon for San Juan del Norte, Nicaragua. At that place he gathered around him some thirty men, chiefly Colombian exiles, and secured money and a quantity of small arms. A small sailing craft was chartered and the party embarked on the 2d instant, landing the following day at Cahuita, Costa Rica, 35 miles south of Port Limon. Here he took quarters with an American named Reynolds and awaited the expected arrival of the Colombian exiles from the interior. In this, however, he was disappointed, as this Government immediately stopped communication with Port Cahuita and dispatched a body of soldiers by land to capture the revolutionists, the minister of war himself going as far as Limon. On the 8th instant Garza received warning of the approach of Costa Rican troops, and with 60 followers embarked in two small crafts for Bocas del Toro, Colombia. Upon arriving at that point the party at once attacked the barracks, but were defeated; Garza and eleven followers, including Dr. Pereira Castro, second in command, and a General Mareira, were killed, the remainder of the party being taken prisoners by the Colombian authorities.

I have, etc.,

LEWIS BAKER.

¹ See Foreign Relations, 1893.

PERU.

CLAIMS OF THE HYDROGRAPHIC COMMISSION OF THE AMAZON.¹

Mr. Evarts to Mr. Gibbs.

No. 84.]

DEPARTMENT OF STATE,
Washington, October 31, 1877.

SIR: I inclose herewith a copy of a letter² of C. G. Lee, esq., attorney for Mr. Thomas W. Sparrow, together with a copy of certain accompanying papers in relation to a claim of Mr. Sparrow against the Government of Peru.

It appears from these papers and documents that Mr. Sparrow entered into a contract with the Peruvian Government on the 1st of April, 1872, to serve for three years as a civil engineer; that the contract made by its agent, Mr. Tucker, was assented to by the Government, and Mr. Sparrow assigned to duty on the Hydrographic Commission of the Amazon, and that he served in that capacity up to the time of the dissolution of the commission, which is alleged to have occurred on the 15th of April of the present year (1877). It further appears that his compensation was fixed at the rate of 1,440 soles per annum, payable monthly, with an annuity of 90 soles per month for such time as he might be on duty in New York, where, as it appears, the duties of his position sometimes had to be performed; and that on the 31st of October last (1876) the agents of Peru in New York, Messrs. Hobson, Hurtado & Co., from whom Mr. Sparrow had previously been in the habit of receiving his pay, declined to make further payments on account of Peru, and so notified the claimant.

At that time there seems to have been due him \$1,408.26, this amount having been audited and directed to be paid by J. Pardo de Tela, the officer of the Peruvian Government charged with such duties. The amount, however, has not, as Mr. Sparrow alleges, yet been paid.

In addition to this amount, Mr. Sparrow claims for five and a half months' salary, at the rate of \$210 per month, from the 18th of November, 1876, to the 15th of April, 1877, the date when the Hydrographic Commission was dissolved and his services ended, making \$1,155, which, with the sum due October 31 (\$1,408.26), makes the amount of his claim \$2,563.26.

It is true that this claim arises out of a contract voluntarily entered into by Mr. Sparrow, and consequently belongs to that class of claims regarding which this Government does not as a rule interfere diplomatically, claimants in such cases being remitted to the remedies provided by the laws of the country with whose Government or citizens the contract is made and where it is to be executed. In the present case, however, the contract of Mr. Sparrow is directly with the Government of Peru, and it may be that that Government does not hold itself amenable to the suits of private individuals in its own tribunals. In such case, the claimant would be without legal remedy, as no mode of redress is provided for in the contract, either by arbitration or

¹ Reprinted from Senate Document No. 125, Fifty-fourth Congress, first session.

² Not printed.

otherwise; and in that event the claim of Mr. Sparrow may properly be held to form an exception to which the general rule as to diplomatic interference would not be justly applicable.

You will therefore ascertain by proper inquiry whether or not the tribunals of Peru are open to claimants against the Government, and should you find that Mr. Sparrow can not avail himself of these means of redress, it will be proper for you to present this claim to the authorities of Peru, with a view to its speedy adjustment and payment.

Mr. Sparrow appears to have faithfully complied with his contract, and his retention in its employ long after the time limited by the agreement raises a strong implication that his labors were satisfactory to the authorities of Peru. His compensation, moreover, seems to have been at a very moderate rate, and his demand is limited to the net sum due at such rate of compensation.

From these facts and circumstances it is conceived that the Peruvian Government must be at once impressed with the equity and justice of the claim.

You will keep the Department advised of the result of your proceedings in relation to the matter.

I am, etc.,

WM. M. EVARTS.

Mr. Seward to Mr. Gibbs.

No. 90.]

DEPARTMENT OF STATE,
Washington, December 17, 1877.

SIR: I transmit a copy of a letter¹ and of its accompaniments, of the 10th instant, addressed to this Department by Mr. N. B. Noland, of Ashland, Hanover County, Va., complaining of the delay of the Peruvian Government in paying the arrears claimed by him, under a contract with that Government, for the exploration of the river Amazon. Mr. Noland says that you are familiar with the subject. You will bring it to the notice of the minister of foreign affairs in the same way as is customary in cases of contract between a citizen of the United States and a delinquent foreign government. The debt seems to be one which it would comport with the honor of Peru to pay, if this can conveniently be done and without injustice to her other creditors.

I am, etc.,

F. W. SEWARD, *Acting Secretary.*

Mr. Gibbs to Mr. Evarts.

No. 245.]

LEGATION OF THE UNITED STATES,
Lima, Peru, April 27, 1878. (Received May 18.)

SIR: Referring to your dispatches Nos. 84 and 90, inclosing copies of letters of C. L. Lee, esq., attorney for Mr. Thomas W. Sparrow and N. B. Noland, in relation to claims for their services to the Peruvian Government, I have had previously several conversations with the present minister of foreign affairs, and also with his predecessor, Mr. Garcia y Garcia, in relation to these claims, and of others who served in the same commission.

The claims were acknowledged, but at the formation of the cabinet of the present administration, August, 1876, Mr. Aranivar, the new

¹ Not printed.

minister of the treasury, gave an order to suspend all payments until all accounts were revised.

Mr. Rospigliosi, the present minister of foreign affairs, has listened to my observations on these claims, to whom I presented a memorandum with copies of various documents pertaining to them, and promised to give attention to my request for their settlement.

On the 17th instant I called on the minister, who informed me that he thought in a few days orders would be sent to the United States for their payment. I will permit a reasonable time to pass and will again visit him and inquire what has been the result.

I am, etc.,

RICHARD GIBBS.

Mr. Seward to Mr. Gibbs.

No. 108.]

DEPARTMENT OF STATE,
Washington, May 31, 1878.

SIR: Referring to your dispatch No. 245, of the 27th ultimo, I transmit herewith a copy of a letter¹ addressed to the Hon. Eppa Hunton, Member of Congress, in relation to the Noland claim on Peru.

I am, etc.,

F. W. SEWARD,
Acting Secretary.

Mr. Gibbs to Mr. Evarts.

No. 268.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 21, 1878. (Received Aug. 19.)

SIR: I beg to refer to my dispatch No. 245, in relation to claims of Mr. Thomas W. Sparrow and others for salaries due by the Peruvian Government for services rendered in the Hydrographic Commission on the Amazon River.

On the 6th instant I passed a note to the minister of foreign affairs, as per copy, and sent with it various documents in relation to these claims.

Yesterday I received an answer (copy inclosed), with translation, but I perceive that the honorable minister has included the name of J. R. Tucker. This is an error, as I did not mention that name in any of the notes passed. I now expect that the amounts will be paid, but I will still keep the claims in mind, and will learn if the promise has been carried out.

I am, etc.,

RICHARD GIBBS.

[Inclosure 1 in No. 268.]

Mr. Gibbs to Mr. Yrigoyen.

No. 91.]

LEGATION OF THE UNITED STATES,
Lima, July 6, 1878.

SIR: I have the honor to inclose to your excellency herewith copies of various notes and memoranda relative to amounts due to certain citizens of the United States who are now in their own country, but formerly in the service of Peru as members of the Hydrographic Commission of the River Amazon and its tributaries. Their functions having ceased (two of them as long ago as January 25, 1875), and not having yet received the salaries due for their arduous services in the wild regions of the trans-Andean valleys, they have applied to me to present their claims to the attention of your excellency.

¹ Not printed.

My Government has also requested me to use my good offices in their behalf, and I have no doubt that upon examination of these papers your excellency will be convinced of the justice of their request.

I have, etc.,

RICHARD GIBBS.

[Inclosure 2 in No. 268.—Translation.]

Mr. Yrigoyen to Mr. Gibbs.

No. 22.]

BUREAU OF FOREIGN AFFAIRS,
Lima, July 22, 1878.

SIR: With reference to the recommendations that your excellency was pleased to make to this bureau for the payment of the salaries earned by the American citizens, J. R. Tucker, Nelson B. Noland, Francis L. Galt, James H. Rochelle, J. W. Sparrow, W. R. Butt, and Maurice Mesnier, in the Hydrographic Commission of the Amazon, I have the honor to communicate to your excellency that the minister of the treasury has ordered the liquidation of said debts, and as soon as the amounts are known they will be ordered to be paid.

I improve, etc.,

M. YRIGOYEN.

Mr. Evarts to Mr. Gibbs.

No. 129.]

DEPARTMENT OF STATE,
Washington, January 13, 1879.

SIR: Referring to your Nos. 245 and 268 touching the claim of Thomas W. Sparrow on Peru, I have to observe that Mr. O. G. Lee, attorney for claimant, has lately addressed the Department, urging that the matter be pressed on the attention of the Peruvian Government. I have informed him that your last dispatch on the subject gave reason to suppose that the claim would soon be settled.

I am, etc.,

WM. M. EVARTS.

Mr. Gibbs to Mr. Evarts.

No. 300.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 22, 1879. (Received Feb. 15.)

SIR: I have the honor to refer to dispatch No. 268, of July 24 last, relative to the claims of Messrs. Sparrow, Noland, Galt, and others for moneys due them from the Peruvian Government for their services as members of the late Hydrographic Commission on the Amazon.

I have kept the claims in view and now inform you that I have received a communication from the minister of foreign affairs, of which I inclose copy, notifying me that the sums due will be paid through the Peruvian Government's agents at New York. Mr. Lee, attorney for Mr. Sparrow, wrote to me on the matter last December.

I have answered the note inclosed, referring him to the Department for further information.

I am, etc.,

RICHARD GIBBS.

[Inclosure in No. 300.]

Mr. Yrigoyen to Mr. Gibbs.

No. 3.]

BUREAU OF FOREIGN AFFAIRS,
Lima, January 11, 1879.

SEÑOR MINISTER: With satisfaction I inform your excellency that through the minister of war His Excellency the President has ordered the consignees of guano in the United States to pay the members of the late Hydrographic Commission of the Amazon the sum of \$11,447.63 due to them, in equal monthly payments, and the minister of the treasury has given orders for its fulfillment.

I improve this opportunity to repeat to your excellency the, etc.,

M. YRIGOYEN.

Mr. Evarts to Mr. Gibbs.

No. 136.]

DEPARTMENT OF STATE,
Washington, February 21, 1879.

SIR: I have to acknowledge the receipt of your No. 300, in relation to the decision of the Peruvian Government to pay the claims of the members of the Hydrographic Commission of the Amazon, and to say in reply that I have caused the decision to be communicated to the persons interested. I have no doubt the success of your representations in their favor will be fully appreciated.

I am, etc.,

WM. M. EVARTS.

Mr. Evarts to Mr. Christiancy.

No. 8.]

DEPARTMENT OF STATE,
Washington, April 28, 1879.

SIR: Referring to Mr. Gibbs's No. 300, in reference to the payment of the claims on Peru of Messrs. Sparrow, Noland, Galt, and others, members of the Hydrographic Commission of the Amazon, I have to inform you that having communicated the substance of that dispatch to the parties interested, or to their representatives, on the 19th and 20th of February last, a letter has been received from Mr. C. G. Lee, attorney for Mr. Sparrow, complaining that the financial agents of Peru in New York, referred to in Mr. Gibbs's dispatch, have thus far failed to comply with orders given them to make the contemplated payments. Under these circumstances it would seem proper that you bring the matter to the attention of the Peruvian Government.

I am, etc.,

WM. M. EVARTS.

Mr. Christiancy to Mr. Evarts.

No. 40.1

LEGATION OF THE UNITED STATES,
Lima, Peru, July 23, 1879.

SIR: I have the honor to inclose copies of my official notes¹ to the minister of foreign affairs of Peru.

I have, etc.,

J. P. CHRISTIANCY.

*Mr. Christiancy to Mr. Yrigoyen.*LEGATION OF THE UNITED STATES,
Lima, Peru, June 2, 1879.

MR. MINISTER: Referring to your note of the 17th January last to my predecessor, Mr. Gibbs (No. 3), I have to inform you that the substance of that note having been communicated to the Secretary of State by Mr. Gibbs, and by the Department of State to the claimants (Messrs. Sparrow, Nolan, Galt, and others), I am now informed by a dispatch from the Secretary of State of date of April 28, 1879, stating that a letter from the attorney for the claimants has been received by the Department, complaining that the financial agents of Peru in New York, referred to in Mr. Gibbs's dispatch, have thus far failed to comply with the orders given them to make the contemplated payments. I am therefore instructed to bring the matter to the attention of your Government.

Hoping that the payments may since have been made,

I have, etc.,

J. P. CHRISTIANCY.

¹Only one relates to this claim.

Mr. Bayard to Mr. Phelps.

No. 119.]

DEPARTMENT OF STATE,
Washington, April 13, 1885.

SIR: I have received a letter from Mr. C. G. Lee, of 503½ D street, Washington, D. C., calling attention to the claim of the members of the late Hydrographic Commission of the Amazon against Peru. The history of the case may be found by reference to instructions of the Department of October 31, 1877, December 17, 1877, and April 28, 1879; as also to dispatches from Lima of April 27 and July 24, 1878, of January 22, 1879, and July 23, 1879.

You will see by instruction No. 84, of October 31, 1877, on what grounds the claims of Mr. Sparrow and Mr. Noland were committed to the care of the legation. The claim of Mr. Francis E. Galt, of Upper-ville, Va., alluded to in No. 8, addressed to Mr. Christianity on April 28, 1879, is understood to be of the same character.

You will see by that instruction that the order of the Peruvian Government to Messrs. Hobson, Hurtado & Co., reported in No. 300 of Mr. Gibbs, was not carried out, and, as they said, for want of funds. Mr. Lee now states that the claims are still unpaid.

The failure of Peru to furnish the funds required for the liquidation of the claims was perhaps due to the conditions of the late war, while the attitude of the claimants meantime, who refrained from pressing the claims, has certainly been commendable.

It is true, as observed in No. 84 of the 31st of October, 1877, that the claims arise out of contract, but, nevertheless, contracts made by these gentlemen with the Government of Peru, which that Government has recognized and ordered payment on account of.

I have submitted the correspondence in the case to the law officer of these Department, whose comments on the diplomatic sanction afforded the claims and the singular hardship which their nonpayment involves, I concur in. You will therefore use the good offices of the legation to obtain that fair and just settlement which is no less due to the character of Peru as a law-abiding and high-spirited state than it is to these considerate claimants.

I am, etc.,

T. F. BAYARD.

Mr. Buck to Mr. Bayard.

No. 31.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 18, 1885. (Received October 15.)

SIR: On the 16th instant I addressed a note to the foreign office, of which I inclose copy, urging the claim of members of the Hydrographic Commission of the River Amazon, according to instructions in Department's No. 119, to Mr. Phelps.

I have, etc.,

CHAS. W. BUCK.

[Inclosure in No. 31.]

Mr. Buck to Mr. Urrutia.

No. 9.]

LEGATION OF THE UNITED STATES,
Lima, September 16, 1885.

SIR: Under date of July 6, 1878, in his No. 91, Mr. Gibbs, at that time United States minister to Peru, presented to the minister of foreign relations the claims of certain

of his countrymen who had served Peru as members of the Hydrographic Commission to survey the River Amazon and its tributaries.

On the 17th of the succeeding January, 1879, the minister of foreign relations, Señor Don M. Yrigoyen, in his No. 3 to Mr. Gibbs, acknowledged the justness of the claim, and stated that the President, through the minister of war, had ordered the consignees of guano in the United States, Messrs. Hobson, Hurtado & Co., to pay claimants the sum of \$11,447.63, and stated that the minister of the treasury had given his order for fulfillment. I regret to inform you that a recent dispatch from the Secretary of State at Washington advises me that the order for payment was not carried out, as was said, for want of funds.

It is further made to appear to the Secretary of State that the said claims are still unpaid. In commenting upon it he states:

"The failure of Peru to furnish the funds required for the liquidation of the claims was, perhaps, one of the conditions of the late war; while the attitude of the claimants meantime, who refrained from pressing the claims, has certainly been commendable. It is true, as observed in No. 84 of the 31st of October, 1877, that the claims arise out of contracts, but nevertheless contracts made by these gentlemen with the Government of Peru, which that Government has recognized and ordered payment on account of.

"I have submitted the correspondence in the case to the law officer of the Department, whose comments on the diplomatic sanction afforded these claims and the singular hardship which their nonpayment involves, I concur in. You will therefore use the good offices of the legation to obtain that fair and just settlement which is no less due to the character of Peru as a law-abiding and high-spirited state than it is to these considerate claimants."

I accordingly ask your excellency's attention to this claim, as it is not one about the justice of which there appears any question, but as it originated in contract, the amounts were settled and agreed to, and payment of the same has been ordered by the Government of Peru.

I trust the prompt carrying out of that order now in satisfying the claimants, after many years of patient waiting, will only seem both just and reasonable.

I seize, etc.,

CHAS. W. BUCK.

Mr. Bayard to Mr. Buck.

No. 30.]

DEPARTMENT OF STATE,
Washington, October 19, 1885.

SIR: I have to approve the tenor of your note in the matter of the claim of members of the Hydrographic Commission of the River Amazon, a copy of which you forwarded with your No. 31.

I am, etc.,

T. F. BAYARD.

Mr. Adee to Mr. Hicks.

No. 14.]

DEPARTMENT OF STATE,
Washington, September 11, 1889.

SIR: By reference to instructions No. 119 of 13th of April, 1885, to Mr. Phelps, you will find a detailed statement of the long-standing claim against Peru of the various members of the Hydrographic Commission of the Amazon, and a reference to the essential previous correspondence on the subject.

The lamented death of Mr. Phelps occurring shortly after the above date, some delay attended the presentation of the subject; but as appears by Mr. Buck's No. 31, the matter was brought to the attention of the Peruvian Government in a formal note on the 16th of September, 1885.

I do not find that any answer was received by the legation, and in that case you will avail yourself of an early occasion to represent that your Government has directed you to express its sincere hope that no considerable delay will now attend the payment of these claims which was ordered so many years ago.

I inclose a copy of letter* on behalf of the heirs of one of the claimants referred to.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Hicks to Mr. Blaine.

No. 49.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 14, 1889. (Received December 4.)

SIR: In compliance with instructions contained in Department's No. 14, of September 11, 1889, I have addressed a note to the Peruvian foreign office expressing the hope that the claims of the Hydrographic Commission against the Peruvian Government would be paid without unnecessary delay.

Inclosed herewith I send a copy of my communication on the subject, which I trust will receive the approval of the Department.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 49.]

Mr. Hicks to Mr. Yrigoyen.

No. 2.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 5, 1889.

SIR: It becomes my duty to call the attention of your excellency to a claim of certain citizens of the United States against the Government of Peru, which has been standing for more than a dozen years, and one which has been duly adjudicated upon and ordered paid by the Government of your excellency, and yet which remains unsettled and unpaid to this day.

On July 6, 1878, in a communication, No. 91, to the department of foreign relations, Mr. Richard Gibbs, then American minister to Peru, presented to your department the claim of certain American citizens who had previously served the Government of Peru as members of the Hydrographic Commission in the survey of the River Amazon and its tributaries. As to the merits of the claim there was evidently no dispute, for on the 17th of the succeeding January, 1879, the minister of foreign affairs, Dr. Don Manuel Yrigoyen, in his dispatch No. 3 to Mr. Gibbs, informed him that "through the minister of war His Excellency the President has ordered the consignees of guano in the United States to pay the members of the late Hydrographic Commission of the Amazon the sum of \$11,447.63, due to them, in equal monthly payments, and the minister of the treasury has given orders for its fulfillment."

The money thus ordered paid by your excellency's Government was never paid to the claimants. Several of them are men in reduced circumstances, some of them have died, and the others are anxiously waiting for the money that is due them.

I am advised by instruction No. 119, of April 13, 1885, from the Department of State at Washington, that the correspondence in this case has been submitted to the law officer of the Department, whose comments on the diplomatic sanction afforded these claims and the singular hardship which their nonpayment involves has been concurred in by the Department.

I am also directed by my Government, under date of September 11, 1889, to express the sincere hope that no considerable delay will now attend the payment of these claims, which was ordered so many years ago.

With, etc.,

JOHN HICKS.

Mr. Blaine to Mr. Hicks.

No. 22.]

DEPARTMENT OF STATE,
Washington, December 5, 1889.

SIR: I have received your No. 49, of the 14th ultimo, in which you inclose copy of your note urging upon the Peruvian Government the payment of the claim of certain American citizens who had served that Government as members of the Hydrographic Commission in the survey of the Amazon and its tributaries.

Your action is approved.

I am, etc.,

JAMES G. BLAINE.

Mr. Hicks to Mr. Blaine.

No. 56.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 20, 1889. (Received January 14, 1890.)

SIR: Referring to my dispatch, No. 49, of November 14, 1889, regarding the claim of the Hydrographic Commission, I have the honor herewith to transmit the reply of the Peruvian foreign office to my note of November 5, and a translation of the same.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 56—Translation.]

Mr. Yrigoyen to Mr. Hicks.

No. 20.]

LIMA, November 23, 1889.

SIR: In reply to the attentive note of your excellency of the 5th instant, I have the honor to state that I have asked for the necessary information from the ministry of finance, and that as soon as received it will be transmitted to your excellency.

M. YRIGOYEN.

Mr. Blaine to Mr. Hicks.

No. 28.]

DEPARTMENT OF STATE,
Washington, January 15, 1890.

SIR: Your dispatch No. 56, of December 20, 1889, in relation to the claim of the Hydrographic Commission of the Amazon, has been received.

The situation has been made known to Mr. Shands, who represents the claimants.

I am, etc.,

JAMES G. BLAINE.

Mr. Hicks to Mr. Blaine.

No. 91.]

LEGATION OF THE UNITED STATES,
Lima, Peru, February 21, 1890. (Received March 25.)

SIR: Referring to my dispatch No. 56, of December 20, in regard to the claim of the Hydrographic Commission, I have to say that I called upon the foreign office to-day and was told by the chief clerk that no reply had yet been received from the minister of the treasury on the subject.

The chief clerk admitted that the claim was perfectly correct, as it had been properly audited years ago, and that the only difficulty was the lack of funds. He expressed the belief, also, that when the new Congress meets the matter might be included by the President in his estimate for appropriations from Congress, and the money paid.

I will endeavor to keep the matter from being forgotten, and have some hope that the claim will be paid, unless a revolution upsets everything, a contingency not entirely improbable.

I have, etc.,

JOHN HICKS.

Mr. Blaine to Mr. Hicks.

No. 43.]

DEPARTMENT OF STATE,
Washington, March 27, 1890.

SIR: I have received your No. 91, of the 21st ultimo, relating to the claim of the Hydrographic Commission of the Amazon against the Government of Peru. The claimants have been informed of your action and have been told that you will continue to press their claim.

I am, etc.,

JAMES G. BLAINE.

Mr. Wharton to Mr. Neill.

No. 73.]

DEPARTMENT OF STATE,
Washington, August 27, 1890.

SIR: Referring to Mr. Hicks's No. 56, of December 20, 1889, and 91, of February 21, last, both relating to the claim of the Hydrographic Commission of the Amazon against the Government of Peru, you are instructed to ask the foreign office whether the treasury department has made any report to it in regard to the claim; and if not, to urge that action may be taken. Mr. Hicks stated that the justice of the claim was admitted by the officials of the foreign office.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Neill to Mr. Blaine.

No. 162.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 22, 1890. (Received October 14.)

SIR: I have the honor to acknowledge receipt this morning of your instruction, No. 73, of August 27, 1890, relative to the claim of the Hydrographic Commission of the Amazon against the Government of Peru.

I at once complied with your instructions as per copy herewith of my note to the foreign office. I was unable to see Dr. Elmore, as he had gone to Congress. However, Dr. Weisse, the chief clerk, informed me that I should have a reply without delay, but not for this mail, which closes early to-morrow morning.

I might mention in connection with this claim that I took a memorandum to the chief clerk of the foreign office on September 5, 1890, relative to this same subject.

I have, etc.,

RICHARD R. NEILL.

[Inclosure in No. 162.]

Mr. Neill to Mr. Elmore.

No. 26.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 22, 1890.

MR. MINISTER: I have just received special instructions from my Government to again call your excellency's attention to the claim of the Hydrographic Commission of the Amazon against the Government of Peru.

I most respectfully call the attention of your excellency to the note of the Hon. John Hicks, United States minister, dated November 2, 1889, to his excellency Señor Doctor Manuel Yrigoyen, then in charge of the foreign office, urging the payment of this just claim, which was ordered so many years ago, and to the reply of the minister, No. 20, of November 23, 1889.

My Government is anxious to know whether the ministerio de hacienda has made any report in regard to this claim, and if not, expresses the hope that your excellency will make all efforts for the payment of this just claim as soon as possible.

Hoping that your excellency will keep me fully informed on this subject,

I avail myself, etc.,

RICHARD R. NEILL.

Mr. Neill to Mr. Blaine.

No. 171.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 15, 1890. (Received November 14.)

SIR: I have the honor to report in connection with my No. 162, September 22, 1890, relative to the claim of the Hydrographic Commission of the Amazon against the Government of Peru, I am able to transmit to the Department a copy and a translation of a note received this day from Dr. Elmore, the minister for foreign relations, and copy of my reply to the minister's communication.

I have, etc.,

RICHARD R. NEILL.

[Inclosure 1 in No. 171—Translation.]*Mr. Elmore to Mr. Neill.*

No. 19.]

MINISTRY OF FOREIGN RELATIONS,
Lima, October 14, 1890.

SIR: In answer to the esteemed favor of your excellency, dated September 22, last, I beg to inform you that I have addressed a communication to the minister of finance, pointing out to him the necessity of asking Congress to vote the necessary funds in order to meet the credit of the Hydrographic Commission of the Amazon under Admiral Tucker.

ALBERTO ELMORE.

[Inclosure 2 in No. 171.]*Mr. Neill to Mr. Elmore.*

No. 27.]

LEGATION OF THE UNITED STATES,
Lima, October 16, 1890.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 4th instant, relating to the payment of the members of the Hydrographic Commission of the Amazon.

I shall duly forward a copy of your excellency's attentive note, with a translation, to my Government, fully believing that your excellency will see that justice is done to the claimants after so many years of patient waiting.

RICHARD R. NEILL.

Mr. Hicks to Mr. Blaine.

No. 180.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 3, 1890. (Received November 25.)

SIR: Referring to dispatch No. 171 from this legation, sent by Mr. Neill, October 15, 1890, I have the honor to report that I called on the minister of foreign affairs yesterday to ascertain the present status of the claim of the Hydrographic Commission. I was informed that the minister of the treasury had officially reported the claim to Congress as a just debt of the Peruvian Government, with a recommendation that the sum necessary to pay it should be included in the appropriations, but that Congress had adjourned without making the necessary appropriation. It will thus be seen that we have succeeded in getting it well advanced and nothing more can be done until the next session of Congress, which will commence on the 28th of July next.

I have, etc.,

JOHN HICKS.

Mr. Blaine to Mr. Hicks.

No. 93.]

DEPARTMENT OF STATE,
Washington, December 3, 1890.

SIR: I have received your No. 180, of the 3d ultimo, stating that the minister of finance had officially communicated the claim of the Hydrographic Commission of the Amazon to Congress, which had adjourned, however, without making the necessary appropriation to pay the same.

The Department observes with satisfaction the progress thus made in this long-pending claim, and sincerely hope that on the reassembling of Congress in July next the Government of Peru may be enabled to obtain without further delay the sum necessary to liquidate this just demand.

You will give the matter attention in this sense at the proper time.

I am, etc.,

JAMES G. BLAINE.

Mr. Wharton to Mr. Hicks.

No. 139.]

DEPARTMENT OF STATE,
Washington, May 11, 1891.

SIR: Referring to your No. 180, of November 3 last, concerning the claim of the Hydrographic Commission of the Amazon, I have to say that before the opening of the Peruvian Congress, which, as stated in your No. 180, will take place on July 28 next, it will be well to call the attention of the foreign office to the claim, and to urge that it may be again recommended to Congress.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Neill to Mr. Blaine.

No. 293.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 22, 1891. (Received September 14.)

SIR: I have the honor to transmit for your information a copy of a note I have addressed to the Peruvian foreign office, accompanied with

a copy and a translation of Minister Elmore's reply on the next day, relative to the long-pending claim of the Hydrographic Commission of the Amazon.

I have, etc.,

RICHARD R. NEILL.

[Inclosure 1 in No. 293.]

Mr. Neill to Mr. Elmore.

No. 51.]

LEGATION OF THE UNITED STATES,

Lima, August 19, 1891.

MR. MINISTER: I would respectfully call your excellency's attention to the notes from this legation, No. 2, of November 5, 1889; No. 27, of October 16, 1890, and No. 41, of July 16, 1891, in reference to the claim of the Hydrographic Commission of the Amazon, and kindly ask if your excellency will have this claim presented to the present Congress for its early attention.

Expressing the hope that some action will be taken in this long-pending claim, I beg to renew to your excellency the assurance of my consideration and esteem.

RICHARD R. NEILL.

[Inclosure 2 in No. 293—Translation.]

Mr. Elmore to Mr. Neill.

No. 13.]

DEPARTMENT OF STATE,

Lima, August 20, 1891.

SIR: In reply to your esteemed note of yesterday, No. 51, I am pleased to inform your highness that I have at once transmitted its contents to the proper department for the decision that may be required.

I shall in due time have the honor to inform your highness of the result when obtained.

J. F. ELMORE.

Mr. Hicks to Mr. Blaine.

No. 304.]

LEGATION OF THE UNITED STATES,

Lima, Peru, October 1, 1891. (Received October 27.)

SIR: Referring to my No. 179, of November 3, 1890, and Department's No. 90, of December 3, 1890, in regard to the claim of the Hydrographic Commission, I have to say that I have urged the matter upon the attention of the minister of foreign affairs and in reply he has stated that the claim has been placed before Congress by the minister of the treasury, as the amount must be appropriated by Congress. In order to bring it forcibly to the attention of Congress and get it acted upon, I have addressed to the minister of foreign affairs a note on the subject, a copy of which I inclose herewith.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 304.]

Mr. Hicks to Mr. Elmore.

No. 53.]

LEGATION OF THE UNITED STATES,

Lima, October 1, 1891.

SIR: I beg to call your excellency's attention to the debt known as the Hydrographic Commission claim, now before the honorable the Congress of Peru. Your excellency will remember that a number of American citizens, known as the Hydrographic Commission, contracted with the Peruvian Government to survey the Amazonian provinces; that the work was done in a satisfactory manner, and on the settlement it was found that the sum of \$11,447.63, more or less, was due the commission; that an order was drawn for the amount, but never paid.

Subsequently, during the time when his excellency Dr. Yrigoyen was the minister for foreign relations, about the year 1879, the matter was again presented and again recognized and filed for payment, but never paid. I beg to call your excellency's attention to the fact that this is no ordinary claim; that it is a debt of honor, unquestioned and undisputed, and that every consideration of justice and equity suggests its payment. I trust that a mere reference to the foregoing facts will be sufficient to induce the high-minded and honorable members of the Chamber of Senators and Chamber of Deputies to allow the bill at once.

JOHN HICKS.

Mr. Hicks to Mr. Blaine.

No. 318.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 26, 1891. (Received November 13.)

SIR: In continuation of the matter contained in my No. 304 of October 1, 1891, in regard to the claim of the Hydrographic Commission against the Government of Peru, I have to say that the Peruvian Congress has adjourned without acting upon the claim.

I have given the matter personal attention, but it was not taken up by the Congress.

The recent session of that body accomplished almost nothing in the way of business, as I have stated in my No. 317, of October 23, 1891, in this mail.

I have, etc.,

JOHN HICKS.

Mr. Blaine to Mr. Hicks.

No. 182.]

DEPARTMENT OF STATE,
Washington, November 17, 1891.

SIR: I have received your No. 318 of the 26th ultimo, reporting the adjournment of the Congress of Peru without taking action upon the claim of the Hydrographic Commission.

You may express the regret of the Department that payment of this admittedly just obligation of Peru should be so indefinitely postponed.

I am, etc.,

JAMES G. BLAINE.

Mr. Hicks to Mr. Blaine.

[Extract.]

No. 355.]

LEGATION OF THE UNITED STATES,
Lima, Peru, April 1, 1892. (Received April 22.)

SIR:

* * * * *

Subsequently I addressed a note to the minister of foreign affairs in regard to the claim known as that of the Hydrographic Commission and I append a copy of the same herewith.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 355.]

Mr. Hicks to Dr. Elmore.

No. 76.]

LEGATION OF THE UNITED STATES,
Lima, March 30, 1892.

SIR: I beg once more to call your excellency's attention most respectfully to the debt known as the Hydrographic Commission claim, as mentioned in my note No. 58,

to your excellency under date of October 1, 1891. This is no ordinary claim involving disputed and contested points which might fairly be pleaded in extenuation of the unusual delay in settlement. On the contrary, the amount is due on contract to American citizens who periled their lives in prosecuting the work of surveying the Amazonian regions of Peru. I need not again call your excellency's attention to the fact that this amount has been audited and ordered paid; that a draft was drawn for the amount but never paid, and that subsequently it was audited a second time and ordered paid. Finally, in 1890, it was transmitted to the minister of hacienda for payment, but has not yet been paid. Your excellency will perceive that great injustice has been done these worthy men, several of whom have died since the work was done, leaving as an inheritance to their families this still unsatisfied claim against your excellency's Government.

The amount of this claim, as appears by previous correspondence on the subject with your excellency's predecessors, \$11,447.63 American gold, with interest, as will be seen by reference to the note No. 3 of his excellency Dr. Manuel Yrigoyen, minister of foreign affairs, to Señor Don Ricardo Gibbs, envoy extraordinary and minister plenipotentiary of the United States, dated Lima, January 14, 1879. This amount at 6 per cent interest for fifteen years amounts to \$10,302.87, which, added to the principal aforesaid, aggregates the sum of \$21,450.50 American gold.

I am carrying out the wishes of my Government in expressing the hope that your excellency will so present this debt to the consideration of your Congress that it may receive early attention.

I take pleasure in renewing to your excellency the assurance of the high regard and esteem with which I have the honor, etc.,

JOHN HICKS.

Mr. Hicks to Mr. Blaine.

No. 357.]

LEGATION OF THE UNITED STATES,
Lima, Peru, April 8, 1892. (Received May 2.)

SIR: Referring to my No. 355, of April 1, 1892, I transmit herewith a copy of the reply of Dr. Elmore, the minister of foreign affairs, and a translation of the same.

I can only add that I have but little confidence that the claim will be settled at present.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 357—Translation.]

Dr. Elmore to Mr. Hicks.

MINISTER OF FOREIGN RELATIONS OF PERU,
Lima, April 5, 1892.

MR. MINISTER: I have communicated with pleasure the regret of your excellency contained in your esteemed dispatch No. 76, of the 30th ultimo. I have at once strongly recommended to the war and treasury departments the payment of this account against the Government of Peru claimed by the American Hydrographic Commission.

Shortly I shall be able to transmit to your excellency the answer which will be given by the above departments.

J. F. ELMORE.

Mr. Neill to Mr. Blaine.

No. 407.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 27, 1892. (Received August 22.)

SIR: I have the honor to report that as the regular session of Congress opens to-morrow (the 28th instant), I have placed a note in the hands of his excellency Señor Larrabrué y Unanne, minister of foreign

relations here, in reference to the long-pending claim of citizens of the United States, upon the Government of Peru, known as the Hydrographic Commission of the Amazon, as per my inclosed communication.

I have, etc.,

RICHARD R. NEILL.

[Inclosure in No. 407.]

Mr. Neill to Señor Larrabrué.

LEGATION OF THE UNITED STATES,
Lima, July 27, 1892.

MR. MINISTER: I would respectfully call the attention of your excellency to the various notes from this legation as to the character of the claim known as the Hydrographic Commission of the Amazon.

I would earnestly request your excellency to have this claim again presented before the honorable Congress of Peru during the present session for its early consideration.

I express the hope that some action will soon be taken to facilitate the early and final settlement of this long-pending claim of citizens of the United States upon the Government of Peru.

I have, etc.,

RICHARD R. NEILL.

Mr. Neill to Mr. Foster.

No. 411.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 3, 1892. (Received August 31.)

SIR: Referring to my No. 407, of July 27, 1892, in relation to the claim of the Hydrographic Commission of the Amazon, I have the honor to transmit for your information a reply to my note (accompanied with a translation) from the Peruvian foreign office.

I have, etc.,

RICHARD R. NEILL.

[Inclosure in No. 411.]

Señor Larrabrué to Mr. Neill.

No. 28.]

FOREIGN OFFICE OF PERU, August 2, 1892.

MR. CHARGÉ D'AFFAIRES: I have again forwarded to the marine and treasury offices the contents of your esteemed note of the 27th ultimo, to which I have the honor to reply, and I have strongly asked for a reply regarding the matter you mention of the Hydrographic Commission of the Amazon claim, to which end I have repeated the contents of the official notes directed by this office to the said departments on the 20th of August and the 2d of October, 1891, and the 5th of April of the present year.

I hope soon to receive the information repeatedly asked for, in order to enable me to give you an answer.

E. LARRABRUE Y UNANNE.

Mr. Adee to Mr. Hicks.

No. 227.]

DEPARTMENT OF STATE,
Washington, September 1, 1892.

SIR: I have received Mr. Neill's dispatch No. 411, of the 3d ultimo, in regard to the claim of the Hydrographic Commission of the Amazon.

Now that the Peruvian Congress is again in session, the Department hopes to secure intelligence that this admittedly just and long-standing claim may be satisfactorily disposed of.

You will accordingly continue your efforts to that end.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Hicks to Mr. Foster.

No. 421.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 2, 1892. (Received September 29.)

SIR: Referring to Mr. Neill's No. 407, of July 27, 1892, and my Nos. 355, of April 1, and 357, of April 8, 1892, I have to say that in view of the action of the representatives of England, France, Germany, Spain, and Italy, in jointly urging upon the Peruvian Government the necessity of paying the just claims of citizens of those Governments, I deemed it best once more to call the attention of the Government to the claims known as that of the Hydrographic Commission.

Accordingly, on this date I forwarded to the minister of foreign affairs a note on the subject, and I inclose herewith a copy of the same.

In expressing the hope that something may come of it I can not refrain also from saying that I have but little confidence that it will be immediately paid. The Peruvian Government is not paying any of its creditors, as I have heretofore explained.

Your, etc.,

JOHN HICKS.

Mr. Hicks to Mr. Foster.

No. 425.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 16, 1892. (Received October 22.)

SIR: Referring to my No. 421, of September 2, inclosing a copy of my note to the foreign office, in regard to the claim of the Hydrographic Commission, I now inclose herewith a copy of the reply of the minister of foreign affairs. I am satisfied that the Government will give to this claim equal attention with those of the European countries alluded to.

Should the Congress act promptly in the matter, the claim will at least be advanced toward ultimate payment. I will see that it has attention at every step and, if it is possible, to have it settled.

I have, etc.,

JOHN HICKS.

[Inclosure in No. 425.]

*Señor Larrabrue to Mr. Hicks.*FOREIGN OFFICE,
Lima, September 10, 1892.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's esteemed note, 101, of the 2d instant, in which the attention of this department is urged on behalf of the claim of the Hydrographic Commission of the Amazon.

As your excellency knows, these claims, which the Government considers just, will have to be submitted to Congress.

In reply, I am pleased to state to your excellency on the arrival of the time for the presentation of the said list of mentioned claims, this department will take care to include in the same the claim you mentioned in your referred note of the 2d instant.

E. LARRABRUE Y UNANNE.

Mr. Wharton to Mr. Hicks.

No. 235.]

DEPARTMENT OF STATE,
Washington, October 27, 1892.

SIR: I have been gratified to receive your No. 425 of the 16th ultimo, informing me that you are advised by the Peruvian foreign office that the claim of the Hydrographic Commission of the Amazon will be presented to Congress.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Uhl to Mr. McKenzie.

No. 115.]

DEPARTMENT OF STATE,

Washington, June 7, 1895.

SIR: Referring to Mr. Hicks's No. 425, of September 16, 1892, and previous correspondence in regard to the claim of the Hydrographic Commission of the Amazon against Peru, the justice of which has been acknowledged by the Peruvian Government, I inclose a copy of a letter* from Mr. William Shands, executor of one of the claimants, urging that the claim may be pressed to a conclusion.

You will ascertain whether there is any prospect of obtaining its payment.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. McKenzie to Mr. Olney.

No. 223.]

UNITED STATES LEGATION,

Lima, Peru, July 15, 1895. (Received August 31.)

SIR: Referring to Department's No. 115, of June 7, 1895, inclosing a letter of Mr. William Shand's, etc., in relation to the claim of the Hydrographic Commission of the Amazon against Peru, etc., I have the honor to notify you that I have this day sent the inclosed communication to the Peruvian foreign office, and will do what I can to secure the payment of this just and long-deferred claim.

I have, etc.,

J. A. MCKENZIE.

[Inclosure in No. 223.]

Mr. McKenzie to Senor Candamo.

UNITED STATES LEGATION,

Lima, Peru, July 15, 1895.

MR. MINISTER: I am directed by my Government to call your excellency's attention to the fact that the long-pending claim of the Hydrographic Commission of the Amazon against Peru, the justice of which has been acknowledged by the Peruvian Government, still remains unpaid, and to urge your excellency to make presentation of the subject before the Peruvian Congress soon to assemble, and urge that body to make provision for its early payment.

This is no ordinary case. It is an absolutely just claim, and its justice has been conceded by your excellency's Government. It is a debt due on contract to American citizens, who imperiled their lives in the hazardous work of surveying the Amazonian regions of Peru.

The amount of this claim, as appears by a letter of Dr. Manuel Yrigoyen, your excellency's predecessor, to the American minister to Peru, Mr. Gibbs, of date January 17, 1879, was \$11,447.63 gold, which, at 6 per cent interest for 17 years, amounts to \$23,124.08 American gold.

I indulge the hope that your excellency will take such steps that there be brought about a prompt and final settlement of this long-standing and very meritorious claim.

I have, etc.,

J. A. MCKENZIE.

Mr. Neill to Mr. Olney.

No. 237.]

UNITED STATES LEGATION,

Lima, Peru, August 29, 1895. (Received September 24.)

Sir: Referring to the claim of the Hydrographic Commission of the Amazon, I have the honor to report that as the ordinary session of

* Not printed.

Congress opens to-morrow, I have this day placed a note in the hands of his excellency Señor Manuel Candamo, minister for foreign relations of Peru, regarding this long-pending claim of citizens of the United States upon the Peruvian Government, and respectfully asking his excellency to have the claim presented to this Congress for its early consideration, as per my inclosed note.

I have, etc.,

RICHARD R. NEILL.

[Inclosure in No. 237.]

Mr. Neill to Señor Candamo.

No. 56.]

UNITED STATES LEGATION,
Lima, August 29, 1895.

MR. MINISTER: I would again respectfully call the attention of your excellency to the many notes from this legation regarding the payment of the long-pending claim of citizens of the United States upon the Government of Peru known as the Hydrographic Commission of the Amazon, and in view of the opening to-morrow (the 30th instant) of the ordinary session of Congress, I would respectfully ask if your excellency will have the claim presented to this Congress for its early consideration.

I avail myself, etc.,

RICHARD R. NEILL.

Mr. Neill to Mr. Olney.

No. 243.]

UNITED STATES LEGATION,
Lima, Peru, September 13, 1895. (Received October 4.)

SIR: Referring to the claim known as the Hydrographic Commission of the Amazon, I have the honor to report I called the attention of the new Government here to this long-pending case, as per copy of note inclosed.

I respectfully asked the new minister for foreign relations, Dr. Porras, to be so kind as to present this case to the consideration of the Peruvian Congress, now in session, that it might receive its early attention.

I have, etc.,

RICHARD R. NEILL.

[Inclosure in No. 243.]

Mr. Neill to Mr. Porras.

No. 59.]

UNITED STATES LEGATION,
Lima, September 13, 1895.

MR. MINISTER: I beg to again call the attention of your excellency's Government most respectfully to the many notes from this legation regarding the claim of American citizens against Peru known as the Hydrographic Commission of the Amazon, and the unusual delay in its settlement.

I express the hope, Mr. Minister, that you will be so kind as to present this claim to the consideration of the present Congress, that it may receive its early attention.

I avail myself, etc.,

RICHARD R. NEILL.

Mr. Olney to Mr. Neill.

No. 131.]

DEPARTMENT OF STATE,
Washington, September 26, 1895.

SIR: I have received your No. 237, of August 29, 1895, inclosing copy of your note to the Peruvian foreign office urging that the claim of the

Hydrographic Commission of the Amazon should be brought before the Peruvian Congress at its present session.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. McKenzie.

No. 146.]

DEPARTMENT OF STATE,
Washington, December 31, 1895.

SIR: Referring to Mr. Neill's No. 243, of September 13 last, in regard to the claim of the Hydrographic Commission of the Amazon, I have to inquire whether the Government of Peru has taken any action in regard to this claim, the justice of which has been so often admitted.

I am, etc.,

RICHARD OLNEY.

RUSSIA.

REFUSAL OF RUSSIAN CONSULAR OFFICERS TO VISÉ UNITED STATES PASSPORTS IN FAVOR OF JEWS.

Mr. Gresham to Mr. Breckinridge.

No. 46.]

DEPARTMENT OF STATE,
Washington, April 15, 1895.

SIR: Your attention is called to the Department's No. 60, of February 28, 1893, to your predecessor, Mr. White, and to his reply of April 11, 1893, No. 81 (see Foreign Relations, 1893).

The subject thereof, viz, the refusal of the Russian consul-general at New York, under instructions from his Government, to visé passports issued by this Department to persons of the Jewish faith, has again come up for consideration.

You are desired, unless good reason to the contrary occurs to you, to present to the Russian Government the views of this Government as contained in the dispatch of February 28, 1893, above referred to.

I am, etc.,

W. Q. GRESHAM.

Mr. Breckinridge to Mr. Gresham.

No. 71.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 17, 1895. (Received June 1.)

SIR: I have to acknowledge the receipt of your No. 46, of April 15, relating to the refusal of the Russian consul at New York, under instructions from his Government, to visé passports issued by the Department to persons of Jewish faith, and instructing me, unless good reasons to the contrary should occur to me, to present to the Russian Government the views of our Government as contained in the Department's No. 60, of February 28, 1893.

After consulting the dispatch above referred to, and the references it contained, and carefully considering the matter, I concluded to address a note to Prince Lobanow upon the subject, copy of which, of this date, is herewith inclosed.

The records of this legation have not disclosed, after a careful search, the reply of the Russian Government to the position taken by our Government in the dispatch referred to. From long absence, however, of further complaint, I presume the objectionable practice was discontinued. Its resumption or continuation after the most earnest representations of our Government, and knowing how obnoxious such an extraterritorial step, especially concerning religious liberty, must be to the United States, seemed to make it impolitic and unjust to be silent, and useless to speak in any terms but the plainest, though of course in a spirit of courtesy and kindness, which conclusion and course I respectfully submit.

In this connection I may add that soon after writing this note to Prince Lobanow, I was handed by our consul-general two applications from Mr. Armand de Potter, a tourist agent, of New York, to secure the visé of the passports of Hebrew families.

These I simply transmitted, calling attention to my previous note.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure in No. 71.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, May 5/17, 1895.

YOUR EXCELLENCY: I am directed by my Government to bring to the attention of the Imperial Government the refusal of the Russian consul of New York to visé passports issued by the United States to its citizens if they are of the Jewish faith.

As your excellency is aware it has long been a matter of deep regret and concern to the United States that any of its citizens should be discriminated against for religious reasons while peacefully sojourning in this country, or that any such restraint should be imposed upon their coming and going. Painful as this policy toward a class of our citizens is to my Government, repugnant to our constitutional duty to afford them in every possible way equal protection and privileges and to our sense of their treaty rights, yet it is even more repugnant to our laws and the national sense for a foreign official, located within the jurisdiction of the United States, to there apply a religious test to any of our citizens to the impairment of his rights as an American citizen or in derogation of the certificate of our Government to the fact of such citizenship.

It is not constitutionally within the power of the United States 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 no law or principle is more warmly cherished by the American people. It is therefore impossible for my Government to acquiesce in any manner in the application of such a test within its jurisdiction by the agents of a foreign power.

When this matter was the subject of correspondence between my Government and the Imperial representative at Washington, as shown by Prince Cantacuzène's note of February 20/8, 1893, such action by the Russian consul at New York was shown to be "according to the instructions of his Government."

I can sincerely assure you that the continuation of this practice is as embarrassing as it is painful to my Government, especially when it is on the part of a nation for whose Government and people such intimate friendship has so long been manifested by the United States. I am happy that in this spirit I can frankly submit the matter to your excellency with the sincere hope that assurance can be given that such practices will be henceforth interdicted on the part of Russian officials located within the jurisdiction of the United States.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Uhl to Mr. Peirce.

No. 69.]

DEPARTMENT OF STATE,
Washington, June 3, 1895.

SIR: I have received Mr. Breckinridge's No. 71, of the 17th ultimo, inclosing copy of his note to the Russian foreign office in regard to the refusal of the Russian consul-general at New York to visé passports for American citizens of Jewish faith.

His note is approved.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Peirce to Mr. Uhl.

No. 91.]

LEGATION OF THE UNITED STATES,
St. Petersburg, June 13, 1895. (Received June 27.)

SIR: Referring to your No. 46, of April 26, and to Mr. Breckinridge's reply thereto, No. 71, of May 17, in which he inclosed a copy of his note to Prince Lobanow on the subject of the refusal of the Russian consul at New York to visé the passports of Israelites, I have the honor to say that in a recent conversation which I have had with the Prince, the subject being referred to, I took occasion to call his excellency's attention to the importance of the Hebrews as a class in the United States, referring to their numbers, condition, and influence in the community as potential factors in a country governed, as is ours, by the will of the people. Prince Lobanow expressed himself as impressed with its importance, and making a note of the matter said he would consult with the minister of the interior on the subject at an early day.

Since then I have had occasion to call several times upon Baron Osten-Sacken, to whom all questions in the foreign office relating to Israelites have been intrusted. In the course of inquiries as to whether the two gentlemen of Hebrew faith referred to in Mr. Breckinridge's dispatch above mentioned would be permitted to enter Russia, the matter of the visé of passports has come up, and Baron Osten-Sacken has informed me that he received Mr. Breckinridge's note from Prince Lobanow, accompanied by a memorandum calling special attention to the subject. Regarding the entry of Jews into Russia, Baron Osten-Sacken states the position of Russia to be, that she looks upon their presence in the Empire as prejudicial to the Russian people. That certain numbers of them being here she must take care of them, and that this she proposes to do in her own way and according to her own views as to the best interests of all Russian subjects. That viewing the Jewish question as she does, as one of race and not of religion, but in which the two questions are inseparable, so far as her purposes are concerned, she refuses to permit foreign Jews of any nationality to enter her borders and swell the number already here. For this reason the Government has instructed all Russian consuls in all countries to refuse to visé the passports of foreign Jews. On the other hand, and speaking of his own opinion, as the real purpose of the laws forbidding the entry of foreign Jews into Russia is to prevent their settlement here and their engaging in trade within Russian territory, and not to prevent the entrance of tourists, temporary sojourners, or Jews whose purpose in coming is not of an objectionable nature to the Government, Baron Osten-Sacken said that, in his opinion, there should be a change in the present practice regarding the admission of foreign Jews.

I expressed the hope that the Imperial Government would find it compatible with its policy to admit American citizens into Russia, without inquiry as to their religious opinions or race, upon presentation of their passports. That with us the Hebrews had proved themselves to be good and law-abiding citizens, who prospered without preying upon others, but that whatever might be the opinion of the Imperial Government on this question, the interpretation and application of the Federal laws discourage citizens of the United States, of all creeds, taking up permanent residence in a foreign country and continuing to claim the protection of our Government as such citizens; that such citizenship involves certain obligations which require a residence in our country, and that therefore it is unlikely that Hebrews bearing American passports would become permanently settled in Russia. This Baron Osten-Sacken admitted was a forcible argument, and he expressed himself as hopeful that it would be possible to bring about a satisfactory revision of Russian practice as regards the admission of American Jews into the Empire.

At the same time, he said that were an answer to Mr. Breckinridge's note demanded the reply could not be favorable. That the laws of Russia are framed with regard to her own views of her own good. I took occasion to point out to the Baron that the purport of Mr. Breckinridge's note was to protest against the extraterritorial act of an agent of a foreign Government, upon our soil, applying a religious test to citizens of the United States, an act not constitutionally within the power of any officer of our own Government to perform, and not to criticise the Russian laws.

Under these circumstances, presenting a hopeful prospect of securing a more satisfactory condition of affairs in this vexed question, and as pressing for the principle seemed to endanger complications, I felt that the discretionary clause in your No. 46 should deter me from taking the responsibility of insisting on a reply to the note in question at the present juncture. I therefore requested Baron Osten-Sacken to hold the note in abeyance for the present. To this he assented, and agreed to hold it as a memorandum of the case.

I have, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

Mr. Adee to Mr. Peirce.

No. 92.]

DEPARTMENT OF STATE,
Washington, July 5, 1895.

SIR: I have received your No. 91, of the 13th ultimo, reporting your interviews at the Russian foreign office in the matter of the refusal of Russian consular officers in the United States to visé the passports issued by this Government to its citizens of Jewish faith.

Your conclusion that it is inexpedient to press the complaint to a formal answer at present appears to be discreet, but the Department must express its deep regret that you have encountered in the foreign office a reluctance to consider the matter in the light in which this Government has presented it. The Russian Government can not expect that its course in asserting inquisitorial authority in the United States over citizens of the United States as to their religious or civil status can ever be acceptable or even tolerable to such a Government as ours,

and continuance in such a course after our views have been clearly but considerably made known may trench upon the just limits of consideration.

I must, however, caution you against any suggestion of retaliatory or resentful action on our part. A due sense of national dignity constrains this Government to avoid all appearance of a minatory policy in its dealings with other powers. In this matter, especially, it is to be borne in mind that each Government is the judge, for itself, of the extent to which foreign consuls may be permitted to act under their own laws within its territories, and that such permission is determined by the corresponding exequatur.

The United States conspicuously illustrate their convictions on this subject in respect to their own consuls. The customs laws of the United States require the administration of a consular oath to exporters presenting manifests of goods for certification; but upon the representation of certain European Governments, among them Great Britain and Germany, that the administration of such oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof, our consuls have been enjoined to refrain from the act complained of in all cases affecting a subject of a sovereign of the country where they reside. It might, however, have been deemed entirely competent for the Governments of Great Britain and Germany to insert in the consular exequatur an express inhibition of the obnoxious act.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Ades to Mr. Breckinridge.

No. 97.]

DEPARTMENT OF STATE,
Washington, July 19, 1895.

SIR: Referring to Department's No. 46, of April 15 last, and No. 92, of the 5th instant, in regard to the refusal of Russian consular officers in the United States to visé the passports of American citizens of Jewish faith, I send you copy of a letter addressed by the Russian consul-general in New York to a citizen of the United States who had presented a Department passport. It illustrates the inquisitorial function assumed in regard to the religious faith of our citizens by Russian agents within our domestic jurisdiction.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure in No. 97.]

Mr. Waix to Mr. Olney.

BOSTON, July 15, 1895.

As I am a citizen of the United States of America and would like to go for a short while on some business to Russia, and as I have sent my passport, signed by your honor the 18th of last June, No. 654, to the consul-general of Russia, A. E. Olarowsky, in New York to visé it, and as you will please see from the answers of the consul, certified copies inclosed, he refused to visé it (my passport) on account that I am a Jew

by religion, therefore I have the honor to ask you to advise me how shall I do, as without the visé of the consul they won't let me pass the frontier of Russia.

Your obedient servant,

MAIOR WAIX.

[Subinclosure 1.]

Mr. Peterson to Mr. Waix.

IMPERIAL RUSSIAN CONSULATE-GENERAL,
New York, June 27, 1895.

DEAR SIR: In reply to your letter of June 26, inclosing passport and \$1.20, I would inform you that before your passport can be viséed you must inform me where you were born and what your religion is—if Christain or Jew.

I shall retain your passport and fee until receipt of your answer.

Respectfully,

C. G. PETERSON, *Vice-Consul.*
(For the Consul-General.)

[Subinclosure 2.]

Mr. Olarowsky to Mr. Waix.

IMPERIAL RUSSIAN CONSULATE-GENERAL,
New York, July 1, 1895.

DEAR SIR: I have the honor to acknowledge receipt of your letter of 28th ultimo, and desire to inform you that I can not visé your passport. You must get permission from the ministry of the interior at St. Petersburg to visit Russia before I can visé your passport.

Herewith passport and postal note.

Respectfully,

A. E. OLAROWSKY,
Consul-General.

[Subinclosure 3.]

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

BOSTON, July 15, 1895.

Personally appeared Maior Waix, within named, and made oath that the two within letters, dated June 27 and July 1, 1895, respectively, are both true copies of the originals, and I certify that said originals were duly exhibited to me, and that within copies are true copies of the same.

Before me.

WILLIAM W. TOWLE,
Justice of the Peace.

Mr. Breckinridge to Mr. Olney.

No. 116.]

LEGATION OF THE UNITED STATES,
St. Petersburg, July 24, 1895. (Received Aug. 13.)

SIR: Referring to Mr. Peirce's No. 91, of June 13, 1895, relating to the distinction made by the Russian consul at New York against Hebrew citizens of the United States, in viséing passports issued by our Government, I now have to submit the case to you for further instructions.

In this connection I inclose herewith copy and translation of Prince Lobanow's note of July 8 in reply to my note of May 17, presenting the matter to the Russian Government. Copy of my first note was sent to the Department with the legation's No. 71, of May 17.

In the present inclosure referred to, Prince Lobanow states the case from the Russian standpoint quite fully and with great kindness and

moderation of spirit; and he expresses the hope that his explanation will prove satisfactory to the United States.

I inclose also copy of my reply to the above note. In my reply I express no opinion, of course, as to the sufficiency of Prince Lobanow's response, but confine myself to a statement of the case as it appears to me to be presented at the present time, state that I submit the matter to my Government, reciprocate the kind sentiments expressed, and ask for a copy of the law and regulations requiring consuls to make this distinction, in order that I may forward them also in connection with the case. This request was prompted by the fact that while Prince Lobanow makes the interesting declaration that the Russian practice is not because of religious faith, yet he does not say what else it is. I will transmit these papers as soon as they can be obtained.

In addition to the foregoing correspondence, I have conferred quite fully with both Prince Lobanow and Baron Osten-Sacken, the latter having special charge of Hebrew matters. These conferences further revealed the difficulty that even the most enlightened Russians have in realizing the nature of our institutions and in separating a question of extraterritoriality from questions internal to themselves. I am happy to say, however, that both of these gentlemen discussed the matter in a spirit of the utmost good will and consideration for the United States, and I am sure that they fully reciprocate our desire to settle this matter in a way alike honorable and considerate to both countries.

In discussing the relative gravity and importance of the issue, Baron Osten-Sacken asked me to give him the language of our organic law in regard to religious liberty. I tried to make our position in this regard plain to him in my note of June 25, copy of which is inclosed. It may not be improper to add that of course this does not pretend to represent any language or instruction from the Department upon this point, but it is simply a statement of my own belief as expressed in the scope of conversational discussion. Baron Osten-Sacken laid some stress upon the customary latitude which he claims is granted to consuls by other nations in viséing passports, saying that even Great Britain does not object to the practice of which we complain. I replied that I had no information upon that point, and consequently could say nothing about it; that doubtless, if he was correct, there was some sufficient reason for it in the institutions of Great Britain, but that with us the case was certainly different; that our course would be the same with any nation, and that in such a matter I did not see how we could accept the practice of other powers as a guide for ourselves.

At this point I will remark that Mr. Adce's No. 92, of July 3, relating to the subject of this dispatch, the receipt of which I now acknowledge, alluded to the limitations upon consuls, and instanced our receding from certain requirements upon the objection of the British Government that "the administration of an oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof."

As this dispatch was received, however, after the receipt of Prince Lobanow's present note, I have not used this interesting point, the stage having been reached for submitting the whole business to the Department, to be passed upon in the connection in which that argument would apply.

The first and chief difficulty so far experienced has been to get the Russian Government to consider this question separately and simply as it is presented by the United States, apart from any collateral question.

As the record shows, former discussion has largely involved the

general Jewish question, particularly as presented by the internal policy of Russia. So long as an ulterior purpose of this character is in any degree suspected, the Russian Government will consider that to be the real issue it has to meet, and it will politely but consistently refuse to amend its ways.

The next difficulty has been to secure a due apprehension of the real nature and importance of the matter, even after it has been separately considered. It is quite difficult for Russians to consider it as more than an administrative regulation pitted against their regulations, changeable at the will of some high official, and meant only to serve purposes of convenience.

I have politely but consistently refused to enter into any discussion in this connection except upon the precise proposition submitted by the Department, and I have iterated and reiterated that proposition, to the exclusion of all others, as clearly and as pointedly as I could.

In case Prince Lobanow's statement is not deemed a sufficient answer to the demands of the United States, I think a reply to that effect will find the Russian Government ready, in good faith, to seek some other adjustment. This may be an instruction to their consuls in the United States to visé all passports issued by the Department, or it may be a proposition to instruct them to visé none. I have discussed both of these propositions with Baron Osten-Sacken, urging the safety to Russia, in dealing with our class of Hebrews, of the former course, and expressing the hope that the latter proposal would not be deemed necessary.

In the foregoing I have tried to put you in possession of every phase of this matter as it now stands, and I respectfully request your further instruction at your convenience.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 116.]

Mr. Breckinridge to Baron Osten-Sacken.

LEGATION OF THE UNITED STATES,
St. Petersburg, June 25, 1895.

YOUR EXCELLENCY: Referring to our recent conversation upon the subject of the exercise of consular or foreign jurisdiction within the limits of the United States upon matters respecting a religious establishment or belief, I now comply with your request for a statement of the language of our Constitution with reference to the power of the United States Government itself to there exercise such jurisdiction.

I will just call your attention to the peculiar character of our constitutional requirements.

The States existed separately and independently before the General Government existed. They created the General Government. It is true that many new States have been admitted into the Union since the original States created the Government, but this has been out of territory originally ceded to the General Government by the States—land which, at that time, lay beyond the settled zone—or out of land since acquired by the General Government by purchase or conquest, and in a way originally provided for.

So when the States created the General Government they "granted" and "delegated" certain powers to it, as enumerated in the Constitution, and they retained all the other powers themselves. Our Govern-

ment has very great powers. It is supreme within the limits of those powers; but the point is, that it can lawfully do nothing unless the power to do so has been granted to it.

It is a very serious matter to us, then, when our Government is desired to conform to a policy, if the power to do so has not been "delegated" to it. It can not assume the power, or get it in any way except by a change of the Constitution, granting the Government that power.

The very great difficulty of effecting a change in the Constitution will be readily seen when it is stated that it takes two-thirds of both branches of Congress, or two-thirds of the States, to propose an amendment; and after it is proposed, it requires a majority vote in three-fourths of the States to adopt it. Such is the difficulty that no changes have been made except at two periods of our history. The first was the period just after the formation of our Government, ending in 1804. Then there was no change until 1865, at the close of the civil war, when certain changes were made as the result of that great war.

Although Article IX of the amendments of 1790 says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and Article X of the same group of amendments says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people," yet in the face of all this, although Congress had not been granted any power in regard to religious matters, so great was the fear of the States and the people that Congress might upon some pretext attempt such legislation that the first of all the amendments, Article I, says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Thus, you see, my Government is prohibited in the most positive manner possible by the very law of its existence from even attempting to put any form of limitation upon any of its citizens by reason of his religious belief. How, then, can we permit this to be done by others? To say that they can thereby be discriminated against by foreign governments, and are only safeguarded against their own, would be a remarkable position for us to occupy.

Fortunately we approach this matter in that spirit of friendship and reciprocal consideration and respect which has always marked the intercourse of our countries, and I am happy to say that it grows with time. I need not say that it will afford me the greatest pleasure to respond to any further requests with which I may be honored; and I do not doubt for a moment that upon full consideration an adjustment will be found alike consistent, honorable, and fully satisfactory to both of our Governments.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 2 in No. 116.—Translation.]

Prince Lobanow to Mr. Breckinridge.

ST. PETERSBURG, *June 26/July 8, 1895.*

MR. MINISTER: I have not failed to devote the most serious attention to the contents of the note which you have had the goodness to address to me, under date of May 5/17 last, on the subject of the difficulties which the visé of passports, by the Russian consulate-general at New York, of people of Jewish faith under American jurisdiction encounters.

You are good enough to express the opinion that the refusal interposed by the Russian consular authority to the request for a visé, is contrary to the American Constitution, which does not allow that a citizen of the United States should be deprived of his rights by reason of the faith he professes. I desire first and foremost to make this distinction, that the refusal to visé, which has been given in certain cases by our consular authorities, is in no wise founded on objections properly religious. Indeed, if it was at all the fact of belonging to the Jewish religion which was an obstacle for certain foreigners to be admitted into Russia, the law would extend this interdiction to all the members of that religion.

Now, on the contrary, it recognizes formally the right of whole categories of Israelites to enter Russia, and the selection which it has made of these very categories proves that it has been guided in this question solely by considerations of an internal administrative character, which has nothing in common with a religious point of view.

It is not necessary to say to you, Mr. Minister, that the broadest spirit of toleration for all cults forms the very basis of Russian laws; the Jewish religion is no more prohibited in Russia than in the United States; it is even legally recognized here and enjoys here certain privileges.

But when, for motives of internal order, Russian law raises obstacles to the entrance of certain categories of foreigners upon our territory, the Russian consuls, who can neither be ignorant of nor overlook the law, are in the necessity of refusing the visé to persons who they know belong in these categories.

I will add even that in forewarning on the spot the persons who address themselves to them to obtain visés, they save them difficulties and dangers which they would encounter later if they had not been advised.

It is a question, moreover, of a general legislative measure, which applies to certain categories of Israelites of all countries whatsoever.

As to the American Constitution, I must confess that it seems to me to be here beside the question. The article of the Constitution which you are good enough to mention, and which prescribes that no religion is prohibited in the United States, is, by the very nature of things, placed outside of all prejudice by the consular authority. He has neither to prohibit nor authorize the exercise in America of any cult; and the fact of his visé being accorded or refused does not encroach upon the article in question. The refusal of the visé is not at all an attack upon any established religion; it is the consequence of a foreign law of an administrative character, which only has its effect outside of the territory of the Union.

I enjoy the hope, Mr. Minister, that the preceding considerations will be accepted by your Government in the spirit which inspires them, and that the just respect which is held in the United States for the precepts of the laws will make it understood that the Russian consular authorities have acted in this matter as they have from necessity. The frank and complete exposition which I have the honor to make of our point of view in this question appears to me to accord the better with the relations of close friendship which exist between the two Governments and the two countries—relations to which in your note, Mr. Minister, you pay a respect so merited, and to which we also, for our part, attach the highest value.

Receive, Mr. Minister, etc.,

LOBANOW.

[Inclosure 3 in No. 116.]

*Mr. Breckinridge to Prince Lobanow.*LEGATION OF THE UNITED STATES,
St. Petersburg, July 8/20, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of June 26/July 8 in regard to the distinction made by the Russian consul at New York, in viséing passports, against Hebrew citizens of the United States.

As your excellency is aware, this practice of making such distinctions within the jurisdiction of the United States has long been considered by my Government as an exercise of authority within our country in plain violation of our institutions and laws, and that as such it has been the subject of respectful but most earnest protests.

The basis of this distinction has always been considered by my Government to be the religious faith of this class of our citizens, and in this form it has been presented and considered.

In your excellency's present note you state that this distinction is in no wise founded on objections of a religious character; that certain classes of Jews are permitted to enter the Empire; that it is for purposes of internal order that Russian law places obstacles to the entrance of certain categories of foreigners; that Russian consuls can not overlook the law; that its administration upon the spot saves the applicant greater difficulties at a subsequent period; that the question is one of general legislation, applicable to certain categories of Israelites of all countries; that the article of our Constitution relating to religious liberty does not seem to apply to the case; that the Russian consul does not authorize or prohibit the exercise of any religion in America; and that the refusal of a visé does not militate against any established religion, it being the consequence of a foreign law of an administrative character, which has no effect except outside of the territory of the Union.

Your excellency further has the goodness to express the hope that the considerations stated will be acceptable to my Government, citing the foregoing as a full statement of the point of view of the Imperial Government, and accompanying the whole with friendly sentiments, thoroughly reciprocal of our own, and which I beg to assure you is the spirit in which my Government sincerely desires to consider these and all differences with the Imperial Government.

I have thus attempted to recite particularly and accurately the points in your excellency's note, for in this difference, so radical, springing from institutions so different, and embarrassed somewhat by differences of speech, I have realized the obstacles to a complete mutual understanding of the issue.

I transmit your excellency's note to my Government.

In this note, therefore, I do not attempt to reply to your note as a response to the position and protests of my Government; but I have confined myself to a statement of the case as it presents itself to me at this time, that any obscurities, if they exist, may be cleared away; and I wish further to respectfully call attention to a seeming misconception of my note of June 13/25, which followed my note of May 5/17, submitting this case.

This latter note was written in compliance with a request, which I had the honor to receive from Baron Osten-Sacken to state and explain the language of our organic (constitutional) law upon the subject of legis-

lation by the United States affecting the free exercise of religious belief.

Our Constitution does not say that Congress shall not make a law simply "prohibiting" or "authorizing" a religious exercise or belief, as your excellency seems to understand.

It says that "Congress shall make no law respecting an establishment of religion, nor prohibiting the free exercise thereof." Certainly if a law deprives any people or person of a certain faith, because of that faith, of all or of any part of the rights, privileges, and immunities enjoyed by any other citizen or class of citizens, it is made "respecting" that religion, and it militates against "the free exercise thereof" as much so as if the sect had been mentioned in the title of the act and the consequences had been named as pains and penalties for the conscientious belief and observances entertained and practiced.

This is the opinion I tried to make perfectly clear, but your excellency now states that religion is not the basis of the distinction made in our country against certain classes of our citizens.

That the case may be fully submitted to my Government, I will, in conclusion, ask your excellency to kindly have me supplied with a copy of the law and regulations relating to this distinction, for, while the supposed basis is disavowed, the actual basis is not stated.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Adce to Mr. Breckinridge.

No. 107.]

DEPARTMENT OF STATE,

Washington, August 22, 1895.

SIR: I have received your No. 116, of the 24th ultimo, giving the correspondence between yourself and the Russian foreign office on the subject of the viséing by Russian consuls in this country of passports issued to American citizens of Jewish faith. Your presentation of this Government's view of that question meets with the approval of this Department.

Apart from the constitutional objections to the discrimination made by Russian consular officers against American Jews, this Government can never consent that a class embracing many of its most honored and valuable citizens shall within its own territory be subjected to invidious and disparaging distinctions of the character implied in refusing to visé their passports. For, notwithstanding Prince Lobanow's suggestion that his Government's consular regulation upon the subject under consideration does not apply to all Israelites and therefore can not be regarded as a discrimination against them on religious grounds, the fact remains that the interrogatories propounded to applicants for the consular visé relate to religious faith, and upon the response depends the consul's actions.

Viewed in the light of an invidious discrimination tending to discredit and humiliate American Jews in the eyes of their fellow-citizens, it is plain that the action of Russian consular officers does produce its effect within American territory, and not exclusively in Russian jurisdiction.

But the Russian discrimination against American Jews is not confined simply to the matter of viséing passports. This Department was informed a few years since by the Russian minister here that Russian

consuls in this country would refuse authentication to legal documents for use in Russia when Jews are ascertained to be interested. This is not merely an unjust and invidious discrimination against Jews, but would seem to be plainly a violation of the spirit of Article X of the treaty of 1832 between this country and Russia in respect of the property rights of American citizens in that country.

Since you have received my instruction No. 92 of July 5, you may incorporate the substance of that, together with the views herein expressed, in your next note to the Russian Government upon this subject. The text of the Russian law, of which you have very properly requested a copy, is awaited with interest here, but it is not deemed probable that the question, viewed in the light in which I have just considered it, will be affected by any municipal legislation of the Empire.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Breckinridge to Mr. Olney.

No. 133.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 28, 1895. (Received Sept. 19.)

SIR: Referring to my No. 116, of July 24, in regard to the refusal of the Russian consul at New York to visé the passports of American citizens of Jewish descent, I now have to inclose copy and translation of a note dated August 12/24, from Prince Lobanow, in response to my request for a copy of the laws and regulations bearing upon the administration of foreign Jews.

I also inclose copy and translation of the laws in question.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 133.—Translation.]

Prince Lobanow to Mr. Breckinridge.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF INTERNAL RELATIONS,
St. Petersburg, August 12/21, 1895.

MR. MINISTER: Answering the request which you have had the goodness to express in your note of July 8/20 last, I have the honor to transmit to you herewith a translation, made from the most recent authentic texts, of the Russian laws governing the conditions of entrance and establishment of foreign Israelites upon the territory of the Empire.

Since you have had the goodness to refer to it, and in conformity with what I have had the honor to explain to you in my preceding note, the Russian law places certain restrictions on the entrance of Israelites in question on our territory; but these restrictions are far from implying an absolute interdiction, and they have their source in considerations of a kind essentially administrative and economic.

The Imperial Government, having already many millions of Jewish subjects, only admits their congeners of foreign allegiance when they seem to present a guaranty that they will not be a charge and a parasitic element in the State, but will be able, on the contrary, to be useful to the internal development of the country. It is because he had it

in view to protect himself from an influx of a proletariat of this nature that the Russian legislator has established clearly the categories of Israelites of whom the entrance on our territory can be admitted.

Receive, Mr. Minister, etc.,

LOBANOW.

[Inclosure 2 in No. 133.—Translation.]

Provisions of the Russian law relative to the entry of foreign Israelites and their establishment on the territory of the Empire, as also their admission to Russian subjection.

I. Foreign Israelites, and especially those who are agents of important foreign commercial houses, are permitted to visit the manufacturing and commercial localities of Russia, known as such, and to reside there a certain length of time according to the circumstances of the case. It is the province of the ministry of the interior to authorize the requests presented to this end by the Israelites in question. But in the case of a banker or chief of a commercial house¹ of known importance, the legations and consulates may, even without previous authorization from the ministry of the interior, issue and visé passports for them to enter Russia, according to the same regulations which apply to all foreigners who come upon Russian territory, but under the condition of informing the ministry of the interior of every passport granted or viséd for an Israelite of that category. (Art. 289, T. XIV of Res. of Laws, Edit. of 1890.)

II. Foreign Israelites are not permitted to establish themselves in Russia, nor to become Russian subjects.

REMARK.—Exception to this rule is made in favor of Israelites native of Central Asia without distinction as to the subjection to which they belong. These Israelites, on presentation by them of a certificate of good conduct in due form, may receive from the ministry of the interior and from the respective governors-general authorization to become Russian subjects, being included in the rolls of the population of the frontier towns of the Province of Orenburg or of Turkestan, under the condition of their entering the merchant guilds, and being admitted to the enjoyment of the rights conferred on Jewish Russian subjects. (Art. 992, T. IX of Res. of Laws, Edit. of 1890.)

III. Among foreign Israelites there are permitted to establish themselves in a permanent manner in the regions where Israelites enjoy the right of permanent establishment, only the following categories:

First. Those whom the Government judge necessary to exercise the functions of rabbi.

Second. Physicians whom the Government can employ in the administration of war and the navy.

Third. Those who come to Russia for the purpose of founding factories and works, except brandy distilleries, and who furnish proof that they provide a capital for that purpose of at least 15,000 rubles. These Israelites on entering Russia must engage in writing to found these establishments within three years. In default of this engagement they will be expelled from the territory of the Empire. If this engagement has been fulfilled they may become Russian subjects on matriculating for this purpose according to law.

Fourth. Operatives whom the Jewish manufacturers bring to work in the factories. They are admitted on presentation, first, of their passports, second, of certificates of Russian legations or consulates containing statements of their condition, of their former occupation, of their trade, of the name of the person who brought them, and of the purpose for which they are destined. These operatives are admitted to live permanently in the regions where Jews have the right to establish themselves permanently, and can take oath for the purpose of being received into

¹ By virtue of an Imperial order dated March 14, 1891, the power of the legations and consulates to grant and visé, without previous authorization of the ministry of the interior, passports for entry into Russia to foreign Israelites of that category (namely, bankers and chiefs of important commercial houses) is extended equally to the visé of passports of brokers, representatives, clerks, and agents of houses of commerce above mentioned, when they are furnished with papers legally authorizing them, granted by the houses, and attesting their capacity. Within the terms of the same decree are recognized as important commercial houses the published and registered firms conforming to the local laws of the jurisdiction of the diplomatic or consular agents.

Russian subjection after not less than five years of sojourn in the factories, after they have received from their patrons and from the local authority a certificate of good habits and industry. (Art. 290, T. XIV of Res. of Laws, Edit. 1890.)

IV. Foreigners are authorized to take out patents for engaging in commerce (certificates of guilds) and trade, and to enjoy all the rights pertaining to the possession of these patents, on the same footing as persons born in the subjection of the Empire.

REMARK.—With regard to Jewish foreign subjects, the following rules are established: It is permitted to foreign Jews coming to Russia, and who are favorably known for their social position and for the extent of their commercial business—and this each time in virtue of a special authorization granted on agreement to that effect between the ministers of finance, of the interior, and of foreign affairs—to engage in commerce in the Empire and to establish in it banking offices, on being furnished with a patent of commerce of the first guild for that purpose. It is permitted equally to these Israelites to establish factories, to acquire and hold or lease real estate, except land inhabited in the country, observing the provisions of the laws relative to civil conditions.

Those Israelites who come into Russia to buy Russian products and export them, may receive equally commercial patents of the first guild, after an agreement has been established to that effect, each time, between the ministers of finance, of the interior, and of foreign affairs. Foreign Israelites, especially those who are agents of important commercial houses, can visit the manufacturing and commercial localities known as such, in Russia, in virtue of the provisions prescribed in the regulation of passports (see above Par. I). (Art. 1001, T. IX of Res. of Laws, Edit. of 1890.)

Mr. Peirce to Mr. Olney.

No. 148.]

LEGATION OF THE UNITED STATES,
St. Petersburg, October 4, 1895. (Received Oct. 19.)

SIR: I have the honor to acknowledge the receipt of Mr. Adeë's No. 107, of August 22, relating to the viséing of passports issued to American citizens of Jewish faith by Russian consuls in the United States.

Upon consultation with the minister, before taking his leave of absence, it was thought that it would be more prudent to await your reply to the legation's No. 133, of August 28, inclosing copy of Prince Lobanow's note of August 24 and of the Russian laws bearing upon the question of admission of Jews into the Empire, before addressing the Imperial Government again upon the subject.

The views expressed both in Mr. Adeë's No. 107, of August 22, and No. 92, of July 5, have been attentively read and will be carefully borne in mind for future action, at an early date, upon this important question.

I have, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

Mr. Uhl to Mr. Peirce.

No. 130.]

DEPARTMENT OF STATE,
Washington, October 23, 1895.

SIR: Your No. 148, of the 4th instant, has been received. You therein state that upon consultation with Minister Breckinridge, before he took his leave of absence, it was thought that it would be more prudent to await the Department's reply to the legation's No. 133, of August 28 last, inclosing a copy of Prince Lobanow's note of August 24 and of the Russian laws bearing upon the question of the admission of Jews into the Empire, before again addressing the Imperial Government pursuant to Mr. Adeë's instruction No. 107, of August 22, upon the subject of the

withholdment of the visés to passports of American citizens of Jewish faith by Russian consuls in the United States.

Mr. Breckinridge's No. 133 has been examined attentively and marked for eventual publication in the printed volumes of diplomatic correspondence. Its inclosure did not directly deal with the question presented in the Department's previous instructions. The prohibition of a visé to the passports of American Jews by Russian consuls in the United States does not distinctly appear therein, although its existence in some form may be inferred from a footnote stating that in virtue of an Imperial order of March 14, 1891, Russian legations and consulates may without the previous authorization of the minister of the interior issue passports and visés to Jews who are bankers and chiefs of important commercial houses; and that this discretion is extended also to visés of passports to commercial travelers, representatives, clerks, and agents of such commercial houses when the bearers are duly certified by the principal thereof and the consul has knowledge of the standing of the house.

This does not touch the essential question to which the Department's previous instructions have invited attention, namely, the assumption by the agents of Russia in the United States of inquisitorial functions touching the religious faith of applicants for passports. If anything, it presents the subject in a still more unfavorable light, for it seems that those Russian agents in a foreign territory may in their discretion inquire into the business standing of the principal of the commercial house employing a Hebrew agent, and act favorably or unfavorably, according to their own judgment of its "importance."

The question is not whether the Russian Government by Imperial order or ministerial regulation has directed its consuls to make such inquiries in respect to the religious faith or business transactions of American citizens, but whether the Imperial Government has any right to make such inquisition in a foreign territory when the effect may be to disregard the Government's certification of the fact of citizenship; or, assuming for the argument's sake, but not by way of admission, that such a right may technically exist, the question remains whether the assumption to exercise it in face of the temperate but earnest remonstrance of this Government against foreign interference with the private concerns of its citizens is in accordance with those courteous principles of comity which this Government is so anxious to observe in all its relations with foreign States, and which it naturally expects from them in return.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Breckinridge to Mr. Olney.

No. 181.]

LEGATION OF THE UNITED STATES,
St. Petersburg, December 6, 1895. (Received Dec. 23.)

SIR: Referring to Mr. Uhl's No. 130, of October 23, regarding the refusal of Russian consuls in the United States to visé the passports of certain American citizens of Jewish descent, and to the proceedings had in connection therewith, I now have to inclose a copy of my note of this date to Prince Lobanow upon the subject.

In the same connection reference should be had to Mr. Adce's No. 107, of August 22, and No. 92, of July 5.

I wish to call attention to certain changes which have taken place, in the form at least, of this controversy as it has progressed.

The first distinct expression upon this particular point in our long and varied controversies with the Russian Government about the rights of our citizens of Hebrew descent, and the expression to which most frequent reference has been made, was Mr. Wharton's dispatch No. 60, of February 28, 1893, to my predecessor, Mr. White. But in that dispatch the issue was largely colored by the religious feature which seemed to give rise to this objectionable policy, as is shown by such expressions as "a religious inquisitorial function," "a religious test," "Jewish faith," etc.

The correspondence has reflected and to quite an extent has been limited by this aspect of the question until the position of the Department was made broader and clearer by the dispatches of Mr. Uhl and Mr. Adce, previously referred to.

I have incorporated the substance of these dispatches in my present note to Prince Lobanow. In my brief reference therein to our treaty rights I have been guided chiefly by Mr. Blaine's dispatch No. 87, of July 29, 1881, to Mr. Foster, in which those rights are fully discussed.

Referring to the inclosed copy of my note to Prince Lobanow, I will only add that while I have sought, of course, to reflect accurately the position and sentiments of the Government, and in an entirely respectful manner, yet I have not deemed it wise or proper, in the exercise of such discretion as may rest with me, to present the case with any less distinctness and vigor than my instructions justify.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure in No. 181.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, December 6, 1895.

YOUR EXCELLENCY: Referring to your note of August 12/24, and also to your former note of June 26/July 8, both relating to the refusal of Russian consuls in the United States to visé the passports of certain classes of American citizens of Jewish descent, and previously acknowledged, I now have the honor to communicate with you further upon the subject.

I did not fail to transmit to my Government the very careful and temperate arguments in which your excellency stated the position of the Imperial Government in this matter, and defended the law under which its officials act.

Your excellency has the goodness to say that the practice is not based upon the religious faith of the persons immediately concerned. I beg to reply that while this may alter the appearance, yet it does not change the nature of the case. The religious feature was merely the strong incident which seemed to give rise to the erection of tribunals within the territory of the United States empowered to accept some and to reject others of the certifications of their Government, and to make inquisition into the faith of their citizens. It is equally obnoxious to the institutions and derogatory to the dignity of the United States that their certifications should thus be discriminated against from any other cause, or that their citizens should be subjected, upon their own

soil, to inquiries relating to their race, wealth, business pursuits, or to any other intrusion upon their rights and into their private and personal affairs.

Painful as it is to my Government that such discriminations should be made by the Imperial officials anywhere against its certifications and against any of its citizens innocent of crime, and violative as this is believed to be of both their natural and treaty rights, yet it is still more objectionable when practiced by foreign tribunals erected within our own jurisdiction, guided by an elaborate system of practice against the United States and their citizens, and clothed with power to act favorably or unfavorably according to their own judgment of the importance of the case. Whatever may be the purpose, this is the effect of such regulations and practices, and it is my duty to say to your excellency that they can not be acquiesced in by the United States.

It seems to my Government that it should not be necessary to go to the length to which it has been compelled to go in order to demonstrate entirely to the satisfaction of the Imperial Government the correctness of its contention in this matter, and to secure the prompt cessation of this practice in the United States, for it is not believed that any Government will seriously contest that every sovereign state is and must be the judge for itself of the extent to which foreign consuls may be permitted to act under their own laws within its territory, and that such permission may be determined by the corresponding exequatur. If there be an exception to this, it must be with respect to countries justly held in much less estimation than does or should obtain between the United States and Russia.

The United States conspicuously illustrate their convictions on this subject in respect to their own consuls. Our customs laws require the administration of a consular oath to exporters presenting manifests of goods for certification; but upon the representation of certain European Governments, among them Great Britain and Germany, that the administration of such an oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof, our consuls were enjoined to refrain from the act complained of in all cases affecting a subject of the sovereign of the country where they reside. Such Governments were fully competent to insert in the consular exequatur an express inhibition of the obnoxious act; but that fact only lends additional legal and moral force to any subsequent protest against acts of this character not foreseen.

I trust that I have been able to make clear to your excellency that my Government never can and never should consent to these practices. They humiliate within its own territory, by invidious and disparaging distinctions, a class embracing many of its most honored and valuable citizens, though in such a cause it would contend with equal zeal for a single, though the humblest, citizen in the land.

I am happy to believe that it is in the justice of this claim and in the persuasive power of a friendly nation that the strength of this contention lies. My Government feels that it has carefully observed in all its earnest but disregarded protests about this matter the principles of comity which it is scrupulous to observe, and it feels that it is entitled to a better return than it has received. It does not desire this difference to trench upon the just limits of consideration.

If I have spoken plainly, it is yet with the greatest respect, and because plain but respectful speech seems to me the best way to remove differences between Governments jealous of their dignity and rights, and yet moved, as I am sure both are, by a sincere desire to do justice

and to both preserve and increase the honorable friendship which has so long subsisted between them. It is in this spirit that I express the hope that this protracted and irritating difference may come to a speedy end.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Olney to Mr. Breckinridge.

No. 156.]

DEPARTMENT OF STATE,
Washington, December 27, 1895.

SIR: I have received your No. 181, of the 6th instant, and have to approve your note to Prince Lobanow of that date, in regard to the visé of American passports.

I am, etc.,

RICHARD OLNEY.

ASYLUM FOR MISSIONARIES ON RUSSIAN TERRITORY.

Mr. Uhl to Mr. Breckinridge.

No. 57.]

DEPARTMENT OF STATE,
Washington, May 16, 1895.

SIR: I inclose a copy of a dispatch from our minister at Peking,¹ stating that the Russian minister at that capital had, under the regulations of his Government, declined to issue a passport or some official paper to certain American missionaries residing at Kalgan, in China, enabling them to take temporary refuge in Russian territory, in case the outbreak of an insurrection in China imperiled their lives.

You may take occasion to inquire whether the Russian regulations against the residence or travel of foreign ecclesiastics or missionaries in Siberia are as strict as Count Cassini interprets them to be, even to the inhospitable degree of denying shelter to citizens of a friendly State whose lives might be imperiled.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Peirce to Mr. Uhl.

No. 89.]

LEGATION OF THE UNITED STATES,
St. Petersburg, June 4, 1895. (Received June 21.)

SIR: I have the honor to acknowledge the receipt of your No. 57, of May 16, 1895, relating to the action of the Russian minister at Peking in the case of certain American missionaries in Kalgan, China, who desired to take refuge in Siberia, fearing an insurrection in China.

As instructed by you, I have addressed a note to the imperial foreign office asking whether the regulations against the residence or travel of foreign ecclesiastics or missionaries in Siberia are as strict as Count Cassini interprets them to be. I inclose herewith a copy of my note.

I have, etc.,

HERBERT H. D. PEIRCE.

¹ See ante, p. 195.

[Inclosure in No. 89.]

*Mr. Peirce to Prince Lobanow.*LEGATION OF THE UNITED STATES,
St. Petersburg, June 4, 1895.

YOUR EXCELLENCY: I am instructed by my Government to call your excellency's attention to the refusal, on March 22, of the Russian minister at Peking, on the request of the United States minister at that capital, either to issue on his own account such an official paper as would enable a small party of American missionaries living at Kalgan, China, consisting of three ladies and three gentlemen, to take temporary refuge in Russian territory for the protection of their lives in the event of an insurrection breaking out in China, or to telegraph to the imperial authorities in St. Petersburg requesting authority to do so.

In his letter to Mr. Denby, the American minister at Peking, His Excellency Count Cassini stated that the rules relating to the matter were very precise, and that it would be useless to telegraph to St. Petersburg on the subject.

I am directed to inquire whether the Russian regulations against the residence or travel of foreign ecclesiastics or missionaries in Siberia are as strict as Count Cassini interprets them to be, even to the degree of denying shelter to the citizens of a friendly State whose lives might be imperiled.

My Government believes that this may be too strict an interpretation of laws governing religious proselyting in Siberia, and that it is not the intention of the Imperial Government to refuse shelter to citizens of a friendly State in time of peril, whose purpose in seeking it is the safety of their lives, and not the dissemination of religious teachings or views, or the interference with the faith of the people among whom they desire temporary asylum.

I avail, etc.,

HERBERT H. D. PEIRCE.

Mr. Breckinridge to Mr. Olney.

No. 127.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 15, 1895. (Received Sept. 3.)

SIR: Referring to Mr. Uhl's No. 57, of May 16, 1895, I now have to report the status of the request that certain American missionaries in China be permitted to take refuge across the Russian frontier in case they found it necessary to do so for the protection of their lives.

The case was first presented to the foreign office by Mr. Peirce's note of June 4, copy of which you have.

Upon my return from leave of absence, feeling that this matter might be one of life and death to some of our missionaries of both sexes, and possibly to children as well, stationed at remote points in China, I called upon Prince Lobanow upon the subject. This was the latter part of June. In this interview I dwelt upon the moral and physical aspects of the case, commenting upon its importance, since it has come to us, even if the danger were over; and I emphasized the fact that it was not for these people as ecclesiastics that admission to Russia was desired, but as men and women in danger of their lives, and that they would be expected, of course, to conform to the laws of the country in which they sought refuge. I also represented to him the preeminent worth and law-abiding character of our missionaries. I did this more

particularly as the Greek Church never sends out missionaries, nor is missionary work, as we understand it, permitted in Russia, and Russians are apt to look upon such people as agitators with political ends in view. Prince Lobanow neither affirmed nor denied that Russian law and practice was as strict as had been represented in regard to ministers of the gospel entering Siberia, but the spirit of his remarks was considerate and gratifying. He promised to give the subject his personal attention, and I expressed the earnest hope that it could be brought to both a favorable and speedy conclusion.

Subsequently I called upon Count Kapuist, who has charge of the Asiatic division of the foreign office. He told me that inquiry had been made, and that I would be informed of the result as soon as a reply was received. He also said that the law in regard to ministers of religious denominations entering Siberia was very strict. I replied that I presumed so from the statements made to Mr. Denby by their representative at Peking, and that it seemed to me the case presented as it stood all that could be necessary in regard to the proposition of making an exception, as they have power to do, to meet the present exigency. I requested the Count, if he felt that he had to await the result of an inquiry, to use the telegraph, both to provide against any danger that might exist and to remove, I hoped, the attitude of our being denied the benefit of friendly shelter for our citizens in peril of their lives. While I left with some hope that Count Kapuist might expedite the intelligence as a matter of accommodation, yet I received no impression that he viewed the matter in any of its aspects as it appeared to me.

Upon the recent renewal of violence in China I addressed Prince Lobanow a note, dated August 8, copy of which is inclosed, calling attention to the fact that I had been prevented from again presenting the matter in person by his inability to receive the diplomatic corps upon his previous reception day, and that I was desirous to know that the note promptly reached him. I requested the kindness and honor of an acknowledgment of its receipt.

I have, etc.

CLIFTON R. BRECKINRIDGE.

[Inclosure in No. 127.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, August 8, 1895.

YOUR EXCELLENCY: Referring to the note of this legation of May 23/August 4, relating to the request of my Government that certain American citizens in China be granted the privilege of asylum upon Russian territory in case they find it necessary to seek refuge from violence at the hands of Chinese fanatics, and referring to my interview with your excellency, and also with Count Kapuist, upon the same subject, I now have the honor to again call attention to this painful matter, so full of peril to men and women of the United States now in greatly exposed positions.

For many months all accounts have corroborated the opinion that a dangerous spirit of hostility to foreigners was growing in China; at the same time the power of the Chinese Government has evidently grown weaker.

Your excellency has been informed already through the official channels of my Government of the declination of the Russian minister at Peking to grant this privilege of asylum on the ground that he had no power to extend it, and of his refusal to telegraph to his Government for that power upon the ground that it would be useless to do so.

Being extremely desirous of doing everything possible to avert what I believed to be a growing peril to my countrymen, and also to see removed as quickly as possible the attitude of my Government being denied the right of friendly asylum for its citizens where deemed necessary to save life, I respectfully and earnestly repeat my request that this matter be given favorable and immediate attention.

If not to your excellency, at least to Count Kapuist, I earnestly requested that telegraphic instructions to the desired effect be sent to the appropriate quarter, and this request I respectfully and earnestly repeat.

I herewith inclose a telegraphic clipping from the London Times, under date of August 3 and 4, giving the most trustworthy public information of rioting and murder of the character sought to be safe guarded against. I inclose also a similar telegram of August 3 from the Paris edition of the New York Herald, and another extract from the same journal of July 31, all showing the fatal and very general spread of this murderous spirit throughout China.

I attempt no comment upon these two facts—that American men and women are being murdered by a lot of fanatics, and others exposed to the same fate are still denied friendly shelter in adjacent territory of the Russian Empire.

I most earnestly request immediate attention to this situation, which, I know, if I have made it plain, will at once commend itself to your appreciation as much as it can possibly do to mine.

As your excellency did not receive on Wednesday last, when it was my purpose to again speak to you upon this subject, and as I do not desire to unnecessarily encroach upon your valuable time, nor to be in doubt about this promptly coming to your attention, I request the kindness and honor of an acknowledgment of its receipt.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

[Telegram.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 23, 1895.

Missionaries can enter Russia.

BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

No. 132.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 24, 1895. (Received Sept. 10.)

SIR: I have to confirm my telegram of August 23, in regard to the admission of American missionaries in China to Russian territory.

Referring to my No. 127, of August 15, upon the same subject, I inclose copy and translation of a note from Mr. Chichkine of August 9/21, received yesterday evening.

I also inclose copy of my reply to Prince Lobanow, of this date, discussing the mode of applying the conditions imposed and referring to the treatment which has been given by his Government to this business.

While the Russian Government does not reply in terms to the inquiry whether their laws deny the right of asylum to our citizens in peril of their lives, as in China, yet it is only too plain that such is the case, and also that it is extremely difficult to get them to effectively exercise their ready power to waive its application in the present emergency.

This matter has occasioned me no little anxiety, both as to the nature of the subject and, especially under the pressure of recent events in China, as to the possible peril to some of our people at remote and exposed points in that country.

I have tried to keep as closely in touch with the Department as the circumstances seemed to permit. The last note from the foreign office has seemed to me to require a reply no less full than the one I have made, though, as stated in my No. 127, I did not expect to communicate with the Russian Government further upon the subject until I received instructions based upon that statement of the case.

I will not lengthen this dispatch by recapitulating the points in my present note to Prince Lobanow; but referring to it and to the other inclosure, I respectfully submit my action in the premises and the present status of the case.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 132.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ASIATIC DEPARTMENT,
MINISTRY OF FOREIGN AFFAIRS,
August 9/21, 1895.

MR. ENVOY: In answer to the two notes which you have had the goodness to address to the ministry of foreign affairs, dated May 23/June 4 and July 27/August 8, I hasten to inform you that the Imperial Government finds no inconvenience in permitting the American missionaries, victims of religious persecution in China, to pass the frontier and to give them asylum on Russian territory. At the same time, the members of American ecclesiastical missions can only resort to Siberia after they have bound themselves in writing to abstain from all religious propaganda and from all interference in religious matters.

I deem it my duty to add that, in conformity with the decision taken by the Imperial Government, our minister at Peking, as well as the competent authorities in Siberia, has been furnished the necessary instructions to this effect.

Please accept, etc.,

CHICHKINE.

[Inclosure 2 in No. 132.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, August 12/21, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of the note of His Excellency Mr. Chichkine of August 9/21, in reply to the notes of this legation of May 23/June 4 and July 27/August 8, informing me that the Imperial Government finds no inconvenience in

permitting American missionaries who may be victims of religious persecution in China to pass the frontier and to give them refuge in Russian territory.

I note the condition attached, that said missionaries can only enter Siberia after they have bound themselves in writing to abstain from all religious propaganda and from all interference in religious matters.

His excellency further has the goodness to state that in conformity with this decision the Russian minister at Peking as well as the competent authorities in Siberia have been furnished with the necessary instructions.

I have not failed to telegraph this gratifying assurance to my Government and to confirm it more fully by mail.

In regard to the condition imposed upon the privilege of asylum in Russian territory, I wish to call your excellency's attention to a feature in its application which may entirely neutralize the benefits intended to be bestowed.

First, however, I wish to emphasize the fact that no privilege upon Russian soil has been requested or desired for these citizens above those extended to any other persons. This legation has sought to make it very plain that the sole purpose is in the interest of humanity to save life, and that our citizens would be expected to obey strictly the laws of the Empire or to suffer the just consequences of not doing so.

To return, then, to the manner in which the proposed condition is to be applied, I note that these citizens are only to be permitted to cross the frontier "after" they have bound themselves in writing, etc.

I believe it is the practice of the Imperial Government to turn back at the frontier all those of whom a condition is required unless they conform to or have complied with that condition, as certified by the proper imperial authority, who may be stationed in the country from which the applicant comes or in some country through which he has passed.

As I have tried heretofore to make clear, the only cases in which the hospitalities of the Empire could be of avail to our citizens in China are those in which they are comparatively near the Russian border, and hence are remote from Peking and the coast, where the minister and consuls are located. Their danger consists chiefly in the remoteness of their location and the suddenness of their peril.

Hence it would seem quite impossible for them now to enter into the required agreement and have it acted upon by his excellency the minister at Peking, the only official beyond the frontier mentioned in the note now under consideration, in time to be of much service to them. This might have been of service when the American minister at Peking first sought to provide them with such a permit; but if in the midst of the present peril they are to communicate with Peking and then wait until they can get a reply, it would seem to be a dangerous delay.

I ask, then, if this emergency can not be met by letting our citizens cross the frontier simply upon condition that they obey the laws after they enter the empire?

It is an immediately operative permit that I have sought to procure.

I trust your excellency will not misconstrue me when I say that the delay which has occurred in this business is a matter of extreme regret to me. At the earliest possible moment I sought to impress with all proper earnestness the peculiar character of this question in the estimation of my Government and in that of all the people of the United States. Your excellency's reception of my statements was gracious and gratifying; but from some cause, despite my continued efforts, no atten-

tion to the business could be secured; and my note of July 27/August 8, written when you were not receiving the diplomatic representatives, and which requested, in view of the nature of the case, the honor of an acknowledgment, that I might know if it had received your own attention, was not acknowledged. Of course, there may be good and sufficient reasons for all this that I do not know. I could only report the facts to my Government as they occurred. Having now this measure of favorable action, I hastened to telegraph it to my Government, both for the benefit of our exposed citizens and to correct, as far as this favorable information can, the impression justified by the former condition of this business. I now avail myself of this opportunity to make this frank statement to your excellency, as a course both right in itself and best conducive to good relations between our respective Governments and countries.

I further avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

[Telegram.]

ST. PETERSBURG, *September 17, 1895.*

Missionaries enter Siberia without previous condition.

BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

No. 140.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 17, 1895. (Received Oct. 3.)

SIR: Referring to the legation's No. 132, of August 24, I now have to inclose translation of a note just received from Mr. Chichkine stating that the minister of the interior consents to our missionaries in China entering Siberia without previous condition or agreement, it only being required of them to agree with the local officials in writing to abstain from all interference with religious matters while there.

I also inclose copy of my note of this date, acknowledging this compliance with the request.

Mr. Adee's No. 110, of the 4th instant, expressing gratification at the receipt of my telegram of August 23, is to hand.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 140.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ASIATIC DEPARTMENT,
MINISTRY OF FOREIGN AFFAIRS,
September 4/16, 1895.

MR. ENVOY: In reply to the note which you have had the goodness to address to Prince Lobanow-Rostrovsky the 12/24 of August last, I have the honor to inform you that the ministry of the interior does not find

it inconvenient to permit the American missionaries seeking refuge in Siberia to pass the Russian frontier without, as a preliminary, obligating themselves to abstain from all religious propaganda and all interference in religious affairs. The missionaries in question will be required to deliver in writing obligations of this nature to the local Russian authorities after having passed on to the territory of the Empire.

Will you accept, etc.,

CHICKKINE.

[Inclosure 2 in No. 140.]

Mr. Breckinridge to Mr. Chickkine.

LEGATION OF THE UNITED STATES,
St. Petersburg, September 5/17, 1895.

YOUR EXCELLENCY: I have the honor and very great pleasure to acknowledge the receipt of your note of the 4/16 instant, in which you have the goodness to inform me that his excellency the minister of the interior graciously consents to American missionaries in China passing the frontier of the Empire and taking refuge in Siberia, they being exempted from previous conditions, but required to agree in writing with the local authorities to abstain from all interference with religious matters while there. I have telegraphed this very acceptable information to my Government, and in acknowledgment of the kindness I venture to express the hope that none of our citizens who may be forced to seek the friendly shelter of the Empire will be guilty of abusing its hospitality.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

ARREST OF JOHN GINZBERG.

Mr. Uhl to Mr. Breckinridge.

No. 50.]

DEPARTMENT OF STATE,
Washington, May 3, 1895.

SIR: I inclose a copy of a letter from Mr. Robert M. Lewis, respecting the case of John Ginzberg, a naturalized American citizen, under arrest in Russia.

It appears that Ginzberg left Russia at the age of 14, four years before any obligation to perform military service could have accrued. He was duly naturalized as an American citizen and received a passport from this Department on October 8 last, the statements in his application corresponding with those of Mr. Lewis's letter. It is said that he was arrested on crossing the Russian frontier, thrown into jail at Minsk Pinsk and is now held under surveillance while his case is being considered at St. Petersburg.

You will investigate the case and use your good offices in his behalf.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 50.]

*Mr. Lewis to Mr. Gresham.*GLASGOW, MONT., *April 23, 1895.*

DEAR SIR: Last October John Ginzberg left this country to visit his parents at Minsk Pinsk, Loheshin, Russia, having left Russia fifteen years ago, when but a boy of 14 years of age. He took out his naturalization papers at Wilmington, Del., some years ago, and before leaving this country procured a passport for two years. I am in receipt of a letter to-day from him stating that when he crossed the Russian border at or near Prostken he was arrested, and the authorities took away his certificate of naturalization and passport, also his clothes, when he was placed in jail at Pinsk. It seems from his letter that he is now allowed to go about, but under surveillance, and without his passport can not leave. He further says that he understands that his case is to be carried to St. Petersburg. I trust that this matter will be promptly taken up by your Department, that Mr. Ginzberg may be released, his crime consisting of becoming an American citizen. Kindly acknowledge receipt and oblige.

Very respectfully,

ROBERT M. LEWIS.

Mr. Uhl to Mr. Breckinridge.

No. 54.]

DEPARTMENT OF STATE,
Washington, May 15, 1895.

SIR: In connection with the Department's No. 50, of the 3d instant, directing you to investigate and extend your good offices in the case of John Ginzberg, arrested in Russia for having, as is understood, evaded military duty, I have now to inclose for your further information a copy of a letter from his excellency the governor of Montana, of the 9th instant, covering an affidavit of John M. Lewis, of Glasgow, in that State, bearing upon the case of Mr. Ginzberg, and a printed copy of his pathetic letter detailing the features of his complaint.

Although I remarked in my previous instruction that Mr. Ginzberg had been granted a passport, and that his sworn statements corresponded with those contained in the letter from Mr. Robert M. Lewis, I send, out of abundant caution, a copy of Mr. Ginzberg's passport application, dated October 4, 1894.

It is possible, as would appear from a remark in his printed letter of March 26 last to Mr. Lewis, that his case had been brought to your attention prior to the receipt of the Department's No. 50, but if not, I am confident that you will upon its arrival do whatever you properly can to effect Mr. Ginzberg's release should the facts as ascertained by you warrant your intervention in his behalf.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 54.]

*Mr. Richards to Mr. Gresham.*EXECUTIVE OFFICE,
Helena, Mont., May 9, 1895.

SIR: I have the honor to inclose herewith for your consideration the affidavit of one John M. Lewis, of Glasgow, this State, bearing upon the case of John Ginzberg.

It appears that Ginzberg is an American citizen who is unlawfully detained by the Russian authorities and that a release can only be obtained through the kindly offices of your Department.

For your further enlightenment I also inclose a copy of a letter written by Ginzberg to Mr. Lewis, as published in the local paper. Mr. Lewis is a reputable citizen of this State, and I trust the facts set forth in his affidavit will warrant your Department in prompt and earnest efforts to secure the liberation of Ginzberg and his restoration to his home and friends.

I am, etc.,

J. E. RICHARDS,
Governor of Montana.

[Subinclosure in No. 54.]

Affidavit of Mr. Lewis.

GLASGOW, April 29, 1895.

STATE OF MONTANA, County of Valley, ss:

John M. Lewis, being first duly sworn, deposes and says that he was registry agent in Glasgow, Mont., for the general election of 1892, and that at that time one John Ginzberg exhibited to him his certificate of naturalization as a citizen of the United States of America; that he has known the said John Ginzberg for about four years and is now informed and believes that the said John Ginzberg has been deprived of his naturalization papers by the Russian authorities and is unlawfully detained at Minsk Pinsk, Loheshin, Russia. Deponent further deposes and says that he has seen the letter written by said John Ginzberg describing his detention and confinement; that he is acquainted with the signature and writing of the said John Ginzberg and has compared with a signature on file written by the said John Ginzberg, and that he has no doubt the letter was written by the identical John Ginzberg whose naturalization papers he has seen, and he further believes the said John Ginzberg to be a credible person and a good citizen of the United States of America.

JOHN M. LEWIS.

Subscribed and sworn to before me this 1st day of May, 1895.

[SEAL.]

JOHN J. KERR,
Notary Public in and for Valley County, State of Montana.

Mr. Breckinridge to Mr. Gresham.

No. 74.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 18, 1895. (Received June 1.)

SIR: I am in receipt of your No. 50, of May 3, 1895, inclosing copy of a letter from Mr. Robert M. Lewis, of Glasgow, Mont., relating to John Ginzberg, a naturalized American citizen, under arrest in this country, and instructing me to investigate the case and to use my good offices for the prisoner.

The matter had previously been brought to the attention of the legation by personal appeal, and various steps had been taken to effect relief. As the case is of an interesting class I herewith inclose copies of the correspondence in regard to it, enumerated below, and in addition to this it has been the subject of several visits to the foreign office.

When I received Mr. Chichkine's note of January 26/February 6, emphatically speaking of Ginzberg as a "Russian subject" and as "guilty," thus thrusting an executive decree between the prisoner and the United States, upon the one hand, and the courts upon the other, I wrote a pointed note, presenting the case at length, and debated between sending that and referring the whole matter to you. I concluded, however, to send my brief note of inquiry of February 16/28. After that matters assumed a more amiable phase.

Ginzberg is, at least at present, among his kinspeople, at considerable liberty, and, with the farming season on, he ought to be comfortable. My last note to Prince Lobanow, dated April 28/May 10, shows the present status of the case. It will be followed up and I am in hopes of his release. The copies of all the papers, herewith transmitted, present the whole case for your information, and upon which to base any instructions that the points may call for.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 74.]

Mr. Robertson to Mr. Breckinridge.

HAMBURG, December 10, 1834.

SIR: I have the honor to bring the following matter to your official notice:

Some time in October last there called at this consulate one John Ginzberg, who presented his American certificate of naturalization, and a passport issued by the Department of State at Washington. He informed me that he was a native of Russia, and was then on his way to pay his former home in Russia a visit. I informed him that it would be necessary for him to obtain a visé of his passport from the Russian consul here before his departure for Russia. A few hours afterwards, he returned to this office, and informed me that the Russian consul had refused to visé his passport because he had been naturalized without the permission of the Russian Government. I thereupon warned Ginzberg not to attempt to cross the frontier without a visé, especially as he was an Israelite. He did not heed my advice, however.

On October 25 I received a postal card from him, dated Prostken, October 24, in which he informed me that the Russian authorities would not let him pass because the Russian consul here had refused to visé his passport. In reply to this card, I sent him the inclosed letter, which was returned to me by the post-office.

This morning I received a letter from Ginzberg, of which the inclosed is an exact copy.

I write Ginzberg to-day, informing him that I have referred his case to you for such action as you may deem proper.

I am, etc.,

W. HENRY ROBERTSON, *Consul.*

[Subinclosure to enclosure 1 in No. 74.]

Mr. Ginzberg to Mr. Robertson.

24 November 1894.

To the honorable American Counsell.

Dear Sir.

I let you know that I am arrested now by the Russians the Russian rulers are trying to put me back to the army which is colled solders for the Russian King and I am not able to go out of their power therefore I hombly beseech you to deliver me out of their hand and from their power please write to the Russian Rulers and ask them to set me free. I was arrested on the Russian gate that is near Prostken and

the carried me to the place which I gave you my adressa card. I pray you my honourable counsell to help me Quick as it is posible and give me assistance.

Your American truly Friend John Ginzberg
my adressa

Minsk Pinsk in the thown Loguistion

I send you my adressa in the Russian language.

[Inclosure 2 in No. 74.]

Mr. Breckinridge to Mr. De Giers.

LEGATION OF THE UNITED STATES,
St. Petersburg, December 2/14, 1894.

YOUR EXCELLENCY: A naturalized American citizen named John Ginzberg, having a passport issued by the State Department at Washington, is reported to be under arrest at Loquishin in the government of Minsk, and the intervention of this legation is requested in his behalf.

I do not know the nature of the charge against this man, and I request your excellency to have the facts and nature of the case reported to me as soon as practicable.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 3 in No. 74.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ST. PETERSBURG,
December 24, 1894/January 5, 1895.

MR. MINISTER: Referring to the note of the legation of the United States, dated December 2/14, treating of the arrest in the government of Minsk of the man John Ginzberg, naturalized citizen of the United States, I have the honor to inform you that, according to information communicated by telegraph by the governor of Minsk to the ministry of the interior, the man named Ginzberg, whose real name is Schimon, but who calls himself Johann or John, had escaped, in 1886, military service, and had taken refuge in America. Arrested by the Pinsk police, he was recognized by his father, Janckel Ginzberg, and by other individuals, so that there is no doubt in regard to his identity. Consequently, according to the order of the governor of Minsk, he was delivered to the authorities of justice in virtue of the laws applying to crimes of desertion. (Arts. 325, 326, of the Penal Code.)

Receive, etc.,

CHICHKINE.

[Inclosure 4 in No. 74.]

Mr. Breckinridge to Mr. Chichkine.

LEGATION OF THE UNITED STATES,
St. Petersburg, January 13/25, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of December 24/January 5, relating to the arrest in the government of Minsk of John Ginzberg, otherwise known as Schimon, a naturalized citizen of the United States.

I take notice of the statement that Ginzberg violated the law in regard to military service in 1886 and took refuge in America, and that upon the occasion of his recent arrest he was recognized by his father as well as by others, and that he is now in the custody of the judicial authorities, in accordance with the laws applicable to the crime of desertion. (Arts. 325, 326, of the Penal Code.)

While it is my duty to render all proper assistance to citizens of the United States, whether naturalized or native born, yet from the foregoing statement I feel at liberty to ask of your excellency only that this legation be kept informed of the progress and conclusion of Ginzberg's case, and that he be secured that humane treatment and a speedy and fair trial as, of course, is contemplated by the laws of the Empire. I earnestly request that this attention be given to the matter in hand.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 5 in No. 74.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ST. PETERSBURG, *January 25/February 6, 1895.*

MR. MINISTER: In your note of the date January 25/13 last, concerning the arrest in the government of Minsk of the Russian subject John Ginzberg, guilty of the crime of desertion, you express the hope that the said Ginzberg will be treated with justice and humanity.

You can be assured, Mr. Minister, that it could not be otherwise, the Russian authorities, administrative as well as judicial, being always deeply imbued with sentiments of humanity toward all persons with whom they have to do.

Receive, Mr. Minister, etc.,

CHICHKINE.

[Inclosure 6 in No. 74.]

Mr. Breckinridge to Mr. Chichkine.

LEGATION OF THE UNITED STATES,
St. Petersburg, February, 16/28, 1895.

YOUR EXCELLENCY: I have delayed some time in replying to your note of January 25/February 6 in regard to the case of John (or Schimon) Ginzberg, partly with the hope that I might be favored with a further communication of a more explicit character.

While I have no doubt, nor have I ever entertained or expressed any doubt, of the general high standard of humanity and justice of Russian executive and judicial officers, yet if your excellency's meaning is that the imperial foreign office is taking such an interest in this case as will insure comfortable conditions of confinement pending the trial, prevent unreasonable delay, and secure for the prisoner capable counsel for his defense, which is sometimes necessary in all countries, and which, I take it, is the least that can be requested in a case of this character, I would be glad to be explicitly informed of the facts.

If, upon the other hand, the meaning is that this case in its present status is not an acceptable case for diplomatic intervention or correspondence, then I would respectfully beg that that meaning be made clear.

Permit me, however, to express the sincere hope that the latter is not the meaning intended to be conveyed. But in either event I am sure you will quite agree with me that if any doubt exists in a matter of this character it is better to dispel it by asking for a more explicit statement of the intended meaning.

I respectfully request that your excellency will kindly favor me with as early a reply to this note as may be convenient.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 7 in No. 74.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ST. PETERSBURG, *February 22/March 6, 1895.*

MR. MINISTER: In answer to my note of January 25/February 6, you have expressed the desire to receive information of a more explicit nature in regard to the course of the case of John Ginzberg.

You will not ignore that the purpose of the note mentioned by you was to reassure you as to the humane treatment on the part of the imperial authorities; as regards the case of Ginzberg, it is at the present time, as I had the honor to inform you, in the hands of the justice and is following its course, and I therefore can not give the desired explicit details before a corresponding communication reaches me from our judicial authorities.

Receive, etc.,

CHICHKINE.

[Inclosure 8 in No. 74.]

Mr. Ginzberg to Mr. Breckinridge.

Minsk Pinsk in the town of Loguishin, Russia.

March the 13th 1895.

To the greate educated Minister of the U. S. of America in St. Petersburg, Russia.

Gentleman

I let you know that I am a sittison of the U. S. of America Because I lived among the dwellers down there I behaved myselfe among the inhabitends of the U. S. of America for 14 years very nicely I am a true democratic man I always Paid them my texess and I have done good for the contry every time all the days that I lived there I was true to them and they were true to me and it came to pass on a time when my hart desiered once for 14 years to see how are my Friends getting along in Russia Europe so I took a Passport out of Washington the U. S. of America and I have paid them for 2 years and I start to go where my desiere was it came to pass on my jurney when I came to Prussia Jermamy Prostken on the Russian gaite the Russian Rullers took a hold on me without a couse and they arrested me and moreover they rubbed me all my property that I had with me and they humbled me very Beastly so that my body could not bare it and also they carried me with the arrest from Prostken to stoochin and straight trough till they brought me to the place where they wanted and once for all I have no Passport with me now and I can not go nowhere for employment I am poor and needy I have no bread to eat and nor a garment wherwitoll to cover my body the rullers in the City of Pinsk took

away from me my American papers and since the Falls Sison till now and I can not get them back now therefore my dear master and Minister I humbly pray you to be kind unto your servant and to look quick for my cause atend for my trial and pity me send me Please som assistance for my need so much as you are able and willing. The Lord bless you and strengthen you and give you life everlasting I am your Truly American Friend John Ginzberg.

[Inclosure 9 in No. 74.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ST. PETERSBURG, April 6/18, 1895.

MR. MINISTER: Referring to my note of February 22/March 8, No. 1603, I have the honor to inform you, according to a recent communication of the ministry of the interior, that the case of Mr. Schimon Ginzberg was turned over to the judge of instruction of the district of Stehouthin, and that the individual in question was set free on the 4/16 of January, under surety of one named Leiser Tchetchik.

Receive, etc.,

CHICHKINE.

[Inclosure 10 in No. 74.]

Mr. Lewis to Mr. Breckinridge.

BANKING HOUSE OF ROBERT P. LEWIS,
Glasgow, Mont., April 23, 1895.

DEAR SIR: I am in receipt of a letter from John Ginzberg, now at Minsk Pinsk, Loheshin, Russia, in which he states that on entering Russia at or near Prostken he was arrested and carried from place to place, finally being lodged in jail at Pinsk, where the authorities took away his certificate of naturalization and passport. Mr. Ginzberg left this country last October on a visit to his parents at Minsk, he having left Russia when a boy of 14 and has been away from Russia about fifteen years. Took out his naturalization papers at Wilmington, Del., and procured a passport when he left this country last October. The cause given for his arrest was that he became an American citizen. Please take this matter up to the end that Mr. Ginzberg may be released from the surveillance of the Russian authorities and may return to the United States.

Thanking you in advance for your action in this matter,
Very respectfully,

R. M. LEWIS.

[Inclosure 11 in No. 74.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, April 28/May 10, 1895.

YOUR EXCELLENCY: Referring to my notes of December 2/14, 1894, January 13/25 and February 16/28, 1895, relating to the affair of Schimon (or John) Ginzberg, a native of Russia and a naturalized citizen of the United States, I now have to state that I am in receipt of information

that Ginzberg went or was taken to the United States when only 14 years of age and that he desires to return to that country.

I am informed by a note from Mr. Chichkine, dated April 6/18, 1895, that on the 4/16 of January Ginzberg has been turned over to the judge of instruction of the district of Stehouchin, and that he was released upon that date under surety of one Leiser Tchetchik.

Without entering upon the differences in the laws of the United States and the Empire of Russia, and of their respective legal obligations toward citizens and subjects, I yet wish to acknowledge a frequent kindly disposition to adjust matters arising under those differences as far as can be done; and I submit that this case presents a very appealing feature in the extreme youth of Ginzberg at the time he left Russia. Now, for fifteen years his ties have grown up in the United States, and if he wishes to return I hope the imperial permission will be granted him to do so. To charge an offense as a subject at so tender an age is to anticipate by a great leap the obligations of manhood; and the fact that he seems to have been in America, beginning in extreme youth, at the time any public obligations would have matured here, presents in this particular the antagonistic principles and laws of the two countries at their most pronounced points of difference, and in a way that, for my part, I always wish to avoid, especially when dealing with a Government that has been historically friendly to America. I trust that Ginzberg can be given permission to return and to assume without danger of further question at any time his obligations as a citizen of the United States.

I avail, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 12 in No. 74.]

Mr. Breckinridge to Mr. Lewis.

LEGATION OF THE UNITED STATES,
St. Petersburg, May 10, 1895.

SIR: I am in receipt of your letter of April 23, in relation to John Ginzberg, who has been under arrest in Minsk, and stating that he desires to return to the United States. You also state the interesting fact, in a case of this character, that he was a minor when he moved or was taken to the United States, being at that time, some fifteen years ago, only 14 years of age. I have just written to Ginzberg and will further follow up his case. I don't think I ever knew of a man who more persistently disregarded the advice he sought, or seemingly tried harder to get into prison than Ginzberg. After a deal of work he is at last out of prison, and has been since the 16th of January, and I hope will get the consent of the Russian Government, which denies the right of expatriation, to return to America.

I am, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 13 in No. 74.]

Mr. Breckinridge to Mr. Ginzberg.

LEGATION OF THE UNITED STATES,
St. Petersburg, May 10, 1895.

SIR: The consul-general hands me your postal card of April 19/May 1, saying that you could not hear from me. I received your letters and have been earnestly trying to get you out of prison, from which place I was happy to learn some time ago that you had been released.

I am just in receipt of a letter from Mr. R. M. Lewis, a banker at Glasgow, Mont., saying that you want to return to the United States, though you have not expressed this wish to me. If this is your wish, so inform me, and I will do what I can to get the Imperial Government to release you of every claim and let you go back to the United States.

What was your age when you went to the United States?

I am, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Peirce to Mr. Gresham.

No. 81.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 27, 1895. (Received June 10.)

SIR: I have the honor to acknowledge the receipt of Mr. Uhl's No. 54, of May 15, 1895, relating to the case of John Ginzberg and inclosing copy of a letter from his excellency the governor of Montana, covering an affidavit of John M. Lewis, of Glasgow, in that State, and also inclosing copy of Ginzberg's passport application, dated October 4, 1894.

The Department was informed in Mr. Breckinridge's No. 74, of May 18, 1895, of the action of the legation in this case, which has been energetically pushed, as is shown by the correspondence.

It is an unfortunate circumstance in Ginzberg's case that he entered Russia without having his passport viséd as required by law; a law, by the way, of which it appears he was informed by our consul at Hamburg.

It now seems to me that an appeal made personally to the minister of the interior may have some effect. Should the case continue to remain in the hands of the "judicial authorities" there is no limit practically to the technicalities which may be used to obstruct a speedy conclusion of the affair. I will therefore make it my business to call upon the minister of the interior at an early date and urge upon him the release of this man, in the hope that his further detention may seem to him undesirable.

I have, etc.,

HERBERT H. D. PEIRCE.

Mr. Peirce to Mr. Uhl.

No. 85.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 30, 1895. (Received June 14.)

SIR: Referring to my No. 81, of May 27, I have the honor to inform you that on calling yesterday upon Mr. Chichkine, at the foreign office, I was informed that Baron Osten-Sacken now has charge of the case of John Ginzberg so far as that ministry is concerned, the case being at present in the hands of the ministry of justice.

It seemed to me prudent to inform Baron Osten-Sacken of the letter of the governor of the State of Montana and to urge upon him certain views of this case before bringing the question up with the minister of the interior.

I accordingly spent some hours with Baron Osten-Sacken both yesterday and to-day, going over with him the history of the case, and I am able to report as a result that on leaving him this afternoon I had his assurance that he would address a note to the minister of justice recommending Ginzberg's release.

Whether this will have the desired result I am unable to say, but it can not, I think, but have a favorable effect. I shall continue to follow this matter up with Baron Osten-Sacken and Mr. Dournovo, the minister of the interior, whom I hope to see to-morrow, that being his first reception day since the receipt of your No. 54. I shall also, if the course of events seems to warrant it, call upon the minister of justice in regard to this case.

I have, etc.,

HERBERT H. D. PEIRCE.

Mr. Olney to Mr. Peirce.

No. 79.]

DEPARTMENT OF STATE,
Washington, June 15, 1895.

SIR: Mr. Breckinridge's No. 74, of the 18th, and your Nos. 81 and 85, of the 27th and 30th ultimo, in relation to the arrest of John Ginzberg, have been received. The minister's action in anticipating the Department's instructions, Nos. 50, of May 3, and 54, of May 15, on the same subject, upon information received by him from the United States consul at Hamburg, is appreciated, and your attention to the case is approved.

In reading the voluminous correspondence now sent hither, an important conflict is observed between the statements on behalf of the arrested man and those communicated to Mr. Breckinridge by Mr. Chichkine, as having been furnished by the governor of Minsk. It is expressly said by the latter that Schimon (otherwise called John) Ginzberg deserted the military service in 1886 by taking refuge in America, and after having been fully identified he was, upon the governor's order, turned over to the judicial authorities in virtue of the laws applicable to the "crime of desertion." On the other hand, in the application of John Ginzberg, upon which passport No. 17003 was issued him October 8, 1894, he swears he was born at Minsk on or about September 4, 1865, and emigrated, sailing on the *Hammonia* from Hamburg on or about the 7th day of July, 1880, subsequently becoming naturalized in Wilmington, Del., August 10, 1886.

It is obvious that the military offense of desertion could not have been committed by this boy of less than fifteen years of age when he quitted Russia in the early part of 1880; and the fact that the governor of Minsk specifies as the date of the alleged desertion the year in which Ginzberg was duly made a citizen of the United States, in pursuance of our laws, raises a presumption that the so-called act of "desertion" for which Ginzberg is to be tried may in fact be his acquisition of American citizenship. If this be so, the Government of the United States can never acquiesce in any claim of any other government to penalize the act of naturalization when lawfully granted within our jurisdiction to one of its former subjects or citizens.

Actual desertion from service is universally regarded as a continuing offense, condoned neither by lapse of time nor change of citizenship, and were this proved in the present case you would have practically no ground for remonstrance against the punishment of Ginzberg as such a deserter; but, as already remarked, a child of 14 can not be a deserter in this military sense; nor is it reasonable to suppose that any man with the well-known penalties of actual desertion from active service hanging over him would have so persistently endeavored to reenter Russian jurisdiction as Mr. Ginzberg has done.

It is, however, probable, in view of Baron Osten-Sacken's conclusion that the facts of the case warranted his addressing a note to the minister of justice recommending Ginzberg's release, that actual desertion from the ranks does not figure in the case.

Should the action of the foreign office not bring about a favorable result, it may be necessary to press the case on the ground that the punishment of a naturalized person for the mere act of becoming a citizen of the United States by due operation of our laws is inadmissible and unfriendly.

Before presenting the case positively on this ground, it may be well, however, to put John Ginzberg's right to protection as an American citizen beyond all doubt. The circumstances of his application for a passport disclose an irregularity which may or may not be vital.

A copy of John Ginzberg's application for a passport, made October 4, 1894, before one Moritz Silberstein, a notary public of New York City, was sent to the legation with Mr. Uhl's No. 54, of May 15. It will be observed that Ginzberg therein swears that he was born at Minsk, Russia, on or about the 4th day of September, 1865, and was naturalized before the circuit court of the United States at Wilmington, Del., on the 10th of August, 1886—that is, twenty-five days before attaining legal age. As the date of birth is only approximately given, this apparent defect may be removed upon production of a copy of his certificate of birth.

Mr. Lewis, who wrote to the Department on the subject, will be informed of what you have done and of your interest in the matter, in addition to the information you have already directly given to him in your letter of May 10.

I am, etc.,

RICHARD OLNEY.

Mr. Breckinridge to Mr. Olney.

No. 130.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 22, 1895. (Received Sept. 10.)

SIR: Your No. 79, of June 15, inclosing traced signature of John Ginzberg, copy of his application for a passport, and reviewing his case, was duly received. I am happy to note your approval of the steps previously taken by the legation, and the contents of your present dispatch have my careful attention.

I have now to report the present status of the case and to inform you of the proceedings since the receipt of the dispatch above referred to.

The status is practically unchanged except so far as it may be advanced to a decision by these proceedings.

No result following the favorable note of the foreign office to the minister of justice, reported in the legation's No. 85, of May 30, and having your dispatch as an occasion for additional urgency, I again addressed Prince Lobanow July 19, copy of which note is inclosed.

In this note I carefully restated the whole case, following the lines already pressed and those laid down in your dispatch.

This was followed up by a personal visit to Baron Osten-Sacken, when the case was fully discussed, and a favorable view of the matter was taken by him. He said the power to dismiss the proceedings against Ginzberg lay with the minister of the interior. I pressed the case from the standpoint already taken by the Russian Government, that of desertion from the military service, urged the interest taken in it by the Department, and requested him to use his good offices with the minister of

the interior to dismiss the whole matter and let Ginzberg return to the United States. Agreeing with me substantially about the merits of the case, the baron also agreed that it was one his Government could not well desire to continue, and that the anxiety, expense, and suffering already incurred made up of themselves no small measure of punishment. He promised to at once comply with my request.

After this the minister of the interior was seen. He spoke not unfavorably about the case; and, despite all that had been written through the regular channels, he requested that I submit in writing a further statement of the case to him. This I did August 17, copy of which is inclosed. I am not without hope of favorable action within a short time by the minister of the interior.

Thus the case stands: The application to the minister of justice to expedite it, with the possibility of a light penalty or of acquittal is still pending. The application to the minister of the interior to dismiss the case is in the same position, and the matter will continue to be followed up in every way that may seem possible. * * *

The leniency in the present case has been, measured by the usual standard, very great. He was soon let out of prison upon mere personal recognizance; and I am informed that if his case takes its "usual" course it would be six months yet before he would come to trial.

Your remarks about pressing the case upon the ground that it is one of punishment for the mere act of becoming a citizen of the United States by due operation of our laws if it be "necessary," the position of the United States in that contingency and the caution as to probable error in Ginzberg's approximate statement of the date of his birth, all have my careful attention. As I am still hoping for a solution upon the grounds already laid down, I do not yet press that point, nor do I yet move in the matter of the date of birth, which may technically, at least, affect Ginzberg's status, since the question of his full compliance with our laws is not raised by the Russian Government.

You state such action on the part of the Russian Government to be "inadmissible and unfriendly." This being true in a general sense it is particularly true of one who came to us when a boy, grew up with us, and has really never known any other country. So, while not urging this in the general sense, I have used it in this special case, but without of course admitting in any degree that it would be proper or just in any case. Indeed, I have taken occasion in conversation to express fully to Prince Lobanow and Baron Osten-Sacken the position of the United States upon this subject.

This case will continue to be followed up and you will be promptly informed of any changes or results.

Respectfully submitting the present statement, I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 130.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, July 7/19, 1895.

YOUR EXCELLENCY: My Government has communicated with me at length and with much interest in regard to John (Simon) Ginzberg, a naturalized American citizen detained in the government of Minsk upon the charge of desertion from the military service.

The last note from this legation upon this subject was on April 28/ May 10.

It seems that Ginzberg was born in 1865 and that he went to America in 1880, when he was between 14 and 15 years of age.

My Government is very far from desiring to condone in any way the crime of actual desertion from military service. It is a continuing crime, and the acquisition of citizenship in the United States by a deserter would not give him any right to invoke our intervention were he subsequently duly apprehended by the country to which he once owed such allegiance.

While these points have been alluded to in the former notes of this legation, yet, in view of the stress laid upon them by my Government, I feel constrained to bring them more particularly to your excellency's attention.

It seems quite incomprehensible that this crime can seriously lay against a child, as Ginzberg was at the time he left or was carried from the Empire. He thus appears to have grown upon our soil to a fair and honorable acquisition of citizenship, and as the possession of such a title to have full right to our utmost solicitude and interest.

Surely no deserter would ever have gone back to be apprehended as this man did. He was warned by our consul at Hamburg not to visit Russia unless his passport was visaed. The consul knew that the Russian consul had refused to visé Ginzberg's passport, and so wrote me. But he said nothing of any liability to arrest for any crime, and I do not suppose Ginzberg dreamed that any such charge could possibly be laid to him. He was turned back from the frontier; but with a sense of innocence and safety he returned to his birthplace without permission and was there arrested as stated.

It is not charged that Ginzberg entered the Empire with any evil purpose, and hence it may be said that no remarks upon this point are necessary. But I can not refrain, as indicative of the complete harmoniousness and innocence of character of this man, from inclosing a copy of a letter I recently received from him. This was in reply to a letter kindly sent to him, from me, by the foreign office. This copy shows that the man is still but a child in mind and disposition, and can not but incline the imperial authorities to believe that this man never committed a crime; he certainly never will commit one.

In conclusion, I submit especially to your excellency those observations particularly arising from the present communication from my Government; and I ask that Ginzberg may be permitted to return to America, as formerly requested, without further let or hindrance.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 2 in No. 130.]

Mr. Breckinridge to Mr. Dournovo.

LEGATION OF THE UNITED STATES,
St. Petersburg, August 5/17, 1895.

YOUR EXCELLENCY: I hasten to comply with the wish you so kindly expressed to the secretary of this legation that I should submit a statement of the case of John Ginzberg, a naturalized American citizen, in detention at Loguishin, Minsk Pinsk. I wish to express my appreciation at the same time of your goodness in accepting this state-

ment in English instead of in one of the several other languages at your command, for I regret to say that English is the only language in which I can express myself.

Ginzburg was born at Minsk, Russia, in 1865. He went to the United States when he was 14 years of age, and upon becoming of age he was made a citizen according to the laws of the United States.

In the month of December of last year he returned to Russia to visit his family. He is the bearer of passport No. 17003, issued by the Department of State of the United States on the 8th of October, 1894.

Upon reaching Prostken he was arrested upon the charge, as I am informed by the imperial foreign office, of desertion; and I have been further informed that he is now released from confinement, but is required to confine himself to the locality of Loguishin, Minsk, under the bond or assurance of Leiser Tchetchlik.

This case has been the subject of my earnest representations from my Government, and of repeated communications and interviews between this legation and the foreign office.

As to the merits of the case my Government wishes it first to be clearly understood that if Ginzberg had actually deserted from the military service of the Empire, or had fled from service which had matured, it would not interpose in his behalf. It has no desire to condone the crime of desertion.

But the accused left the Empire when he was a boy, an irresponsible child, and surely he was not liable at that tender age to any military service.

Having come to the United States at that age, and having grown up there, my Government thinks it unfriendly to hold him liable as one who has consciously and purposely sought to avoid a matured duty. Hence it earnestly desires that in this state of the case he be discharged and permitted to return to the United States.

Attention is also called to the obvious fact that Ginzberg is a man of simple, I may well say, of weak mind, and one hardly to be held responsible for at least such acts as are not hurtful to others. His letters to me strongly indicate this. Your excellency doubtless has a copy of one of these letters with the papers from the foreign office, and two or three more of such childish communications have been received by me. The character of sympathy shown for him by persons in the United States further indicates this. The very fact of his coming here in the way he did, clearly shows that, since he is not a vicious man, he must be a man of very weak mind. The United States consul at Hamburg wrote me that Ginzberg applied to the Russian consul there to have his passport viséed, which was refused. He then applied to the United States consul for advice, and was strongly advised not to attempt to enter Russia under the circumstances. Yet he came to the frontier and was turned back by the Russian officials. Even after this experience he eluded the guards and entered the Empire, all of which, in so harmless a man, with no very strong inducement of any kind, shows a lack of intelligence that must attract attention.

I have fully submitted the case to your excellency, and I hope that the earnest wish of my Government can be complied with and that in accordance therewith Ginzberg can be set at liberty and permitted to return to his home in the United States. He has now suffered from great anxiety and long detention, and I ask the kindness of information of your excellency's decision in the matter.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

No. 135.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 29, 1895. (Received Sept. 17.)

SIR: Referring to my No. 130, in regard to John Ginzberg, I now have to say that I am informed by a note from Mr. Chichkine that the foreign office has been informed by the ministry of justice that the necessary steps have been taken to hasten the progress of his case.

The appeal to the minister of the interior to dismiss the case is still pending.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

ARREST OF ANTON YABLKOWSKI FOR BECOMING A NATURALIZED AMERICAN CITIZEN WITHOUT PERMISSION OF THE RUSSIAN GOVERNMENT.

Mr. Breckinridge to Mr. Olney.

No. 144.]

LEGATION OF THE UNITED STATES,
St. Petersburg, September 28, 1895. (Received Oct. 11.)

SIR: Our consul at Warsaw informed me, under date of September 11, that a local magistrate had shown him United States passport No. 18144, dated December 7, 1894, in favor of Anton Yablkowski, and asked him if the same kind of passport was issued to native and naturalized citizens. The consul replied in the affirmative.

I directed the consul to learn the occasion of the inquiry and report to me if it related to proceedings against an American citizen. I am now informed that the holder of the passport is detained at Nieszawa, county of Nieszawa, government of Warsaw. I have directed the consul to further prosecute his inquiries, and I have addressed an inquiry to the foreign office to learn the cause and purpose of the detention.

Presumably the passport was issued by the Department; but of this I have no positive information. I would be glad to receive any information your records may afford, to use, if necessary, when more is learned about the case.

I do not now send copies of the papers, as the case appears yet too indefinite to make it necessary.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Peirce to Mr. Olney.

No. 151.]

LEGATION OF THE UNITED STATES,
St. Petersburg, October 10, 1895. (Received Oct. 25.)

SIR: I have the honor to submit herewith copies of documents in the case of one Anton Yablkowski, who appears to be under arrest in Warsaw awaiting trial under the criminal code for becoming a naturalized American citizen without first obtaining the consent of the Imperial Government.

The legation's first knowledge of this case was received from the letter of the consul at Warsaw of September 11, marked 1 in the inclos-

ures, in which the minister was informed that the consul had been summoned to testify as to whether such a passport as that taken from Yablkowski is issued by the Department of State to a native or to a naturalized American citizen. A copy of the reply of the minister, September 17 (marked 2), is inclosed. On September 24 the consul wrote informing the legation that Yablkowski was under detention, copy (marked 3) inclosed. To this letter the minister replied September 28 (inclosure 4), and on the same date addressed a note to the foreign office (inclosure 5) asking to be informed as to the cause of detention.

On October 4 a note was received from Mr. Chichkine, copy and translation (marked 6) inclosed, informing the legation that Yablkowski was arrested and was to be tried for becoming a "naturalized foreign subject without previous permission from his Government."

Believing that the question of whether the man had secured a proper visa from competent Russian authority upon his passport before entering the Empire had an important bearing on the case, I communicated with the consul at Warsaw by telegraph on October 5, confirming by letter (inclosure 7), and later, on the 7th and 10th, inquiring upon this point. Copies of these telegrams in the order sent and received are given on sheet marked "Inclosure 8."

Meantime the letter of October 4 of the consul was received (inclosure 9), corroborating the information received from the foreign office.

Copies of the consul's letters, three in number, and one of mine to him confirming telegrams and explaining a mistake in transmission are inclosed (marked 10, 11, and 12) to complete the files.

In the absence of instructions, I felt it to be more prudent to make a protest against the continuance of these proceedings based simply upon the principles of international law as laid down by Vattel, Book II, Chapter VIII, sections 100 to 104, inclusive, and by other authorities. I hesitated to touch upon the stipulations of our treaty with Russia of 1832, Article X, far as this action seems to be from the spirit of that compact, lest it should be claimed that this case came within the limitations covered by the closing sentence of that article. I shall forward Mr. Chichkine's reply to my note of this date (inclosure 14) as soon as received, for instruction.

I believe I have not gone too far in claiming for this man immunity from prosecution upon this charge, in view of the sentiments expressed in your No. 79, of June 15, regarding the case of John Ginzberg, and the very clear enunciation of the principles governing the international law regarding protection to be accorded foreigners given in the eminent authority cited, from which I quote as follows:

The sovereign ought not to grant an entrance into his State for the purpose of drawing foreigners into a snare. As soon as he admits them he engages to protect them as his own subjects, and to afford them perfect security, as far as depends on him.

If the sovereign annexes any particular condition to the permission to enter his territory he ought to take measures to make foreigners acquainted with it when they present themselves on the frontier.

Submitting all the correspondence in this case for your approval, I have, etc.

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 151.]

Mr. Rawicz to Mr. Breckinridge.

No. 1522, M. C.]

CONSULATE OF THE UNITED STATES,
Warsaw, September 11, 1895.

SIR: To-day I have been summoned to the examining magistrate of the seventh district of this city, where was presented a United States passport, No. 18144, issued to a United States citizen, Anton Yablkowski, on the 7th of December, 1894, and the following question was given: "Is a document like this issued to a United States citizen born in the the United States, or specially to one naturalized there?" The answer on the part of this consulate was given as follows: "This is a United States passport, a document issued by the Secretary of State at Washington to a citizen of the United States, whether he be born in the United States or only a naturalized citizen of the States."

Not being informed of the reason why said United States document is in the possession of the court, I beg to communicate the fact to your excellency for your consideration.

Your obedient servant,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 2 in No. 151.]

*Mr. Breckinridge to Mr. Rawicz.*LEGATION OF THE UNITED STATES,
St. Petersburg, September 17, 1895.

SIR: I am in receipt of your letter, No. 1522, dated September 11, informing me of your being interrogated by an examining magistrate as to the character of a United States passport. Your reply appears to be strictly correct.

The passport, No. 18144, dated December 7, 1894, held by Anton Yablkowski, and presumably issued by the Secretary of State, may be before the magistrate in a civil or in a criminal case; it does not appear which. Make inquiries upon this point, and if the citizen is accused and in trouble, let me know.

I am, sir, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 3 in No. 151.]

Mr. Rawicz to Mr. Breckinridge.

No. 1523, M. C.]

CONSULATE OF THE UNITED STATES,
Warsaw, September 24, 1895.

SIR: In answer to your letter of the 17th instant, I beg to communicate that I have ascertained in the court here that the United States citizen Anton Yablkowski, the bearer of a United States passport, No. 18144, is detained in the city of Nieszawa, in the county of same name, in the government of Warsaw, where, accordingly, I have sent the inquiry, and the answer received from there shall be communicated to you immediately.

Your obedient servant,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 4 in No. 151.]

*Mr. Breckinridge to Mr. Rawicz.*LEGATION OF THE UNITED STATES,
St. Petersburg, September 28, 1895.

SIR: I am in receipt of your No. 1528, M. C., of the 24th instant, stating that you have made inquiry about Anton Yablkowski, a citizen of the United States, detained in the city of Nieszawa, referred to in your letter of September 11, and that you will report the result of your inquiries as soon as ascertained. I address an inquiry to the foreign office and also await your further advices as indicated.

I am, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 5 in No. 151.]

*Mr. Breckinridge to Mr. Chichkine.*LEGATION OF THE UNITED STATES,
St. Petersburg, September 16/28, 1895.

YOUR EXCELLENCY: I was recently informed by the United States consul at Warsaw that inquiry had been made of him by a local official in regard to the character of a United States passport, No. 18144, dated December 7, 1894, presumably issued by the Department of State at Washington and in favor of Anton Yablkowski. I am now informed that said Anton Yablkowski is detained at the city of Nieszawa, county of Nieszawa, government of Warsaw. The purpose of this note is to request your excellency to have inquiry made promptly into the cause of this detention of the said Yablkowski and to ask that you kindly communicate the result of the inquiry to me. I would also ask that I be informed of what further steps, if any, the authorities propose to take against Mr. Yablkowski.

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 6 in No. 151.—Translation.]

*Mr. Chichkine to Mr. Breckinridge.*No. 7924.] DEPARTMENT OF INTERNAL RELATIONS,
IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
St. Petersburg, September 22/October 4, 1895.

MR. MINISTER: I have not failed to communicate the contents of your note of September 16/28 regarding the man Anton Yablkowski to the governor-general of Warsaw.

Having received an answer relative to it, I hasten to inform you that the inquiries made regarding that person, in the presence of the United States consul at Warsaw, by the authorities of that place have been without doubt moved by the judicial examination commenced against Yablkowski, according to article 325 of the Penal Code, and which will

probably be followed by his trial, as accused of being a naturalized foreign subject without previous permission of his Government.

Will you accept, Mr. Minister, etc.,

CHICHKINE.

[Inclosure 7 in No. 151.]

Mr. Peirce to Mr. Rawicz.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 5, 1895.

SIR: I have telegraphed you to-day as follows: "Was Yablkowski's passport viséed to enter Russia?"

If it is possible for you to obtain this information you will please do so with as little delay as possible, informing me also, if you can, by what Russian consul or other officer such visé was affixed to his passport.

I am, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires.

[Inclosure 8 in No. 151.—Telegrams.]

Telegram sent consul at Warsaw October 5:

Was Yablkowski's passport viséed to enter Russia?

PEIRCE, *Chargé.*

Telegram received from Warsaw October 6:

Yablkowski particulars in my yesterday letter.

RAWICZ, *Consul.*

Telegram sent consul at Warsaw October 7:

Letter received. Reply to question asked. Was passport viséed?

PEIRCE, *Chargé.*

Telegram received from Warsaw October 10:

Yablkowski's passport viséed Danzig, January 7.

RAWICZ, *Consul.*

Telegram sent October 10 to consul at Warsaw:

Was Yablkowski's passport viséed to enter Russia, and by whom?
Answer quick.

PEIRCE, *Chargé.*

Telegram received October 10:

Wired yesterday. Yablkowski's passport viséed Danzig, Prussia, to enter Russia.

RAWICZ, *Consul.*

[Inclosure 9 in No. 151.]

Mr. Rawicz to Mr. Breckinridge.

No. 1536, M. C.]

CONSULATE OF THE UNITED STATES,
Warsaw, October 4, 1895.

SIR: Referring to yours of the 28th ultimo concerning Anton Yablkowski, a citizen of the United States, I have the honor to communi-

cate to you, here inclosed, a copy of the official letter sent to me by the judge in whose hands said Yablkowski's United States passport is at present deposited.

The above-mentioned official claims that Yablkowski is a subject of this Government, and as such is liable to be punished according to paragraph 325 of the Code of Criminal Law, and therefore he is at present in the prison at the city of Nieszawa, which is located in my consular district.

I am, etc.,

JOSEPH RAWICZ.

[Subinclosure to inclosure 9.—Translation.]

Examining Magistrate to Mr. Rawicz.

No. 1632.] EXAMINING MAGISTRATE OF THE WARSAW COURT OF JUSTICE,
MINISTRY OF JUSTICE,
Nieszawa District, September 20, 1895.

To the Consul of the United States of America, N. D. 83-95:

In reply to your dispatch of September 2, No. 1530, I have the honor to inform you that Anton Yablkowski had to deliver to the police his passport given to him at Washington, December 7, 1894, No. 18144, because Anton Yablkowski is a Russian subject, incorporated to the village Palaevo Strave, Rushkaw gnun (?), of the Nieszawa district; and, on the strength of his having passed over to a foreign subjection, the said Anton Yablkowski will be tried according to article 325 of the Code of Laws.

[Inclosure 10 in No. 151.]

Mr. Peirce to Mr. Rawicz.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 7, 1895.

SIR: Your letter of October 4, inclosing document showing that Yablkowski, whose case I had telegraphed you about, was arrested and indicted for becoming a citizen of a foreign State without previous consent of the Imperial Government, was duly received.

This does not give me the information I sought in my telegram to you. I have therefore telegraphed you again as follows: "Letter received. Reply to question asked. Was passport viséed?"

Please give me this information, if obtainable, without delay.

I am, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires.

[Inclosure 11 in No. 151.]

Mr. Rawicz to Mr. Peirce.

No. 1539, M. C.] CONSULATE OF THE UNITED STATES,
Warsaw, October 8, 1895.

SIR: On the 5th instant, evening, I received your telegram: "Was Yablkowski's passport viséed to enter Russia?" Immediately I sent the answer: "Yablkowski's particulars in my yesterday's letter." Yesterday I received your telegram: "Letter received. Reply to question. Was passport viséed?"

Not being prepared to answer the question directly, I have forwarded this morning a telegram to the judge at the city of Nieszawa, where Yablkowski is imprisoned, of the following tenor: "Answer paid. Was Yablkowski's passport viséed on the frontier?"

After receipt of the answer to the above dispatch, I shall wire it to you immediately.

Your obedient servant,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 12 in No. 151.]

Mr. Rawicz to Mr. Peirce.

No. 1542.]

CONSULATE OF THE UNITED STATES,
Warsaw, October 9, 1895.

SIR: Just after mailing my to-day's correspondence to you in re Yablkowski, I received a telegram from Nieszawa: (Translated) "Viséed at Danzig, January 7." Accordingly I have wired to you: "Yablkowski's passport viséed Danzig, January 7."

I am, etc.,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 13 in No. 151.]

Mr. Rawicz to Mr. Peirce.

CONSULATE OF THE UNITED STATES,
Warsaw, October 9, 1895.

SIR: Your two letters of the 5th instant received to-day.

In answer to the one concerning the telegram in re Yablkowski, dated 5th instant, I have to inform you that comparing it with your letter it appears that a mistake was made in the telegraphic office, where word "viséed" was given to me in the dispatch as "used," and that was the reason why my telegraphic answer was not correct.

I am awaiting the answer from the judge of Nieszawa to the telegram mentioned in my yesterday's letter, and after receipt I shall report to you immediately.

In re Samuel Cinger I have no further communications from our consul at Odessa.

I am, sir, etc.,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 14 in No. 151.]

Mr. Peirce to Mr. Chichkine.

LEGATION OF THE UNITED STATES,
St. Petersburg, Sept. 28/Oct. 10, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of September 22/October 4, informing this legation, in reply to its inquiry of September 16/28 regarding Anton Yablkowski, that this man has been arrested and is to be tried for becoming a naturalized American citizen as a penal offense.

The United States consul has also been officially informed by the examining magistrate having jurisdiction in the case that such is the charge against this man, and that the passport issued to him by the Department of State of the United States has been taken away

from him. The charge above recited appears to be the only one brought against him.

My Government can not be expected to acquiesce in the proposition of treating as a crime the act of becoming, lawfully and within its own jurisdiction, one of its citizens.

I would point out to your excellency that the passport issued to this man by the Department of State of the United States was duly viséed by the Russian consul at Danzig, who by that act officially recognized its validity, and authorized the entry of the man, as a citizen of the United States, upon Russian territory. And it does not appear that he was in any way warned that he would be arrested upon any such charge or in any way molested upon entering Russia, or that any condition other than the observance of the laws of the Empire after entering it was attached to the permission.

I submit, therefore, that this man has been granted unconditional permission to enter the Empire as an American citizen by the official act of a duly qualified officer of the Imperial Government, and that the continuance of proceedings against him, upon a criminal indictment, for the act of becoming a citizen of the United States, would hardly be in accordance with the laws of nations as defined by the most eminent authorities.

I respectfully ask, in view of the foregoing, that your excellency direct that such steps may be taken that this charge against Anton Yablkowski may be dismissed and he be released from durance, and his United States passport be returned to him. I would further ask of your excellency, for the information of my Government, a copy of article 325 of the Penal Code, cited in your note of September 22/October 4.

I avail myself of this occasion, etc.

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

Mr. Olney to Mr. Breckinridge.

No. 126.]

DEPARTMENT OF STATE,
Washington, October 12, 1895.

SIR: I have received your No. 144, of the 28th ultimo, reporting detention at Nieszawa, government of Warsaw, of Anton Yablkowski, claiming to be an American citizen, on charges so far not ascertained.

I inclose copy of the application made to this Department by Anton Yablkowski on which passport No. 18144 was issued. You will observe that the applicant represented that he was born in Prussia.

If the question of the validity of our passport should be raised, you will find correspondence on the subject printed in Foreign Relations, 1893, pages 15 and 23, and in Foreign Relations, 1894, pages 36 to 47, which may be of service to you.

I am, etc.,

RICHARD OLNEY.

Mr. Peirce to Mr. Olney.

No. 157.]

LEGATION OF THE UNITED STATES,
St. Petersburg, October 16, 1895. (Received Oct. 31.)

SIR: I have the honor to inclose herewith copy and translation of Mr. Chichkine's note of October 15 in reply to mine of October 10 regarding Anton Yablkowski, as well as its inclosure giving the text

of article 325 of the Penal Code. I also inclose copy of my reply of this date. I note that the law states that the return to the Empire, after change of allegiance, is punishable with deportation to Siberia, while the penalty of change of allegiance is deprivation of civil rights and banishment.

I have taken the ground that the visé of the consul gave permission to enter the Empire as an American citizen, and that therefore he could not be punished for that offense, and that he should not be prosecuted and punished for the political offense of change of allegiance, his citizenship of the United States having been recognized and indorsed by the visé of the consul, who was evidently competent for that purpose, and permission, unqualified by special conditions, was thereby given to enter the country, notwithstanding any former political status, if, indeed, the consul, as agent of his Government, did not thereby give his consent to the change of allegiance.

I have declined to admit that the ignorance of the consul regarding the special facts alters the situation, and have intimated that this was the fault of the system of administration, for which the United States Government was not responsible, stating that a few questions of the same character used by Russian consuls to disclose the race of applicants could easily disclose previous allegiance.

I would point out to you that the case of John Ginzberg, who we were before told was held as a deserter from military service, is now based upon an infraction of this same article 325 of the Penal Code. In his case, however, there was no visé of passport.

Lately there has been at the legation a Mr. Borowday, an American citizen, who was formerly a Russian subject, but who has now lived in the United States for some twenty years. He became a naturalized American without seeking the consent of the Imperial Government, and has recently come to Russia to engage in the practice of his profession, that of electrical engineer. He seemed himself to be aware of the fact that his position was likely to give him some trouble, but had believed that the law governing such cases was no longer enforced. He was strongly advised at the legation to leave the country until he could obtain the consent of the Imperial Government to his change of citizenship. There seemed to be considerable doubt as to whether he would follow this counsel, and the legation is not informed whether he is still in Russia or not.

I have, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 157.—Translation.]

Mr. Chichkine to Mr. Peirce.

ST. PETERSBURG, *October 3/15, 1895.*

MR. CHARGÉ D'AFFAIRES: In answer to your note of September 28 last, I hasten to inform you that the man Yablkowski has not been arrested; he is yet at liberty.

You have the goodness to say, Mr. Chargé d'Affaires, that an individual, having been a naturalized citizen of the United States, conformably to the laws of that power, should not be prosecuted in his country of origin once that he has legally embraced the American subjection.

I think it my duty to answer that it is precisely the character of legality which fails in the action of which Yablkowski is accused.

The action imputed to Yablkowski would form an infraction of article 325 of the Penal Code, of which I herewith join the authentic text, together with translation into French in parallel. This article defines the crime of which Yablkowski is accused.

To conclude, I have the honor to communicate to you that our consul-general at Danzig could not in any possible way know the antecedents of the man Yablkowski, and did not have a plausible excuse to refuse to visé his passport, and this can not consequently prevent justice from following its course.

Receive, Mr. Chargé d'Affaires, the assurance, etc.,

CHICHKINE.

[Subinclosure to inclosure 1 in No. 157.—Translation.]

Article 325, Penal Code.

Whoever absents himself from his fatherland and enters foreign service without the permission of the Government, or becomes subject of a foreign power, is condemned for such violation of duty and oath of faithful subjection to the privation of all civil rights and to perpetual banishment from the territory of the Empire, or, in case of voluntary return to Russia, to deportation to Siberia.

[Inclosure 3 in No. 157.]

Mr. Peirce to Mr. Chichkine.

LEGATION OF THE UNITED STATES,
St. Petersburg, October 4/16, 1895.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of October 3/15, relating to Anton Yablkowski.

Your excellency has had the goodness to quote me as saying "that an individual being a naturalized citizen of the United States, conformably to the laws of that power, can not be prosecuted in the country of his origin when he has legally embraced American subjection." I hasten to point out to your excellency that I have neither affirmed nor denied this proposition. I have stated that my Government could not be expected to acquiesce in the proposition of treating as a crime the act of lawfully and within its own jurisdiction becoming one of its own citizens, and I have further advanced the opinion that the visé of the passport of such a citizen by competent authority grants him permission to enter at the same time that it recognizes his allegiance to the power granting the passport, which should free him from prosecution upon a penal charge, on entering the country of his origin for the political offense, if it be one, of change of allegiance.

I beg your excellency to note that the basis of my protest is against the prosecution and punishment of this man upon the political charge of becoming a citizen of the United States, his American citizenship having been duly indorsed and permission to enter Russia formally granted him by an officer of the Imperial Government, competent for the purpose, or, for the same reason, for returning to Russia after change of allegiance.

The text of the law itself, which your excellency has so kindly favored me with, states that the act of change of allegiance becomes a penal offense, in default of the permission of his Government. In the present case, the competent officer of the Imperial Government having attached his visé and recognition to the American passport, thereby

acknowledging and assenting to the American citizenship, may easily be supposed, as the agent of the Imperial Government, to have granted consent to the act.

I again submit that the man entered Russia as an American citizen, by permission of the imperial authorities, and without warning or notice that any condition was attached to this permission to enter, other than the tacit and usually accepted one, of obeying its laws while within the Empire.

I am unable to admit that the ignorance of the special facts in the case on the part of the consul-general at Danzig alters the situation. That would seem to be an administrative accident, for which my Government is not responsible. A few questions directed to that end would have determined whether the applicant had ever been a Russian subject. This would have involved simply the application of the practice which the Russian laws obliged him to make use of in ascertaining whether the man was of the Jewish race.

Your excellency is good enough to say that the man has not been arrested, but is still at liberty. May I ask if this liberty is qualified, or if he is free to leave the country should he desire so to do.

I avail myself of this occasion, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

Mr. Peirce to Mr. Olney.

No. 161.]

LEGATION OF THE UNITED STATES,
St. Petersburg, October 28, 1895. (Received Nov. 11.)

SIR: I have the honor to acknowledge the receipt of your No. 126, of October 12, relating to Anton Yablkowski, and inclosing copy of his application for a passport.

I note that Yablkowski, in his application for a passport, stated that he was born at Inowradaw, which is a small town of Prussian Poland. I have therefore addressed a letter to the United States consul at Warsaw, requesting him to secure all the data which he may be able to obtain bearing upon the place and circumstances of Yablkowski's birth, as they may affect his original nationality, as well as upon any change of nationality previous to his American naturalization. I have also requested him to obtain, if possible, copies of all the evidence and of any official documents in this case. I inclose copy of this letter.

It has seemed to me prudent to secure these documents in this way, if it can be done, rather than to make a request through the ministry of foreign affairs, preferring, if possible, to maintain the status of the case exactly as it is until your instructions are received. At present it might be said to be parallel to the arrest of a deserter found under a safe-conduct within the enemy's lines.

Should it prove that Yablkowski was a German and not a Russian subject originally, the case would of course present a very different aspect from its present one. It is not impossible that this may be the result of further inquiry, as, evidently from the fact of the man's being at large, although accused of something involving so severe a penalty, the evidence against him is not thought to be very strong. Inowradaw is close to the frontier, and he would speak the same dialect as the people in Poland on the other side of the line.

I have, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires ad interim.

[Inclosure in No. 161.]

*Mr. Peirce to Mr. Rawicz.*LEGATION OF THE UNITED STATES,
St. Petersburg, October 28, 1895.

SIR: I am in receipt of a dispatch from the Department of State in regard to the case of Anton Yablkowski.

It seems that in his application for a passport he stated that he was born in Inowradaw, Prussia.

As I desire to know the exact facts in this man's case, who may after all have been a German subject although a Pole by birth, I will thank you to see him and obtain all the facts in his case. You will please discover, if you can, whether he was really born in Prussia or in Russia, and whether he ever became a Russian subject; and if so, how. In short, get from him as complete a history of any point bearing upon this question as you can.

You may say to Yablkowski that this legation has his case in hand and is using its influence to secure his discharge as an American citizen.

I also desire a copy, if you can obtain it, of the evidence on which this man is held, and of any legal documents or processes in his case. No doubt these copies can be secured through the imperial ministry of foreign affairs, but in view of the expedition which you may be able to secure, and for other reasons, I deem it best that you should obtain them if possible, and if not, that you should communicate the fact to this legation without loss of time.

I am, etc.,

HERBERT H. D. PEIRCE,
Chargé d'Affaires.

Mr. Olney to Mr. Peirce.

No. 138.]

DEPARTMENT OF STATE,
Washington, November 4, 1895.

SIR: Your dispatch No. 157, of the 16th ultimo, has been received.

The position taken by the Imperial Government in Yablkowski's case, accompanied as it is by the text of the Russian law claimed to be applicable to such cases, constitutes the most direct statement of the Russian contention in this regard that has as yet been presented.

Taking the two clauses of the law together, they amount to a claim for the punishment of a Russian subject for the imputed offense of becoming a citizen or subject of another State, or even of entering into the service of another State. Unlike the legislation of some other countries, the Russian law does not decree loss of citizenship by the fact of embracing any other allegiance, and the deprivation of civil rights and perpetual banishment from the territory of the Empire, coupled with deportation to Siberia in the event of the individual's return to Russia, are only consistant with the assertion of continuing Russian subjection and with a claim to punish him as a subject.

The position of the United States as to the right of expatriation is long established and well known. The doctrine announced by us at an early stage of our national existence has been since generally adopted by all the European States except Russia and Turkey; and the Turkish Government does not go so far as to assert in practice a claim to punish a Turk for the offense of acquiring any other nationality. That every sovereign State has an indefeasible right to prescribe and apply the

conditions under which an alien, being within its territorial jurisdiction, may be admitted to citizenship is a proposition not to be denied and scarcely capable of any material qualification. The legislation of the United States proceeds upon this theory.

Under the circumstances, and under the statutes of this country, this Government can not acquiesce in the Russian contention now formally announced, and must continue in the future to do as it has done in the past, and remonstrate against denial of the rights of American citizenship to persons of Russian origin who by due process of law have acquired our nationality, controverting any and every attempt to treat the acquisition of our citizenship as a penal offense against the law of the country of origin.

It is deeply to be regretted that no treaty of naturalization exists between the United States and Russia similar to those concluded with other States of Europe which for many years held to the doctrine of perpetual allegiance as strongly as the Imperial Government now seems disposed to do. Whatever be the abstract rights of the matter contended for by the respective parties, some form of conventional agreement in reconciliation of their conflicting claims is alike desirable and honorable. Overtures in this sense have been made at times heretofore without immediate result, but it is earnestly hoped that at no distant time the two countries may be able to come to a mutually beneficial understanding in this respect, which, while subserving their several interests, will remove a notable cause of difference between them in a manner befitting their traditional friendship.

I am, etc.,

RICHARD OLNEY.

Mr. Breckinridge to Mr. Olney.

No. 179.]

LEGATION OF THE UNITED STATES,
St. Petersburg, November 29, 1895. (Received Dec. 16.)

SIR: Your dispatch No. 138, of the 4th instant, relating to the case of Mr. Anton Yablkowski and to the question of expatriation was duly received.

Heretofore it has been thought that it was best to proceed quietly with cases of this kind in the interest of the unfortunate men, and that the Russian Government was disposed to deal gently with such as came from the United States. That was the policy at the time I came to this legation.

In accordance with this, the legation has always looked for extenuating circumstances to afford ground for the exercise of the supposed desire for clemency. The Russian Government also seemed indisposed to squarely assert its real ground of action.

The foregoing has clearly come to an end on both sides. We see, after long and varied tests, that the Russian Government is resolute to punish our people as well as others, and it no longer hesitates to state its law and avow its policy.

There is no hope, then, for any man guilty as charged except to attack the principle upon which all such charges are founded.

In accordance with the dispatch now under consideration, and the foregoing conviction as to the impolicy of further delay, I to-day addressed a note to Prince Lobanow upon the general question of expatriation. A copy of this note is inclosed. In that I express the Government's desire for a settlement by a convention or some sort of an agreement. This action is respectfully submitted.

In order to complete your record to date upon this subject, which promises to be a long one, I herewith inclose copies of the following communications:

Note from Mr. Peirce, while chargé, on October 16, to Prince Lobanow; reply of Prince Lobanow to that note, dated October 28/November 9, and addressed to me; letter from Mr. Joseph Rawicz, our consul at Warsaw, of November 7, and also of November 14.

In his first letter the consul says it is proven that Yablkowski was born in Russia. That seems to dispose of his claim, as shown in his application for a passport, that he is a native of Prussia.

In his second letter he makes some suggestions about warning our citizens subject to this trouble of the difficulties they are likely to encounter. This, I was verbally informed by Baron Sacken, of the foreign office, extends to their descendants born abroad, without any limit as to degree of descent. I warmly approve of the consul's suggestions as greatly needed by such persons who may contemplate visiting this country.

In regard to Prince Lobanow's note to me in reply to the note of the chargé, previously referred to, I think his excellency is lacking in courtesy. I formally acknowledged its receipt, but have made no further response to it, referring to a previous note from the ministry stating the case in my note to him to-day.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 179.]

Mr. Peirce to Prince Lobanow.

[The same as inclosure 3 in No. 157, printed on page 1105.]

[Inclosure 2 in No. 179.—Translation.]

Prince Lobanow to Mr. Breckinridge.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
October 28/November 9, 1895.

Mr. MINISTER: I have duly received the note of October 4/16, in which the legation of the United States desires to refer to the affair concerning the proceedings commenced against a certain Yablkowski, for having abandoned Russian nationality without permission of the Imperial Government

Inasmuch as the legation is kind enough to again precise the argument formulated in the preceding communication, which it judged had not been sufficiently correctly reproduced in the ministerial note of October 3/15, I shall have the honor to answer it, however light and imperceptible the shade between the two propositions appears to me.

The legation affirms that the Government of the United States could not consent to accept as a crime the action of becoming a naturalized American citizen, in conformity with laws and inside the sphere of jurisdiction of the United States.

I regret that I am not able to share your manner of seeing, inasmuch as it concerns a crime committed against Russian law by an individual who had not been released of his liens of subjection at the time he

embraced another nationality. He formally violated this law by not seeking the permission of his Government.

If the administrative authorities of the Empire had been acquainted with this fact during the time Mr. Yablkowski was abroad he would have been, according to law, condemned by default to perpetual banishment. But whereas, in this case, the Russian law would only have attainted him in fact and in right in this manner, it had to apply another more rigorous disposition once he returned to his original country and the infraction was proved.

Having delivered himself to the Russian law for crime committed against it, which he should not have been ignorant of, the Russian authorities legitimately arrested him, and he could not escape the proceedings to which he was liable.

With regard to the visé affixed by the Russian consular authority on the passport in the possession of Mr. Yablkowski, it does not change the question in any manner whatever.

As I have already tried to explain in my preceding communication, our consul-general at Dantzic was unaware that the passport which was presented to him for visé had been delivered to an individual who had abandoned Russian subjection without permission. But even if the antecedents of Yablkowski had been known, our consular authority, far from refusing Yablkowski the faculty to enter Russia, if he asked for it, would have been in the right and in the obligation to deliver him a passport or certificate *ad hoc* which placed him in a measure to satisfy on Russian territory the proceedings to which he was liable under the Russian law.

As to the question as to whether Yablkowski is at liberty to leave Russia, I beg to refer you to my communication of October 3, No. 8250, in which I have the honor to inform the legation that this individual is actually in liberty, but as he is under judicial proceedings in Russia, it therefore naturally results that the local authorities could not under these circumstances allow him to leave Russian territory.

In the hope that the foregoing explanation will, Mr. Minister, convince you of the proper manner of action of our authorities in these circumstances.

I avail myself, etc.,

LOBANOW.

[Inclosure 3 in No. 179.]

Mr. Rawicz to Mr. Peirce.

CONSULATE OF THE UNITED STATES,
Warsaw, November 7, 1895.

SIR: Referring to your last communication, answered by my letter, No. 1557, of 2d instant, I beg to report to you the result of the personal investigation by the secretary of the consulate on the ground, i. e., in the city of Nieszawa.

Anton Yablkowski is answering presently from free port, and the investigation of his case is led by the examiner in the county seat, Nieszawa. A. Yablkowski surrendered his United States passport to the police officer at precinct Ruszkowo, and is now living at Polaiewo Slave, in said precinct.

It was proven that he was born in this country; that he left for America seven years ago, when 21 years of age, and was therefore subject to the military service. Said Anton Yablkowski was naturalized in the United States, and on the 7th day of December, 1894, a United

States passport was issued to him at Washington, bearing the number 18144.

All the papers concerning the case will be forwarded in about three weeks to the prosecuting attorney at Wloclawek, where he will answer to the charge of becoming a citizen of the United States without the permission of this Government, according to section 325 of Code of Punishment, which is as follows:

Whoever, after leaving this country, shall enter into the military service in another country without the permission of this Government, or shall become a citizen of another country, will, for breaking his allegiance and oath, be punished by the loss of all the rights of the State and the expulsion from the country forever, and in case he should return of his free will to Russia he shall be sent to Siberia to settle there forever.

I shall watch and report the progress of the proceedings of said case.

From time to time such cases occur. Those who leave this country naturalize themselves in the United States, and, not knowing the law on this subject, and consequently not being aware of the peril, return for a visit or on business to their old home, where, according to said section 325 of Code of Punishment, they are arrested. As they thus place themselves and also the American authorities here into trouble, I beg leave to suggest that some publications be made throughout the different States of the Union, and that by issuing small notices on the subject they may be attached to each passport issued by the Department of State to each Russian-born petitioner, whereby the citizens and the authorities of the Union will be saved.

Yours, etc.,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 4 in No. 179.]

Mr. Rawicz to Mr. Peirce.

CONSULATE OF THE UNITED STATES,
Warsaw, November 14, 1895.

SIR: Referring to my communication of the 7th instant, No. 1558, M. C., in re Anton Yablkowski, I have the honor to report to the United States legation that to-day I have been again summoned in consular capacity before the examining judge of the seventh division of the district court of Warsaw, where I had to answer to the following interrogatories:

1. By what right was Anton Yablkowski made a citizen of the United States before being released from the subjection of this Government?
2. How long must a man live in the United States to have the right to become a citizen of the Union?
3. What forms and formalities are required for the admission of foreigners to United States citizenship?

To the above I have given the following answers:

1. Anton Yablkowski became a citizen of the United States by virtue of the Constitution of the United States.
2. A foreigner wishing to become a citizen of the United States must live five years in the Union; in that, two years in one State and six months in a city; then he will be entitled to the citizenship of the United States.
3. A foreigner must first declare his intention to become a citizen of the United States; then, when he has lived a sufficient time in the country,

he must appear before the open court, with two witnesses to testify to his integrity, where he takes the oath of allegiance and promises to support the Constitution of the United States, after which he is recorded in the books as a citizen of the Union, with all rights and privileges, the same as an American born, with the exception of the right to be a candidate to the chair of the President of the United States.

Communicating the above to you, I am, etc.,

JOSEPH RAWICZ,
United States Consul.

[Inclosure 5 in No. 179.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, November 17/29, 1895.

YOUR EXCELLENCY: Referring to the ministerial note of October 3/15, in which this legation was kindly furnished with the text of the Russian law which applies to naturalized Americans of Russian origin, I now have the honor to communicate to you more fully the position and wishes of my Government in regard to all matters arising under that law.

In the first place, my Government recognizes with sincere regret the differences which have arisen between it and the Imperial Government in this connection, and it greatly desires to negotiate some form of an agreement, creditable alike to both countries and besitting their traditional friendship, to remove this notable cause of difference.

Heretofore cases arising under this head have been rare, or they have assumed other and less objectionable aspects, but the improved means of transportation, and the steady increase in the United States of persons of this class, as well as the pending cases, admonish all that the two Governments will be more definitely and frequently in contact in this painful particular unless some friendly and suitable adjustment can be reached.

Our experience with other Governments leads us to hope for a satisfactory settlement in this instance. At an early stage of our national existence we held that every sovereign state had an indefeasible right to prescribe and apply the conditions under which an alien, being within its territorial jurisdiction, may be admitted to citizenship, and the legislation of the United States has proceeded upon this theory. For many years the nations of Europe generally disputed our claim, and held to the doctrine of perpetual allegiance. This contention has now been abandoned by all except the Imperial Government and Turkey; and the Turkish Government does not go so far as to assert in practice a claim to punish a Turk for acquiring any other nationality.

To show more precisely the position of my Government, and how unfortunate must be the effect upon the good relations we are so anxious to conserve, I beg to inclose herewith a copy of sections 1999, 2000, and 2001 of the Revised Statutes of the United States, which, of course, are obligatory upon the Executive.

Trusting that these expressions may be received in the very friendly spirit in which they are offered,

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

No. 190.]

LEGATION OF THE UNITED STATES,
St. Petersburg, December 21, 1895. (Received Jan. 6, 1896.)

SIR: Referring to my No. 179, of November 29, giving the latest presentation by this legation to the Russian Government of the question of expatriation, I now have to inclose a translation of Prince Lobanow's note of December 5/17, in acknowledgment of my note to him of November 17/29, and copy of my reply of this date.

It is gratifying to note that Prince Lobanow approaches this subject in a much more satisfactory spirit than has been manifested for a long time. I have attempted in my response to evince a proper appreciation of this.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure 1 in No. 190.—Translation.]

Prince Lobanow to Mr. Breckinridge.

IMPERIAL MINISTRY OF FOREIGN AFFAIRS,
St. Petersburg, December 5/17, 1895.

MR. MINISTER: I have had the honor to receive the note you kindly addressed to me, under date of November 17/29, concerning the recognition in quality of citizens by the United States, on their return to their country of origin, of Russian subjects having embraced American nationality without the authorization of the Imperial Government.

I have not failed to devote the most serious attention to the contents of said note, and I hasten to inform you that this question will be the subject of a careful examination on the part of the Imperial Government.

I avail myself, etc.,

LOBANOW.

[Inclosure 2 in No. 190.]

Mr. Breckinridge to Prince Lobanow.

LEGATION OF THE UNITED STATES,
St. Petersburg, December 9/21, 1895.

YOUR EXCELLENCY: It is with much pleasure that I have the honor to acknowledge the receipt of your note of the 5/17th instant, in which you kindly assure me that the subject of the recognition of the citizenship of all persons of Russian origin who have become citizens of the United States in accordance with the laws thereof, as set forth in the note of November 17/29 I had the honor to address to your excellency has received your serious attention, and that the question will be the subject of further careful examination by the Imperial Government.

I do not fail to transmit this considerate and gratifying assurance to my Government, and I hasten to say that it will be found most appreciative of the reciprocation of the sincere sentiment of friendship it has always entertained toward the Empire of Russia.

Trusting that in such a spirit there can be found an early and honorable solution of this matter, so painful to us,

I avail myself, etc.,

CLIFTON R. BRECKINRIDGE.

PROTECTION OF THE FUR SEAL.

Mr. Somow to Mr. Olney.

IMPERIAL LEGATION OF RUSSIA,
Washington, August 7/July 26, 1895.

MR. SECRETARY OF STATE: The contents of the note of Mr. Gresham, late Secretary of State, to the ambassador of Great Britain at Washington, bearing date of the 23d of January last,¹ concerning the regulation of fur-seal hunting, has been submitted to the examination of a special commission, which recognizes the necessity of a uniform régime for fur-seal hunting on the high seas for all the northern portion of the Pacific Ocean, from the coasts of America to those of Asia. To this end the Federal Government proposes the appointment of a mixed commission, to be composed of the representatives of the United States of America, of Russia, of Great Britain, and of Japan, whose duty it shall be to examine this question. The Federal Government further proposes to secure the enforcement of the decisions of the tribunal of arbitration which sat at Paris relative to fur-seal hunting as far as 35° north latitude in the Pacific Ocean, and to prohibit hunting in Bering Sea until the commission shall have finished its labors.

While accepting, in principle, the suggestion concerning the appointment of the aforesaid commission, the Imperial Government attaches much greater importance to the "modus vivendi," whereby the decisions of the tribunal of arbitration at Paris are to be enforced in all waters of the Pacific Ocean situated north of the thirty-fifth parallel of north latitude, including the Sea of Okhotsk.

The spirit of equity which actuates the Federal Government does not permit me to doubt that your excellency will be pleased to agree that the present state of things, in which the decisions of the tribunal of arbitration at Paris are enforced only in the eastern part of Bering Sea, the fur seals in the western part of the same sea being thus deprived of this protection, should no longer exist. In reality, all the good measures that have been taken in Bering Sea are paralyzed and productive of no results, from the very fact that the western part is not within the protected zone.

Consequently the Imperial Government, adhering to its view with regard to the necessity of establishing a uniform régime for all waters of the Pacific Ocean situated north of the thirty-fifth parallel of north latitude, is of opinion that it would be more practical to make no exception in the case of Bering Sea by prohibiting seal hunting until the termination of the labors of the aforesaid mixed commission, but to enforce the same uniform régime in that sea to which all waters of the Pacific Ocean north of the thirty-fifth parallel of north latitude are to be subjected.

In ordering me to convey its thanks to the Federal Government for the kind communication which it has been pleased to make to it, the Imperial Government instructs me to assure your excellency of its earnest desire to cooperate in the success of the aforesaid suggestions, as of any other suggestion tending to establish a uniform régime for the regulation of fur-seal hunting on the high seas in all parts of the Pacific Ocean north of the thirty-fifth parallel of north latitude.

Be pleased to accept, etc.,

A. SOMOW.

¹ See Foreign Relations, 1894, Appendix 1, p. 228.

Mr. Somow to Mr. Adee.

IMPERIAL LEGATION OF RUSSIA,
Washington, August 7/July 26, 1895.

MR. SECRETARY: In herewith transmitting to you a note bearing date of August 7/July 26, 1895, concerning the regulation of fur-seal hunting, I have the honor to send you a memorandum containing a statement of the result of the labors of the special commission instructed to report concerning the contents of the note addressed by Mr. Gresham, late Secretary of State, to the ambassador of Great Britain at Washington under date of January 23, 1895, relative to fur seals.

For my own part, I desire to beg you, Mr. Secretary, to keep this legation informed, as you have hitherto done, with regard to the development of this question, thus facilitating a mutual understanding between our two Governments.

Be pleased to accept, Mr. Secretary, the assurance of my very high consideration.

A. SOMOW.

[Inclosure—Memorandum.]

IMPERIAL LEGATION OF RUSSIA,
Washington, August 7/July 26, 1895.

The commission is of the opinion that our principal object—viz, to put a stop to the extermination of fur seals—could be more successfully attained, not by the appointment of a technical mixed commission, but by the convocation of a regular diplomatic conference, whose decisions should be obligatory upon all nations. Otherwise there is reason to fear that illicit fur-seal hunting will continue under other foreign flags, such as that of Sweden, of Italy, etc.

The representative of the ministry of finance has made the following remarks concerning the enforcement of the decisions of the arbitrators at Paris:

1. It is to be desired that Article I of these regulations, which prohibits fur-seal hunting at all times and by all means within a zone of 60 nautical miles around the Pribilof Islands, should be modified in such a way as to extend the zone in which hunting is prohibited to 200 miles around the Commander Islands and Fuleniew (Robbin Island).

2. As the Commander Islands are on the boundary line between Bering Sea and the Pacific Ocean, fur-seal hunting with firearms should be prohibited in all the waters of the Pacific Ocean as far as 35° north latitude, along the Kourilsky and Commander Islands and the coasts of Japan.

3. As the fur seals that winter on the Russian islands leave their winter lairs earlier than those on the Pribilof Islands, the time during which sealing on the high seas is prohibited should be made to last, for the former, not until the 1st of May, but until the 1st of March, or, strictly speaking, until the 1st of April.

All these measures relate exclusively to fur-seal hunting on the high seas, since hunting on land in Russian territory, viz, on the Commander Islands and Fuleniew, is under strict inspection, and the number of seals that are allowed to be killed is strictly limited.

Mr. Olney to Prince Cantacuzène.

No. 17.]

DEPARTMENT OF STATE,
Washington, October 15, 1895.

SIR: I have the honor to acknowledge the receipt of two notes from the Imperial legation of Russia dated August 7, 1895, answers to which have been inadvertently delayed.

On the 27th of May last, a reply to the proposals made by Secretary Gresham in his note of the preceding 23d of January was received through the British ambassador at this capital in the form of a printed copy of an instruction from the British foreign office, dated May 17,

1895.¹ Her Britannic Majesty's Government, for reasons therein stated at much length, declined to entertain the proposition for the appointment of an international commission, and for an efficient *modus vivendi* pending the more comprehensive agreement in which all the parties interested in the fur-seal fisheries might join. The instruction of the British foreign office, however, contained the suggestion that resident agents be appointed by the United States and Great Britain to be stationed on the Pribilof and Commander Islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries.

While unable to regard this suggestion of the British Government as satisfactorily meeting the exigencies of the case, this Government made it the basis of a new suggestion to the British Government substantially as follows: That three agents be appointed by the Governments of Great Britain, Russia, Japan, and the United States—twelve in all—to be stationed on the Kurile, Commander, and Pribilof islands, respectively; that these agents be instructed to examine carefully into the existing conditions of fur-seal fishing, and to recommend from time to time any needful changes in the regulations of the Paris award and any desirable limitations of the land catches on each of the said islands; that within four years they present a final report to their respective Governments, and that pending such report a *modus vivendi* be entered into extending the Bering Sea award regulations along the line of the thirty-fifth degree north latitude from the American to the Asiatic shores.

To this last suggestion of the United States a reply was received by note from Lord Gough, dated the 19th of August last.² Therein, after argument to the effect that the facts do not justify any extension of the regulations made pursuant to the Bering Sea award, it is stated "that Her Majesty's Government can not recognize that Russia and Japan have any interests in the seal fisheries on the American side of the North Pacific, and that they can not, therefore, take part in any inquiry on the Pribilof Islands in which those powers are associated, but Her Majesty's Government are ready to appoint at once an agent to inquire conjointly with an agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two powers concerned to join in an inquiry on similar terms with Russia and Japan, respectively, in the Commander and Kurile islands."

It will be observed that no allusion is made to the important proposition that pending the proposed investigation by agents, a satisfactory *modus vivendi* for the preservation of the fur-seal fisheries should be put in force.

Recurring to the two notes from the Russian legation already referred to, it does not seem to be quite clear, and I therefore desire to ask whether the Russian Government desires the prohibition of all sealing north of the thirty-fifth degree of north latitude, pending the investigation of the conditions of the seal fisheries, or simply that the regulations of the Paris award and the closed season thereof be extended to the Bering Sea on the western as well as the eastern side.

Further, the second note, as translated in this Department, apparently suggests that the closed season should last until the 1st of April. Is there not an error in the note or the translation, and should not the word "after" be substituted for the word "until," since under the Paris regulations the open seasons last from August through April?

¹ See p. 618, ante.

² See p. 665, ante.

It is hoped that the delay in answering the two notes of August 7 last has in no way inconvenienced the Russian Government or its legation at this capital.

Accept, Mr. Minister, etc.,

RICHARD OLNEY.

Prince Cantacuzène to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF RUSSIA,
Washington, October 18, 1895.

MR. SECRETARY OF STATE: Referring to the note which you were pleased to address to me on the 15th instant, and thanking you for that communication, I hasten to inform you that, by his note of August 7, 1895, the chargé d'affaires of Russia meant to express the view of the Imperial Government, which was that in case fur-seal hunting was to be wholly prohibited in Bering Sea for a certain length of time it should likewise be prohibited in the Sea of Okhotsk and around the Kouril Islands—in a word, in all the waters of the Pacific Ocean north of latitude 35° north, so that all the islands and waters of the Pacific in which seals are in danger might be governed by the same regulations, and sure of uniform protection.

As to the second point, the intention of the imperial legation was to express the wish that fur-seal hunting on the high seas might be prohibited from March 1, or, at the latest, from April 1, instead of from May 1, which date is too late for the more southern waters of the Sea of Okhotsk, in which the seals make their appearance earlier than in Bering Sea.

Be pleased to accept, etc.,

CANTACUZÈNE.

Mr. Somow to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF RUSSIA,
Washington, November 18, 1895.

MR. SECRETARY OF STATE: In reply to the note of your excellency dated 15th of October last, I have the honor to inform you, Mr. Secretary of State, that the Imperial Government—to which I did not fail to forward the above-mentioned note—informs me of its consent to the employment during the examination of the conditions of the fur-seal fisheries of one of the two following measures: (1) Either that fishing on the open sea be completely prohibited in all waters situated to the north of the thirty-fifth degree north latitude, (2) or that the provisions of the Paris award be applied to the whole extent of Bering Sea.

At the same time the Imperial Government leaves to the disposal of the Federal Government the choice of one of the two measures above mentioned.

Accept, etc.,

A. SOMOW.

[Memorandum handed to Mr. Olney by Mr. Somow November 21, 1895.]

RUSSIAN IMPERIAL LEGATION,
Washington.
Queries.

1. Was the United States Government aware that in the act of Parliament issued by the Government of Great Britain in pursuance of the Bering Sea award act in 1894 was omitted the clause 6 of the following regulations on seal fisheries:

"If, during the period and within the seas specified by the order, a British ship is found having on board thereof fishing or shooting implements or seal skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act."

And if the United States Government was aware of it, has it given any consideration to this subject; and, further, does the United States Government consider the practical value of this clause important?

2. In considering the best way to protect the seal fisheries the United States Government thought desirable, pending the investigations of the seal fisheries by a special commission, to extend the rules of the Paris award to the seal fisheries on the seas lying to the north of 35° of north latitude, and prohibit entirely the seal fisheries in the Bering Sea proper. Is that prohibition of the seal fisheries in the Bering Sea intended for the purpose of protecting the breeding area of the seals, or has it any other purpose?

Mr. Olney to Mr. Somow.

No. 25.]

DEPARTMENT OF STATE,
Washington, November 22, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, advising me that your Government is willing to consent to the application during the examination of the conditions of fur-seal hunting of either one of the following measures the Government of the United States may prefer: (1) Either that hunting on the open sea be completely prohibited on all waters situated to the north of the thirty-fifth degree of north latitude, (2) or that the provisions of the Paris award be applied to the whole extent of Bering Sea.

The Department is gratified to receive this amendment.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Somow.

No. 26.]

DEPARTMENT OF STATE,
Washington, December 3, 1895.

SIR: The inquiries, a memorandum of which was left with me at our last interview and copy of which is hereto appended, were referred by me for answers to the Department of the Treasury.

The answers of the Treasury Department are as follows:

The United States Government is aware that in the act of Parliament known as seal fishery (North Pacific) act, 1895, clause 6 of the earlier act known as seal fishery (North Pacific) act, 1893, was omitted.

1. The Treasury Department on June 25, 1895, received a copy of the proposed seal fishery (North Pacific) act, 1895, from the Secretary of State, and on July 3, 1895, called attention to this significant omission, and received from you a copy of your letter of July 8, addressed to James R. Roosevelt, chargé d'affaires at London, in which you express deep regret that the clause referred to should not have been reenacted, and the earnest hope that some means may be provided yet whereby this omission may be remedied.

2. The purpose of this Department, in recommending verbally to the Secretary of State, through Assistant Secretary Hamlin, that the existing Paris award regulations be extended along the line of thirty-fifth degree north latitude to the shores of Asia, and that, in addition thereto, Bering Sea should be closed to seal fishing pending the report of the international commission, was to secure protection for female seals in the breeding area, as it has been demonstrated by undisputable evidence that the females leave their young on the Pribilof Islands, and frequently are found in search of food and rest hundreds of miles at sea.

Such a prohibition, it is suggested, would be of equal value in protecting the Russian herd frequenting the Commander Islands, as well as the herd frequenting the Pribilof Islands.

Accept, etc.,

RICHARD OLNEY.

COMMERCIAL RELATIONS.

Mr. Gresham to Prince Cantacuzène.

No. 6.]

DEPARTMENT OF STATE,
Washington, February 16, 1895.

SIR: Since the receipt of your note of December 9, 1893, in which you request to be informed as to the commercial treatment proposed to be accorded by the United States to Russia in view of the friendly action of your Government in extending to the productions of the United States the same treatment as certain French productions enjoy on importations into the Empire, the general subject has been considered in several conversations had between us from time to time during the past year, in which I took occasion to refer to the then pending tariff legislation before Congress as preventing a positive declaration on my part as to the future. Since the adoption of the present tariff act you have made oral request for a formal reply to your note.

You refer in particular to Articles VI and XI of the treaty of 1832 between the United States and Russia, the former of which stipulated reciprocal exemption from higher import duties than those levied upon the like products of any other country, while the latter engaged that any advantage in commerce or navigation granted then or thereafter by either party to a third country should immediately inure to the other, unconditionally or for equivalent considerations, accordingly as it might be freely or conditionally granted to such third country; and you asked the views of this Government touching the scope and intendment of those articles, in the light of the Russo-French commercial treaties, by which France gives to Russia reduced rates on mineral illuminants, crude or refined, and Russia gives to France a scheduled reduction of tariff rates on certain French productions.

The two articles of the treaty of 1832 relate to different subjects, Article VI applying specifically to customs duties on imports, while Article XI relates to matters of commerce and navigation, the word "commerce" being used in its broad sense of intercourse and—in the case of countries separated by the ocean as ours are—necessarily joined with "navigation." The conditional favored-nation clause of Article XI, to which you advert as appearing to relieve Russia of all obligation to apply to the United States the same favors as France enjoys in

regard to customs duties, is not expressed in Article VI, which explicitly concerns such duties and can not by construction be extended to that article without merging it in Article XI and treating it as wholly redundant.

Your note presents no question of differential treatment concerning commerce and navigation between the two countries under Article XI. Article VI provides that no higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Russia, and that no higher or other duties shall be imposed on the importation into the Empire of Russia of any article the produce or manufacture of the United States than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Under the laws of the United States now in operation no higher or other duty is imposed on importations which are produced or manufactured in Russia than is imposed on importations produced or manufactured in any other foreign country, with the single exception of certain products of the Hawaiian Islands named in the treaty of commercial reciprocity concluded between the United States and Hawaii on the 30th day of January, 1875. Under this reciprocal arrangement specified articles, the production or manufacture of the Hawaiian Islands, are admitted into the United States free of duty, and in return the Hawaiian Government admits into those islands free of duty a large number of specified products and manufactures of the United States mentioned in Article II of the treaty.

It has been uniformly held by this Government that other countries with which we have treaties containing the most-favored-nation clause, can derive no benefit from this reciprocal commercial arrangement with Hawaii.

Aside from this special arrangement, Russian products have all the privileges under the tariff laws of the United States that are accorded to the products of any other country, and Russia enjoys the full benefit of Article VI of the treaty of 1832.

Your note further relates to consular charges for certifying the origin and value of goods sent from Russia to the United States. These charges were not prescribed by the act of October 1, 1890, but by the act of June 10, of that year, passed to prevent frauds to the detriment of the public revenue. The latter act prescribes the fee for a consular certificate to an invoice of merchandise exported to the United States as \$2.50. This fee is chargeable whether the merchandise is subject to duty or free of duty, and whether it is entered under special provisions or otherwise. In this respect Russian products are treated as favorably as those of any other country.

Accept, etc.,

W. Q. GRESHAM.

Mr. Somow to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF RUSSIA,
Washington, July 22, 1895.

MR. SECRETARY OF STATE: I have the honor, in pursuance of instructions received from the Imperial Government, to have recourse to your excellency's well-known kindness, with a view to obtaining some information relative to the treaty concluded by the Federal Government with that of the Hawaiian Islands on the 30th day of January, 1875.

Mr. Gresham, late Secretary of State, was pleased to acknowledge by his note of the 16th of February last that Russia enjoyed all the advantages granted by the aforesaid treaty to other powers, with the exception of those granted by the aforesaid treaty to the Hawaiian Islands. He failed, however, to state the reasons and the nature of said exception, which is in contravention of Articles VI and XI of our treaty of 1832, which is still in force.

I should therefore be very grateful to your excellency if you would, if possible, inform me of the reasons of the exception in question, and at the same time state your views with regard to our treaty of 1832, especially as to whether the most-favored-nation clause (Arts. VI and XI) is hereafter to inure to the benefit of Russia, notwithstanding the exception made in favor of the Hawaiian Islands, and whether that exception will not be considered by the Federal Government as a precedent authorizing it to grant to other powers, by new treaties, the same advantages that have already been granted to the Hawaiian Islands.

Hoping to be favored by your excellency with a reply, which I will transmit to my Government without delay,

I beg you, Mr. Secretary of State, etc.,

A. SOMOW.

Mr. Adee to Mr. Somow.

No. 10.]

DEPARTMENT OF STATE,
Washington, July 30, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, stating that you have been directed to obtain some information relative to the treaty between the United States and the Hawaiian Islands, and after referring to the exceptional advantages granted by that treaty to the Hawaiian Islands, you request the reasons for the exceptions in question. You also ask the views in regard to the treaty of the United States with your Government of 1832, and inquire whether the most-favored-nation clause in that treaty is hereafter to inure to the benefit of Russia, notwithstanding the exception in favor of Hawaii, and if that exception will not be considered a precedent to grant by treaties to other countries advantages similar to those granted to the Hawaiian Islands.

The exceptional advantages granted to the Hawaiian Islands by the tariff laws of the United States, in conformity with the provisions of the reciprocity treaty with Hawaii, have been yielded to that Government in return for certain valuable and exclusive considerations and by reason of the peculiar geographical and commercial relations that exist between the two countries. The course of this Government has been consistent in holding that such privileges do not fall within the favored-nation clause of any treaty, the concessions which the United States have extended to these islands having been made for considerations of such a character as not to be included within the stipulations for most-favored treatment contained in the treaties with other powers. From the early days of this Government it has been held that a covenant to extend to the most-favored nation privileges otherwise granted only refers to gratuitous advantages, and does not cover those granted on condition of a reciprocal benefit, and the tariff reductions on Hawaiian products have uniformly been considered as falling within this rule. The Hawaiian Government has held the same position in the interpretation of its treaties with other powers.

The views of the Department with regard to the meaning of the most-favored-nation clauses in Articles VI and XI of the treaty of 1832 were fully expressed in the note to Prince Cantacuzène of February 16 last.

As the mutual concessions under the reciprocity treaty between the United States and the Hawaiian Islands are of an exceptional nature, there does not appear to be any present condition leading to a discussion of the question whether the negotiation of this convention has established a precedent to be followed with other countries.

Accept, etc.,

ALVEY A. ADEE, *Acting Secretary.*

PERMISSION TO LEAVE RUSSIA TO BE OBTAINED BY PETITION.

Mr. Breckinridge to Mr. Olney

No. 97.]

LEGATION OF THE UNITED STATES,
St. Petersburg, June 27, 1895. (Received July 12.)

SIR: I am in receipt of Mr. Uhl's No. 72, of June 4, 1895, transmitting copy of letter from Mr. Cinnamon, of Taylor, Tex., requesting the good offices of the Government to secure permission for his family to leave Russia and join him; and also requesting the like service for his brother-in-law, Berk Modzack, and his family. In this connection I am instructed to use my good offices for Mr. Cinnamon's family; but informed that our Government can not intervene in behalf of his brother-in-law and his family should the Government of Russia have any objection to their emigration, they being Russian subjects.

In accordance with the foregoing I have addressed a note to Prince Lobanoff, requesting permission for Mr. Cinnamon's family to join him, and transmitting his request in regard to the others, but not coupling it with any request on the part of our Government, stating the reason as indicated therefor, but stating at the same time that this abstinence was not intended to prejudice the request if the Imperial Government was disposed to let this family join their kinspeople in America.

The result will be reported to you as soon as it can be ascertained.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

Mr. Breckinridge to Mr. Olney.

No. 120.]

LEGATION OF THE UNITED STATES.
St. Petersburg, July 31, 1895. (Received August 15.)

SIR: Referring to my No. 97, of June 27, in regard to the request of Mr. M. Cinnamon, of Taylor, Tex., that his wife and children be permitted to leave Russia and join him there, and the similar request for his brother-in-law, Berk Modzack, and family, I now have to inclose translation of a note of July 15/27 from the foreign office, stating that the laws of Russia require that such requests be addressed by the interested party in the form of a petition.

This petition must be addressed to the minister of the interior if it is a question of change of nationality, and to the governor of the province if it be for a passport to go abroad.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

[Inclosure in No. 120.—Translation.]

Mr. Chichkine to Mr. Breckinridge.

ST. PETERSBURG, July 15/27, 1895.

MR. MINISTER: In your note of June 15/27 last you have had the goodness to communicate to the Imperial Government the request of a certain Cinnamon living in the United States in the State of Texas.

The man Cinnamon asks that his family, established in Russia, may be authorized, together with that of his brother-in-law, Berk Modzack, to join him in America.

I have the honor to inform you that, according to the laws in force, all requests of this nature should be addressed directly, under the form of petitions, signed by those interested themselves, to the ministry of the interior if it is a question of nationality, or to the governor of the respective province if it is a question of obtaining a passport to go abroad.

Accept, Mr. Minister, etc.,

CHICHKINE.

RUSSIAN FINANCES.

Mr. Breckinridge to Mr. Gresham.

No. 70.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 16, 1895. (Received June 1.)

SIR: An important change has recently been made, say April 18, in the Russian law relating to contracts; and it is possibly the distinct beginning of a policy designed ultimately to bring the circulating medium of the Empire to a gold basis. By this change there is permitted perfect freedom of contracts—that is to say, as regards the kind of money in which contracts are to be paid, while formerly all contracts and settlements were required to be paid in the silver (paper) ruble. This note is called the “silver” ruble, as it claims equality with the silver ruble and calls for redemption in that metal, yet for many years it has not been on a par with silver bullion. This change, made upon the recommendation of the minister of finance, M. de Witte, and unanimously approved by the finance committee and by the combined committees of the Imperial council, has produced, in connection with certain features related to the movement which will appear in the course of this dispatch, a deep impression in Russia. Its tendency to a gold basis is clearly recognized, dependent, of course, upon future steps in that direction.

The transactions of farmers and peasants are excluded from the operation of the law, and their engagements will continue to be made and liquidated as heretofore. Gold contracts may be settled in paper rubles if so desired by the contracting parties; but it must be at the gold value of such notes as shown by the St. Petersburg bourse upon the day of payment.

The announced purpose of this law is to introduce gold into active circulation. This would operate particularly at the large centers of trade. At present there is no money seen or handled in trade, except occasionally a fugitive silver ruble, but the paper ruble and undervalued fractional coin. As no other money was permitted to be used in the liquidation of debt, except in certain matters upon Government

account, there has been a great lack of elasticity in the supply of money to meet special needs, such as the movement of crops and the like. To meet this the Government has been accustomed to make special issues of paper rubles, disposing of them through the agency of the state bank. But this recurring issue of notes, redeemed in nothing, unsettled the money market, discredited the Government, and inflicted evils on the masses of the people even more hurtful than monetary stringency. Now it is thought that the Government can give greater stability to the paper ruble, as indeed it must, to work its scheme, and by permitting gold to be used that metal will flow in from other countries when needed, returning back when the special demand is over, and that the paper ruble and minor coins will be more fully available at such times for the smaller transactions of the masses of the people, which likewise increase in volume during the seasons of special activity.

Newspaper discussion upon the subject continues to be spirited, both pro and con, and I am told that the minister of finance encourages both sides to a full expression of opinion, as the best means to accustom the public to the measure.

The total gold reserve of the Government is given in these discussions at 650,000,000 rubles. This is generally estimated as being about equally divided between a credit to the redemption fund and a credit to the emergency fund. Personally, I doubt if they have this much gold, which is over \$500,000,000. But that they have an enormous reserve of idle gold I do not question. A very intelligent financier of this city, with whom I have conferred about these matters, thinks it may be between 300,000,000 and 400,000,000 rubles, say 350,000,000 rubles, equal to, say, \$280,000,000.

All state the amount of paper rubles outstanding at about 1,000,000,000. But as this is the only circulating medium, except fractional coin, for this great country of 120,000,000 of people, I am inclined to think it an underestimate.

But under the new law the Government can use its own gold through the state bank as it has heretofore used its special issues of paper rubles, a very considerable advantage, while a more conservative policy in regard to issuing the paper ruble, combined with the fact that the gold is really as much behind it as it ever was, should tend to the stability of these notes.

Generally the essence of a financial policy of a Government is expressed by what is printed in its bonds and upon its notes. As lying, therefore, at the root of this situation, I give you what is said upon a ruble note.

Upon the face it is as follows:

Imperial credit note.

On presentation there will be paid at the exchange room of the Imperial Bank 1 ruble (or more) in silver or gold.

Upon the reverse side it says:

Extract from the Imperial manifesto concerning credit notes:

First. The Imperial credit notes are guaranteed by the whole property of the realm without detention at any time, to be exchanged against ringing (hard, pure) metal out of the above-mentioned fund.

Second. These credit notes enjoy the right of circulation within the Empire on an equality with silver coin.

Third. For the counterfeiting of credit notes the guilty party is subject to the loss of all rights, and will be sentenced to hard labor.

Extensive discussion is being elicited as to how contracts and the domestic debt can be justly settled upon the gold basis. Before the

Crimean war only fractional coin and gold circulated in Russia, or, at least, in the interior of the country. There are still some thousand millions of domestic bonds, called Oriental war bonds, contracted in 1877-8, in existence. These are paper ruble, or what we would call "green-back" bonds. The basis of their exchange is discussed, and with it all the adjustment of wages, etc., under the change. At the same time, it is very properly pointed out that the present measure does not necessarily anticipate the future, but simply permits gold to circulate and become a "citizen," without disfranchising paper (for practically there is no silver in Russia), and the future can take care of itself.

From all this I conclude as follows:

First. Russian finances are under the control of a minister of great ambition and ability, who has done distinguished service in funding public debt and is giving stability to the currency, and is extremely desirous of doing more.

Second. There can be no real or lasting stability to the currency until it is brought to the international standard of the commercial world.

Third. Wages being relatively high, in a cheap currency, the laborer and the masses have the vantage ground in the matter of a change of standard, that being just the reverse of the case with us.

Fourth. Guarding the issue of paper rubles with the large reserve of gold, with the facility of legislation by imperial decree, with equitable decision about contracts, and with the power of capital under such conditions to care for itself, it need not be difficult or surprising for Russia to pass to a gold basis after a few years' familiarity with that coin as now provided for.

Fifth. Our country need not count upon Russia for the absorption of an ounce of silver in the proposed ratio at about one-half of the bullion value of silver. She provides for the redemption of "silver" paper with gold reserves only. She invites the influx only of gold; and being herself a large producer of the metal from mines of increasing richness, she seems to have no fear of scarcity or expectation of any other except for subsidiary coin.

I may add that it is understood that the Imperial mint, which has long been idle, will now actively begin operations, the purpose being to coin 600,000,000 gold rubles, mostly 10-ruble imperials, within the next three years.

I have, etc.,

CLIFTON R. BRECKINRIDGE.

SAMOA.¹

CORRESPONDENCE WITH GERMAN EMBASSY AT WASHINGTON.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, February 23, 1895.

MR. SECRETARY OF STATE: It is provided in Article V, section 3, of the Samoa act, that the consuls of the three treaty powers shall compose a consular board, which shall pass upon the resolutions adopted by the municipal council. The Samoa act presupposes, moreover, that the influence which the consuls have a right to exert with the local administration and the Samoan Government is to be exerted on the basis of mutual consultation, as appears, for instance, from Article VI, section 2. According, however, to the report of the imperial consul at Apia, of December 29, 1894, a copy of which is herewith inclosed, the United States consul-general in Samoa does not act in accordance with those provisions. A resolution of the municipal council, which he does not approve, seems rather to have led him to assume, on principle, a hostile attitude toward all the measures adopted by the municipal council, thereby crippling the efficiency of that body as well as that of the consular board. Independently of this, moreover, his arbitrary course, in which he ignores the consuls of the two other treaty powers, is a source of frequent annoyance.

I have the honor, in pursuance of instructions received from the Imperial Government, most respectfully to bring the foregoing to your excellency's notice, and I think that I may assume that the course of the American consul-general at Apia does not meet the approval of the United States Government, and that your excellency will consequently be prepared to instruct the American representative in Samoa to discontinue his opposition to the municipal council, and to act in harmony with his consular colleagues in political matters.

Begging to be favored with a reply on this subject, I avail myself, etc.,
SAURMA.

[Inclosure.—Translation.]

The German Consul to the German Government.

APIA, December 29, 1894.

I have the honor, most respectfully, to inform Your Serene Highness that Mr. Mulligan, the new American consul-general, has taken a course in several official matters which justifies the conclusion that

¹ For previous correspondence relating to affairs in Samoa, see Foreign Relations, 1894, Appendix 1, pp. 504-755.

there will hereafter be no harmonious action on the part of the three consuls, such as has heretofore existed.

While the consulates have hitherto, with very infrequent exceptions, acted only after previous consultation and deliberation in all matters in which they were mutually interested, and have sent joint answers to communications addressed to them, Mr. Mulligan has frequently not only assumed an independent attitude in matters under consideration, and expressed his opinion without paying any regard to the other consuls, or ascertaining whether any agreement has been reached, but in one case, without even notifying us of his intention, he actually withdrew a resolution which had been jointly communicated to the Samoan Government.

I have referred, both orally and in writing, to the practice which has hitherto prevailed, and especially to the fact that the authority of the consuls and respect for their decisions among the natives has always been and must be better upheld if we jointly decided and settled questions coming before us than if each consul expressed his own opinion in a form different from those of the others, thus giving rise to the thought among the natives of a lack of harmony among the consuls.

Mr. Mulligan, however, has again presented his views alone in cases which called for consultation in common, and has done this in so positive and peremptory a manner that an understanding among the three consuls has been rendered impossible.

The municipal council some time ago denied several applications for license to sell spirituous liquors on the ground of existing legal provisions, which had repeatedly been enforced. Personal interest may have had some weight in this matter. At all events, the lack of any necessity very properly influenced the decision. I say lack of necessity, because there are already in Apia six places, for the two or three hundred white residents, where liquors are sold at retail.

As no actual resolution had been adopted by the municipal council, the consuls, even if they had been agreed on this question, could not have brought about any other decision.

Mr. Mulligan hereupon declared that he considered the decision of the municipal council one-sided and unjust, and that, until further notice, he would, as a matter of principle, refuse his sanction to any resolution that might be adopted by the municipal council, and that he would take no active part in the proceedings of the consular board in municipal affairs.

Consul Cusack-Smith and I endeavored to make it clear to him that he was thus assuming an attitude that was at variance with both the spirit and the letter of the Berlin treaty, that he was exposing the consular board, and that his course was calculated to effect nothing, for now, as the resolutions of the municipality were not unanimously approved by the consular board, they would go to the chief justice, who has the power to approve the resolutions of the municipal council.

Mr. Mulligan, however, adhered to his determination, and since then has declined, out and out, to approve the resolutions of the municipal council.

The efficiency of the consular board has thereby been seriously impaired. If Mr. Mulligan, regardless of consequences, not only refuses to take part in the joint deliberations of the consuls, but acts independently, without previous consultation with the other consuls, an unbearable state of things will thereby be created.

I desire, in conclusion, to call attention to the fact that, notwithstanding the action taken by Mr. Mulligan, my own relations with him

have always been agreeable, and that he has in many cases kindly acceded to my wishes and suggestions.

I can only wish for a continuance of so pleasant a state of things.

BIERMANN.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, February 26, 1895.

MR. SECRETARY OF STATE: AS may be known to your excellency, the labors of the Samoan land commission, to which for the last time your note of December 31 of the past year referred, have been in the interval terminated.

According to a report of the Imperial consul in Apia, a still greater expenditure has been incurred in connection with the labors of the commission. In some decisions upon contested claims, in especial where one part of the claim was allowed and the other part rejected, the commission concluded to survey and determine the boundaries of the lands in question. The costs thereof have been estimated at \$1,500 to \$2,000. In virtue of paragraph 2, section 2, of Article IV of the Samoan acts, the Imperial consul has recommended that the costs be borne by the Governments of the three treaty powers.

In having the honor pursuant to instructions to advise your excellency that the Imperial Government is willing to bear a third of these costs that will fall to its share, may I ask of your excellency whether the Government of the United States is likewise prepared to assume the payment of one-third of them as its share?

Accept, etc.,

SAURMA.

Mr. Gresham to Baron Saurma.

No. 23.]

DEPARTMENT OF STATE,
Washington, March 5, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 23d ultimo, inclosing a dispatch from the Imperial consul at Apia, of December 29 last.

Your excellency calls attention to the Imperial consul's complaint that Mr. Mulligan, the American consul-general, refuses to take part in the joint deliberations of the consuls of the treaty powers, thus occasioning frequent annoyance. You express the opinion that his course can not meet the approval of this Government, and that this Department will consequently instruct him to discontinue his opposition, and to act in harmony with his consular colleagues.

In reply I beg to inform your excellency that a dispatch has been received at this Department from Mr. Mulligan, dated January 1, 1895, stating that the municipal council had declined to entertain and act, either favorably or unfavorably, upon the application of Mr. Parker, an American citizen, for a hotel license.

The refusal to act upon this application, Mr. Mulligan states, was due to the fact that had the license been granted to Mr. Parker it would have interfered with a monopoly now enjoyed by a German subject,

himself a member of the municipal council, and the proprietor of the only two hotels in the island. It is stated that there are several other places which are mere tippling houses, but only these two which have any pretensions to the title of hotel.

The Imperial consul's dispatch, referring to the same subject, admits that personal interest may have had some weight in this matter. Mr. Mulligan states that had the council taken action either one way or the other, its decision might have been reviewed by the chief justice, but its refusal to entertain the application or to take any action with respect to it has deprived Mr. Parker of this means of redress.

This nonaction of the council was regarded by Mr. Mulligan as an undoubted wrong to Mr. Parker, and he evidently, and I think not unnaturally, felt somewhat indignant at it. This, no doubt, has led him into the conduct of which your Government now complains.

Mr. Mulligan has been instructed as to the course which, in the opinion of this Department, Mr. Parker should pursue to obtain an adjudication on his application. The Department does not, however, uphold Mr. Mulligan in pursuing a retaliatory policy in order to secure justice to his countryman, and, although it appears that the German members of the municipal council have adopted obstructive methods for the purpose of excluding an American citizen from participation in privileges which they enjoy, he will be instructed to desist from such method in connection with the work of the consular board, and to take part, in accordance with the spirit of the Berlin act, in its deliberations.

Accept, etc.,

W. Q. GRESHAM.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, March 9, 1895.

MR. SECRETARY OF STATE: Supplementing my note of February 26, last, which has already been partially answered by your excellency's note of March 5, last (No. 22), I have now the honor to inform your excellency that according to advices from the secretary of state for foreign affairs, of which I am just in receipt, the British Government has expressed its readiness to assume one-third of the estimated outstanding costs, amounting to about £400, for the surveying work in Samoa. The British Government at the same time submits the proposition to leave the winding up of the business of the land commission to the consuls of the three treaty powers, and this without the assistance of a special secretary.

The Imperial Government has expressed its concurrence to this, and in view of the declaration contained in your excellency's note of December 31 last, it is led to believe that the Government of the United States will consent thereto and will instruct Consul-General Mulligan in Apia to take part, without further assistance of a secretary, in the settlement of the business of the land commission and to take the necessary steps for assuming one-third of the costs of the surveys.

While awaiting an expression in reply,

I avail, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, March 13, 1895.

MR. SECRETARY OF STATE: The Imperial consul in Apia has pointed out in several reports to the ministry for foreign affairs the urgent necessity for prevailing upon the United States to express her attitude with regard to the question of control of the Samoan finances (revenues), and to furnish the consul-general of the United States in Apia with instructions as to the authority of the president of the municipality over fiscal matters.

My notes to your excellency of June 1, June 15, and of July 9, 1894, had reference to this subject, but the reply asked for has up to date not been received.

On the 8th of September, 1894, a memorandum from the Imperial embassy was received by Mr. Uhl, Acting Secretary of State, with reference to the same subject, and in which a speedy decision and reply was likewise requested.

As it seems that the American representative in Samoa is still without instructions in the matter, and as in consequence thereof it has not been hitherto possible, through a joint action of the consuls of the three treaty Powers, to bring about a recognition of the right of control of the Samoan revenues by the president of the municipality, in keeping with the wish of the Imperial Government in concurrence with that of the British Government, I have been instructed anew, in view of the uninterrupted damage to the Samoan finances arising from this delay, to approach your excellency for a decision and the issuance of instructions to the American representative in Apia.

Anticipating an answer from your excellency as soon as possible,
I avail, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, March 19, 1895.

MR. SECRETARY OF STATE: As I had the honor to inform your excellency in my note of November 11 last, the ordinance of August 14 last for the suppression of smuggling of firearms—a copy of which was transmitted at the time—has been promulgated in Apia for the municipal district.

It was contemplated through the proclamation of appropriate consular regulations to provide similar provisions for the districts outside of the municipality. The draft of such, recommended by the presiding officer of the municipality and the chief justice, has reached the treaty powers in the meanwhile. This draft, a copy of which I beg to inclose herewith, conforms closely to the above-mentioned ordinance of August 14 last. As your excellency will see from the annexed copy of a note from the British ambassador in Berlin of February 19 of this year, the British Government, though objecting to section 4 of the draft concerning the right of search, is willing to issue the proper consular regulations with regard to all the rest.

I have the honor, pursuant to instructions from the Imperial Government, to request your excellency to instruct the consul-general of the United States in Apia in the same sense. At the same time I beg to call your excellency's attention to the fact that according to section 2 of the draft the sale of all arms and all kinds of ammunition to natives is prohibited, conforming also therein to the language of the Samoan acts, Article III, section 1, paragraph 4, but that the American consul-general in Apia, according to a copy, hereto annexed, of a communication of October 17 last, addressed to the municipality, intends to allow apparently the sale thereof for purposes of sport.

I beg your excellency to call the attention of Consul-General Muligan especially to this point, and to cause him to relinquish such intention.

Awaiting a reply from your excellency,

I am, etc.,

SAURMA.

[Inclosure 1.]

Draft: An ordinance regulating the importation of and dealing with firearms and ammunition.

Short title: The short title of this ordinance shall be: "The arms and ammunition ordinance, 1894."

Interpretation: The word "president" means and includes the president of the municipal council of Apia or any person acting under his special authority.

SECTION 1. The importation into Samoa of arms and ammunition, and of any implements for making ammunition, by the natives of Samoa, or by the citizens or subjects of any foreign country, or by any aliens whomsoever, is hereby prohibited, except in the following cases:

(a) Guns and ammunition for sporting purposes, for which licenses shall have been obtained from the president before ordering such arms and ammunition.

(b) Small arms and ammunition carried by travelers as personal appanage, not to exceed one rifle, one fowling piece, and one revolver for each traveler.

(c) Arms and ammunition imported by the Samoan Government to protect itself and maintain order.

SEC. 2. The sale of arms, ammunition, and implements for making ammunition to any native Samoan subject or other Pacific islander, resident in Samoa, is also prohibited.

SEC. 3. Every alien resident keeping arms, ammunition, and gunpowder shall furnish the president, upon his request, with statements showing the quantities of the above-mentioned articles which he shall have on hand or in stock, and shall give such further explanation relating to transactions with such articles as the president may require.

SEC. 4. The president shall have the right to search from time to time the vessels and boats and all stores and warehouses, in order to control the carrying out of the provisions of this ordinance, and also the same right to search specified dwelling houses within the district when he shall have reasonable cause to believe from the affidavit of one or more credible witnesses that arms, ammunition, or gunpowder unlawfully imported or sold, or intended for unlawful sale, are kept within the specified dwelling houses; provided always that a competent consular representative shall be informed in time of such measure, and shall have the right to watch the proceedings. If by the search any arms, ammunition, implements for making ammunition, or gunpowder be found which have been imported or sold in violation of this ordinance, or which are kept for the purpose of unlawful sale, the president shall cause them to be seized and held until suitable legal action has been taken for their forfeiture or release.

SEC. 5. Any arms, ammunition, implements for making ammunition, or gunpowder imported or sold or proven to be kept for sale in violation of section 1 or 2 shall be declared forfeited to the Government of Samoa by the court.

SEC. 6. Whoever does, counsels, aids, abets, encourages, or procures any other person to do any act contrary to sections 1 or 2 shall on conviction be liable to a penalty of not less than \$5 (five dollars) or five days' imprisonment, and not exceeding \$20 (twenty dollars) or twenty days' imprisonment, or to both of such penalties, in the discretion of the court, for each firearm, and to a penalty of not less than \$0.20 (twenty cents) or one day's imprisonment, and not exceeding \$5 (five dollars) or five

days' imprisonment, or to both of such penalties, in the discretion of the court, for each cartridge or for each half pound of powder. *Provided always*, That the total penalty in each case shall not exceed \$200 (two hundred dollars) or one hundred and eighty (180) days' imprisonment, or both together.

SEC. 7. Whoever refuses to comply, or does not faithfully comply, with the provisions of section 3 shall on conviction thereof be liable to a penalty of not less than \$1 (one dollar) or one day's imprisonment and not exceeding \$100 (one hundred dollars) or thirty days' imprisonment, or to both such penalties, in the discretion of the court.

Whoever shall unlawfully resist the president in the performance of the duties imposed upon him by section 4 shall be punished as hereinbefore provided in this section.

SEC. 8. No prosecution under this ordinance shall be after the lapse of two years from the commission of the offense.

SEC. 9. This ordinance shall take effect on the day of its publication.

[Inclosure 2.]

Sir Edward B. Malet to Baron von Marschall.

BERLIN, February 19, 1895.

MONSIEUR LE BARON: In accordance with directions which I have received from the Earl of Kimberley, I have the honor to communicate to your excellency, in reply to the inquiries contained in Count Hatzfeldt's note to Lord Kimberley of the 30th of October last, the views of Her Majesty's Government upon the question of the importation of arms and ammunition into the Navigator's Islands and the measures considered necessary to put a stop to it.

To review the case briefly, the Samoan Government, as your excellency is aware, desire that two ordinances should be passed to restrain the sale of arms and ammunition, the one to apply to the municipality of Apia, the other to enforce similar restrictions on persons outside the limits of that municipality.

To meet the former object an ordinance regulating the sale of arms and ammunition within the municipality was issued on the 14th of August last, but the municipal council have endeavored to defeat its object by issuing supplementary regulations limiting the right of search.

The ordinance has now been modified and finally revised by the chief justice, in virtue of the powers conferred upon him by Article V, section 3, of the final act of the Berlin conference, and may, in its present form, in the opinion of Her Majesty's Government, be accepted.

They are, therefore, prepared to instruct Her Majesty's consul that its validity should be maintained by him, as the chief justice is the only person judicially qualified to interpret the act.

Nor is it advisable, in the opinion of Her Majesty's Government, as a matter of policy, to question the procedure of the chief justice, seeing that the extension of the right of search to dwelling houses, which is the main point in dispute, appears to be expedient in existing circumstances in Samoa.

With regard to the districts outside the municipality of Apia, a Samoan ordinance of 1892, applying only to Samoans, forbids contravention of the provisions of the final act of Berlin. But as this ordinance has not been found sufficiently effective, it is thought desirable to enforce in these districts restrictions similar to those adopted within the municipality.

For this purpose a draft ordinance has been prepared by the chief

justice and the president of the municipal council. This ordinance has been submitted to the treaty powers for approval, and the chief justice is prepared to recommend the Samoan Government to pass it, if the treaty powers would each instruct its consular representative in Samoa, that such ordinance would be binding in the respective consular courts, and should be the uniform and only law to be administered there in this class of cases.

To the terms of this draft ordinance Her Majesty's Government is not disposed to take exception, as they sympathize with the objects which the Samoan Government have in view and feel that every possible moral support should be given to the chief justice and the municipal president in their endeavor to attain them. They consider, however, that the provisions of Article IV, conferring on the president of the municipal council the right of search, are open to serious objection, and they are of opinion that it would not be desirable to allow the president to take upon himself powers of the kind over British subjects. They hold that the power of search should continue as at present, to be exercised under a warrant issued, in the case of British subjects, by Her Majesty's consul in his capacity of deputy commissioner for the Western Pacific, or by his locum tenens.

I am to add that, in the event of the Imperial Government being disposed to adopt a similar course, Her Majesty's Government would take the necessary steps to issue regulations binding upon British subjects, and, with the exception of the provisions as to the right of search above referred to, as nearly as possible identical with the extra-municipal law proposed by the chief justice and President Schmidt.

I avail myself, etc.,

EDWARD B. MALET.

[Inclosure 3.]

Mr. Mulligan to Mr. Schmidt.

APIA, SAMOA, October 17, 1894.

Referring to our conversation of yesterday, in which you expressed a desire that I should by proclamation or direct notice to each individual give warning to American citizens in Samoa, outside of the municipal district of Apia, not to sell ammunition to native Samoans, I have the honor to reply that on inquiry I am informed by Her Britannic Majesty's consul, Cusack Smith, esq., that he has not as yet issued such proclamation nor given such notice in the case of British subjects; but I am ready to join with the consular representatives of the other treaty powers in such public notice or proclamation, addressed to all the citizens and subjects of the treaty powers alike, against furnishing or supplying in any way, directly or indirectly, arms or fixed or rifle ammunition to Samoans or to others for their use.

In regard to mere loose sporting ammunition in small quantities for fowling pieces, I am not at present satisfied that it would be advisable on my part to include it in such an interdiction, even if it be admitted that as consular representative of one of the signatory powers I have the authority to do so. I do not understand section 1 of Art. VII of the Berlin general act as including sporting ammunition as such, nor am I persuaded that it is desirable, in a time of peace, to extend its construction to that extent.

I am aware, of course, that powder and shot intended primarily for

sporting purposes may, under the pressure of necessity, be made up into fixed ammunition for rifles, and I shall not hesitate to deal very severely with any person subject to this jurisdiction against whom information may be furnished, guilty of selling or otherwise furnishing any such considerable quantity of loose ammunition as to make it reasonably clear that such ammunition was not intended in good faith for sporting purposes, but meant to be used for arms of a military character. I am the more persuaded that the view which I have endeavored to present is, under all circumstances, correct, inasmuch as I understand the purpose of such proposed action on my part was for the purpose of applying to American citizens in Samoa, outside of Apia, the same restriction established within the municipal district. This regulation last referred to, you will permit me to call your attention, stops at merely forbidding a sale, leaving open all the various ways in which even military cartridges may be otherwise furnished or supplied by subterfuge, and is therefore far from being comprehensively efficient, as would be a like regulation applicable to other districts. Again, it would appear that it is unnecessary for the natives to resort to the slow and probably impossible means of manufacturing the loose into fixed ammunition when it is made apparent by the last war that they were supplied in reasonable abundance with regular metallic cartridges adapted to war-like purposes.

With assurances of my continued regard and esteem,

I am, sir, etc.,

JAMES H. MULLIGAN,
Consul-General, U. S. A.

Mr. Gresham to Baron Saurma.

No. 45.]

DEPARTMENT OF STATE,
Washington, April 18, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 19th ultimo, inclosing a draft of an ordinance prepared by the chief justice and the president of the municipal council of Samoa, designed, should it be adopted, for the suppression of the smuggling of firearms in Samoa outside of the municipal district. The British Government, it is stated, objects to section 4 of the draft concerning the right of search, but is willing to issue proper consular regulations with regard to all the rest. Your excellency, on behalf of your Government, requests me to instruct the consul-general of the United States in Apia in the same sense.

You also mention that the United States consul-general in Apia interprets Article VII of the Berlin general act as not prohibiting the sale of ammunition to natives for sporting purposes, and that he apparently intends to allow the sale thereof to natives for such purposes. You therefore request me to call his attention especially to this point and to cause him to relinquish such intention.

In reply, I beg to say that I have carefully examined the draft prepared by the chief justice and the president of the municipal council of Samoa. In its main provisions prohibiting the importation and sale of arms and ammunition the draft does not materially differ from the Berlin act, but it contains certain ancillary provisions for insuring obedience to that act, which are not contained in the act itself.

These provisions are:

1. For punishing by fine and imprisonment the importation and sale of arms and ammunition in violation of the prohibitions of the act.

2. For requiring reports to the president of the municipal council from persons dealing in or having possession of such articles as to amounts thereof and transactions in respect to the same.

3. For authority to the president of the council to search vessels and warehouses, and (on affidavit made to him) dwellings, also, for such articles suspected to be unlawfully imported, sold, or held for sale.

4. For the judicial forfeiture of such articles to the Samoan Government when ascertained to be unlawfully imported, sold, or held for sale.

5. For punishing by fine and imprisonment persons who resist search or refuse to make reports to the president of the council when required.

I do not feel authorized to issue such regulations as these, as they seem to me to require an exercise of legislative power which this Department does not possess.

It is supposed that the United States consul-general in Samoa can, under the provisions of our existing legislation, try and punish American citizens charged there with importing and selling arms and ammunition contrary to the prohibitions of the general act, and such punishment may be by fine or imprisonment, or both, in his discretion. I should have no objection to advising him in such cases to impose on guilty parties the punishment contemplated by section 6 of the draft inclosed by you.

But neither this Department nor the consul-general can require American citizens in Samoa to make reports to the president of the municipal council or to submit to his searching their premises, and of course such citizens can not be subjected to punishment for refusing to make reports or for resisting search.

As respects the interpretation which the American consul-general at Apia puts upon that provision of the general act forbidding "the sale of arms and ammunition by any foreigner to any native Samoan subject, or any other Pacific islander resident in Samoa," I am of opinion that he is in error. He will accordingly be advised that the general act absolutely prohibits the sale of ammunition, even for sporting purposes, by American citizens to native Samoan subjects or other Pacific islanders resident in Samoa.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

No. 52.]

DEPARTMENT OF STATE,
Washington, April 24, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 26 last, stating that the cost of the surveys ordered by the Samoan land commission aggregates perhaps \$1,500 or \$2,000, and asking whether the Government of the United States is willing to pay its pro rata share.

In reply I have to inform you that this Government will bear its one-third share of the expenses indicated, and that I have so advised the British ambassador in reply to his recent note upon the subject.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

No. 54.]

DEPARTMENT OF STATE,
Washington, April 25, 1895.

EXCELLENCY: I have the honor to acknowledge your notes of June 1, June 15, and July 9, 1894, March 13, 1895, and a memorandum of September 8, 1894, all having reference to an increase in the salary of the natives' advocate in Samoa. The president of the municipal council refused to pay the salary as increased, and the chief justice decided, in a suit brought by the advocate against the president, that the refusal was unauthorized.

You at first suggested that the consular representatives be instructed by their respective Governments to sustain, against the decision of the chief justice, the position of the municipal president that disbursements of money for the Samoan Government should be subject to his approval. Having subsequently ascertained that the British Government was unwilling to disregard the decision of the chief justice, you suggested that the respective consular representatives be instructed "to urge economy upon the Samoan Government, and to demand that all expenditures be made only with the advice of the president of the municipal council." Still later, the chief justice having announced his willingness to recede from his position should the opinion of the treaty powers be opposed to it, you proposed, "in compliance with Lord Kimberley's suggestion," cooperation of the powers "through joint presentation of the case by the consuls in the effort to cause the municipal president's right to control the Samoan finances to be recognized at least in the future by the chief justice."

The general purpose as expressed in your note of March 13 is "a recognition of the right of control of the Samoan revenues by the president of the municipality." The assertion of that right raises the question of the powers conferred by the Berlin act on the Samoan Government, the president of the municipal council, and the chief justice, respectively.

By Article I "the three powers recognize the independence of the Samoan Government." This general recognition is, however, subject to numerous limitations subsequently expressed; it is supplemented by several provisions conferring particular powers on the native Government. The treaty provides that "the Chief Executive of Samoa" (the King), "with the approval of the chief justice," may appoint the "natives' advocate" to assist the land commissioners, and that "the compensation of the natives' advocate shall be fixed and paid by the Samoan Government." The scheme of taxation provided by the act is "without prejudice to the native Government to levy and collect other taxes in its discretion upon the natives of the island and their property." Certain specified revenues "shall be for the use, and paid out upon the order, of the Samoan Government"—manifestly meaning the native Government.

The municipal president "may act under the joint instruction of the three powers, but shall receive no separate instruction from either;" and he "may advise the Samoan Government when occasion requires," but he is nowhere authorized to coerce it. He is the "receiver and custodian of the revenues," and is required to "render quarterly reports of his receipts and disbursements to the King and to the municipal council." Disbursements are to be made by him as provided by section 3, Article VI, which is as follows:

Of the revenues paid into the treasury, the proceeds of the Samoan capitation tax, of the license taxes paid by native Samoans, and of all other taxes which may be

collected without the municipal district, shall be for the use, and paid out upon the order, of the Samoan Government. The proceeds of the other taxes, which are collected in the municipal district exclusively, shall be held for the use, and paid out upon the order, of the municipal council to meet the expenses of the municipal administration, as provided by this act.

I fail to find anything in the act giving the municipal president a general discretion in the disbursement of the revenues. He must always reserve of the Samoan Government's funds enough to pay the salary of the chief justice, which by section 2, Article III, is made a first charge thereon; but having done this, it is neither his duty nor his right to decide finally questions as to the lawfulness of payments which he may be ordered by the Samoan Government and the municipal council, respectively, to make.

Section 4, Article III, provides that "the supreme court shall have jurisdiction of all questions arising under the provisions of this general act; and the decision or order of the court thereon shall be conclusive upon all residents of Samoa." Section 1 provides that the decisions of the chief justice "upon questions within his jurisdiction shall be final."

Subject to prior payment of the chief justice's salary, the Samoan Government may order the disbursement of revenues collected for its use for such lawful purposes as it may see fit. I say "lawful" because the implication is plain that disbursements can only be made for proper governmental purposes. If the municipal president, as custodian of the revenues, deems a disbursement ordered by the Samoan Government to be for an unlawful or unauthorized purpose, he may properly withhold payment until the question can be decided by the chief justice, whose decision is final and conclusive.

In the opinion of this Government, the chief justice and the president of the municipal council should exercise the authority conferred upon them by the act. Certainly they should not exercise powers forbidden them by the act.

While this Government sympathizes with the general purpose of preventing the native Government from squandering its revenues, it can not consistently consent that the president of the municipal council shall exercise arbitrary control over the revenues of which he is only custodian.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

No. 55.]

DEPARTMENT OF STATE,
Washington, April 25, 1895.

EXCELLENCY: I have the honor, in connection with my note of the 18th instant, to acknowledge the receipt of your note of November 11, 1894, which was accidentally overlooked in giving consideration to that of the 19th ultimo. In your note of November 11 you state, upon information received from the Imperial German consul at Apia, that the municipal council is endeavoring, "by the issuance of supplementary orders, to restrict the right of search" provided for by the ordinance adopted on August 14 last for the regulation of the traffic in firearms within the municipal district, and you suggest that it would be "proper to instruct the consuls of the Powers to counteract these efforts."

In reply, I beg to say that I am at a loss to understand how the municipal council can issue any supplementary orders restricting the right of search, which is expressly permitted by that ordinance. By

the terms of the Berlin general act the municipal council alone is without authority to adopt valid ordinances, and the validity of the ordinance of August 14, so far as it pertains to the municipal district, is recognized by this Department.

It will give me pleasure, however, to instruct the consul-general of the United States at Apia to act in concert with his German and British colleagues in the endeavor to counteract any efforts of the municipal council to defeat the object and purposes of the ordinance in question within the municipal district. As explained in my note of the 18th instant, I am unable to instruct Mr. Mulligan to adopt in whole the ordinance prepared by Mr. Ide and Mr. Schmidt for the suppression of the smuggling of firearms in Samoa outside of the municipal district.

In conclusion, I acknowledge the receipt of your note of October 18, 1894, from which it appears that the Government of Great Britain, suspecting that the imports of firearms and gunpowder in Samoa are greatly in excess of what is needed by the white settlers, had proposed that the consuls of the treaty powers be instructed to unite in suggesting plans for the prevention of illegal traffic in arms and ammunition.

Noting your statement that the German Government had accepted the proposition, I instructed Mr. Mulligan, on January 21, 1895, to take part in the joint deliberations of the consuls for the above-named purpose, and to report to the Department.

I shall also give Mr. Mulligan copies of all this correspondence, with a suitable instruction, and direct him to advise the Department fully upon the subject.

Accept, etc.,

W. Q. GRESHAM.

Baron von Ketteler to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, May 13, 1895.

MR. SECRETARY OF STATE: In your excellency's note of February 16 last,¹ No. 13, the question was again raised as to how much longer it was proposed to continue the banishment of the Samoan chief Mataafa and his associates, and it was further added that the Government of the United States would have to carefully consider whether it may, with propriety, longer participate in the measures adopted against the exiles.

Upon these expressions of your excellency having been communicated to the Imperial Government, I am instructed to say that an early return of the Samoans does not at present seem to be practicable, for, in the opinion of the Imperial Government, the reasons still appear valid which were advanced in the note of February 12, 1894, addressed to your excellency by the Imperial ambassador, Baron von Saurma.

According to the reports received by the Imperial Government the conditions in Samoa are now still so disturbed and uncertain that the return of the insurgent chiefs would only conduce to seriously endanger the peace and order in the islands.

Though it appears necessary according to this to retain the captive Samoans for the present in Jaluit, it also seems hard, on the other hand, to cause their situation to become more oppressive by refusing their request to send their families to them.

¹ See Foreign Relations 1894, Appendix 1, p. 738.

I have, therefore, the honor to request of your excellency a reconsideration of this matter in the light of the facts developed, and I venture to express the hope that it may lead to a modification of the decision rendered in the note of February 16 last, and to the participation of the Government of the United States in sending thither, as proposed, the families of the Samoans temporarily deported to Jaluit.

In adding further that the British Government fully concur with the Imperial Government on this subject,

I avail myself, etc.,

KETTELER.

Baron von Ketteler to Mr. Olney.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, May 14, 1895.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note of April 25 last, No. 54, addressed to the Imperial ambassador, Baron von Saurma.

A decision of the Government of the United States is contained therein according to which, by virtue of the provisions of the Samoan acts, the president of the municipality in Apia could not be vested with the right to control the disbursements of the Samoan revenues, although the United States Government entirely pledges itself to the joint endeavor of preventing any squandering of them.

Meanwhile, further reports from Apia have reached the Imperial Government, from which it irrefutably appears that the financial administration there had suffered continued damage without the treaty Governments having been able to intervene, and without the official administrator appointed by them having been able to obtain any influence over the fiscal administration.

The clearest proof hereof is furnished by a communication under date of March 15 last, addressed by the president of the municipality to the consular representatives of the treaty powers, a copy of which I beg to inclose with a view of completing the statement, although I may assume that your excellency, in accordance with the wish of Mr. Schmidt, the president of the municipality, has been directly advised, through the United States consul-general in Apia, of the appropriation, as unexpected as it was unnecessary, contained in the resolution of the King and the Government of Samoa of March 13 last.

While it is again seen from this document to what untenable conditions the present financial action of the Samoan Government leads, it is also seen how imminently necessary it is to put an end in one way or another to this state of affairs.

The resolution of the Samoan Government may be summarized to the effect that the amount obtained through the sale of the printing plant, which at least, in part, might have been applied to the liquidation of old Government debts, is to be squandered uselessly and without purpose in favor of the natives. In order to avoid such squandering of Samoan finances which has also been complained of by the United States, and moreover to prevent any subsequent demand being made upon the three treaty powers to meet the deficit in the Samoan exchequer, the Imperial Government considers it its duty, notwithstanding, to return to a discussion of the question of the control of the Samoan finances, in which it believes to entertain in principle the same views

as those of the Governments of the United States and Great Britain, while as to the manner (execution) of such control the Department of State entertains a diverging opinion from that of the other treaty powers on the subject.

In kindly requesting a reconsideration of this matter,
I avail, etc.,

KETTELER.

[Inclosure.—Translation.]

President Schmidt to the Consuls.

MULINUU, *March 15, 1895.*

GENTLEMEN: In continuation of my letters of December 29, 1894, and January 30, 1895, concerning the Samoan finances, I have the honor to transmit to you copies of the latest Government resolutions in reply to my estimate of this year's receipts and expenses.

I should thank you for kindly forwarding also this document to your Governments, to serve as an illustration of the consequences resulting from Chief Ide's decision on the rights and duties of the Samoan treasurer.

I have, etc.,

E. SCHMIDT, *President.*

[Subinclosure.—Translation.]

Resolutions of the meeting held by the King and Government on March 13, 1895.

CHAPTER I.—THE PRINTING OFFICE.

It is the true wish of the King and the Government that the printing plant and its appurtenances be sold to Chatfield for \$700. As to the house, the Government has no control over it.

CHAPTER II.—TUVALE'S SALARY.

1. It is true that the Government owes Tuvale \$210 for seven months during which he has worked on Government business and by the King's order, those months during which he was not paid by the great Powers, though he was going on to work under the King's instructions and the Government's wish in-land matters.

2. It is the Government's wish, if there are no funds to meet that debt, that Tuvale should receive a written acknowledgment of the debt from the president pending its payment at a time when there are funds available.

3. It is the Government's and the King's wish that Tuvale should get \$30 a month for January and February, 1895, because he did all the work ordered by the King and desired by the Government.

4. It is the Government's and the King's wish that A. T. Tio be reappointed secretary to the native attorney in the land cases to be heard in the supreme court. He shall have a salary of \$35 a month from the 1st of March, 1895.

CHAPTER III.—SELU LEAUNAE.

S. Leunae shall have, by the decision of the Government and the King, a salary of \$30 a month from the 1st of March, 1895, in accordance with his application.

CHAPTER IV.—PAPALII FOLAU.

Chief Judge Papalii Folau shall have \$30 a month from the 1st of March, in accordance with his application.

CHAPTER V.—MALIETOA LAUPEPAS'S CIVIL LIST.

It is the wish of the Government that the payments to His Afioga be resumed from the beginning of this year, 1895, the amount granted by the Government being \$150 a month.

CHAPTER VI.

It is the Government's wish that the president be informed of these items, in order to have them paid by installments as far as the estimated income of \$900 allows of it. The balance shall be acknowledged by certificates, which shall be paid as a Government debt when funds shall be available.

This is to certify that the foregoing is the wish of the Government of Samoa.

Given under my hand and great seal, on March 13, 1895.

[L. s.]

MALIETOA, *King of Samoa.*

Mr. Olney to Baron Ketteler.

No. 77.]

DEPARTMENT OF STATE,

Washington, June 17, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 13th ultimo, in which you suggest that the decision reached by this Government on the subject of sending their families to join the captive Samoans at Jaluit, as expressed in a letter of the Secretary of State of February 16 last, be reconsidered.

In reply I beg to say that I shall avail myself of the earliest practicable opportunity to take up the matter, and meanwhile beg to renew to you, sir, the assurances of my high consideration.

RICHARD OLNEY.

Baron von Thielmann to Mr. Olney.

[Translation.]

IMPERIAL GERMAN LEGATION,

Washington, July 22, 1895.

MR. SECRETARY OF STATE: In the notes of Hon. Walter Q. Gresham, late Secretary of State, bearing date of the 18th and 25th of April last, Nos. 45 and 55, relative to the importation and sale of arms and ammunition in Samoa, that officer declared that he could not instruct the American representative at Apia to issue, in compliance with suggestions which had been made, a consular ordinance for the prevention of the importation and sale of arms and ammunition outside of the municipal district.

The United States Government did, however, express its willingness to take measures in order that the penalties provided in section 6 of the draft of the ordinance should, the case arising, be made applicable to American citizens.

I have been instructed to express to your excellency, in reply to the aforesaid notes, the regret of the Imperial Government that it has not been possible for the three treaty Powers unanimously to reach an effective settlement of this matter, which is one of so much importance for the peace and quiet of Samoa.

The Imperial Government, however, in conjunction with the Royal Government of Great Britain, gratefully accepts the offer made by your excellency's predecessor to instruct the United States consul-general at Apia to enforce the penalties provided in section 6 of the ordinance drafted by the president of the municipality, in case of the violation by American citizens of the provisions of the Samoan act relative to the importation and sale of arms and ammunition.

I consequently have the honor most respectfully to request your

excellency to transmit such instructions to the representative of the United States in Samoa, and be pleased to notify me that this has been done, that I may so inform the Imperial representative in Samoa.

I avail myself, etc.,

THIELMANN.

Mr. Adee to Baron von Thielmann.

No. 13.]

DEPARTMENT OF STATE,
Washington, July 25, 1895.

SIR: Acknowledging your note of the 22d instant, I have the pleasure to inform you that your present request has been anticipated by an instruction sent to the consul-general of the United States at Apia, Samoa, under date of June 17 last, wherein he was directed to act in accordance with the propositions contained in Mr. Gresham's note to you of April 18 last.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Baron von Thielmann to Mr. Olney.

IMPERIAL GERMAN EMBASSY,
Washington, August 11, 1895.

The ambassador for the German Empire presents his compliments to the honorable the Secretary of State of the United States and has the honor to transmit herewith for the information of the Department a statement of the trade and commerce of Samoa for the year 1894, which was drawn up from the figures given in the annual report of the Imperial consul-general at Apia with special reference to German commercial interests in the Navigator Islands.

Baron von Thielmann avails himself, etc.

[Inclosure.—Translation.]

Samoa trade in 1894.

Trade in Samoa in 1894 shows a large increase in imports and exports, especially in consequence of an unusually rich yield of copra. The value of the imports rose from \$330,193 to \$451,389. The value of the goods imported by the German firms was \$223,586, or about 50.95 per cent, while the value of those imported by British merchants was but 22.6 per cent, and that of those imported by citizens of the United States but 15 per cent.

The export trade for 1894 was also practically entirely in German hands. The value of the goods exported by German firms was \$263,930, or 98.66 per cent, and that of those exported by persons of other nationalities was \$3,580, or 1.34 per cent.

The amount paid by the Germans for the support of the Government of the country and of the municipal government is on the same scale of the German interests in Samoa, which largely exceed those of all other nations as regards the value of imports and exports.

The amount of the import duties paid in 1894 was \$23,069.99, of which \$14,913.20 was paid by Germans. The amount of the export duties paid was \$4,447.18, of which \$4,384.60 was paid by Germans. Of the entire amount of customs duties, Germans paid 60 per cent, British subjects paid 10 per cent, and citizens of the United States paid 8.6 per cent.

Of the direct taxes, excluding those paid by the natives, 50 per cent were paid by the Germans alone.

Of the entire cost of the Government of the country and of the municipal government, Germans paid 65.2 per cent, British subjects paid about 14 per cent, and citizens of the United States paid about 5 per cent.

Baron von Thielmann to Mr Olney.

[Translation.]

GERMAN EMBASSY,
Washington, September 19, 1895.

MR. SECRETARY OF STATE: As your excellency must have learned from the reports of the United States representative at Apia, an oral agreement was made by the consuls of the three treaty powers, in September, 1894, with the senior officers of the vessels of war then present in Samoa, according to which, in order to prevent the smuggling of arms, all merchant vessels found in Samoan waters, without regard to the flag, were to be subjected to search. In June of this year the execution of this agreement formed the subject of consultations between the consular representatives of the three treaty powers, present at that time in Apia, and the binding force of the agreement was recognized by the present consuls as still continuing, so far as regards the vessels of their respective nations. The reservation was, however, made at the same time that this agreement should be submitted to the Governments of the treaty powers for subsequent approval.

In the opinion of the Imperial Government, in view of the danger arising to the whites in Samoa from the smuggling of arms, and the Samoan Government's lack of effectual means of preventing this illegal trade, there can be no doubt of the advantage of a search of the merchant vessels for arms and ammunition by the war vessels.

As there are, however, hardly ever war vessels from all the three treaty powers in Samoa at the same time, it is, in the opinion of the Imperial Government, extremely desirable, and in fact admits of no doubt, that the war vessels of one power should have the right to subject the vessels sailing under another flag to a search.

This is the more advisable because war vessels are stationed in Samoa, not only in the interest of a power, but for the protection of the citizens of all the treaty powers, and because, in case of necessity, the protection of the war vessels then present would be afforded to all the whites without regard to their nationality.

The abuse of this permission granted to commanders will be prevented beforehand by a stipulation that, where circumstances permit, the consul of the country whose flag the vessel to be searched carries shall be notified of the proposed proceeding.

Searches of boats and vessels under foreign flags have actually taken place repeatedly already, and the British war vessel *Curacoa*, especially, has repeatedly stopped German schooners.

As the British Government, on its part, has signified its consent to the execution of the agreements concluded in Samoa between the commanders of vessels and the consuls respecting the searching of merchant vessels, I have the honor, by direction of the Imperial Government, to request, most respectfully, the adhesion of the United States Government to this measure and await, most respectfully, a kind declaration from your excellency as to the attitude of the United States on this subject, in order that I may communicate it to my Government.

I avail myself, etc.,

THIELMANN.

Baron von Thielmann to Mr. Olney.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, September 30, 1895.

MR. SECRETARY OF STATE: In his note, No. 52, of April 24 last, to my predecessor in office, the late Mr. W. Q. Gresham, Secretary of State, declared himself in the name of the United States Government to be in accord with the proposition of the two other treaty powers to have the work of the Samoan land commission completed by the three consuls, and to meet the expense of the remaining surveys by the payment of a third thereof by each of the States interested.

Although the complete termination of the duties of the land commission should have been brought about immediately thereupon, according to reports from Samoa, the American consul-general resists all cooperation with his colleagues, and has consequently prevented the commencement of the remaining surveys. This attitude on the part of the American representative is all the more striking as, in view of a report from the Imperial German consul in Apia of July 14 last, he has acknowledged having received similar instructions to those received by the other consuls, yet notwithstanding persists in refusing to take joint action in the land matters until [receipt of] further instructions, which he has asked for. Under these circumstances, the favorable season of the year for undertaking the local work will pass by and an increase in cost and labor will be brought about.

The Royal British Government having also broached the subject of these differences to the Imperial Government, I have now the honor, in accordance with instructions, to ask your excellency kindly to again acquaint the consul-general of the United States at Apia with the decision of the Government contained in the note of April 24 last, and to request him to take part, in common with his colleagues, in the completion of the affairs of the land commission, as well as to take the necessary measures for assuming one-third of the expenses of the survey.

In view of the importance of a speedy termination of the land surveys in Samoa, and the attitude of the American representative, may I suggest to your excellency to convey such instruction by telegram.

Awaiting a reply from your excellency with respect to your action in the matter,

I avail, etc.,

THIELMANN.

Mr. Olney to Baron von Thielmann.

No. 53.]

DEPARTMENT OF STATE,
Washington, October 7, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, concerning the agreement of Mr. Gresham, in his note of April 24 last, to pay one-third of \$2,000 understood to be the gross amount required to complete the land surveys in Samoa, and the action of the consul-general of the United States at Apia in declining to cooperate with his colleagues to that end.

I find, upon examination of the matter, that Mr. Gresham's note of April 24 last agreed to defray one-third of the expenses to which you allude, amounting to \$2,000, and that on May 14, 1895, Mr. Mulligan, our consul-general at Apia, was given copies of the correspondence on

that subject between yourself, the British ambassador, and this Department, showing that fact.

A dispatch just received from Mr. Mulligan, No. 70, of the 9th ultimo, furnished his reasons for withholding payment of this Government's share toward those expenses, concerning which you complain.

Mr. Mulligan explains that he did not feel authorized to unite in directing these surveys to be commenced until the cost should first be ascertained, or until it was definitely determined whether the expenses of the survey would actually fall within the stipulated sum of \$2,000.

It is no doubt known to your Government that the consular body at Apia united in a note to Mr. Thomas Maben, the surveyor of the late land commission, dated August 17 last, with a view to determine definitely the cost of the work.

Mr. Maben's reply is dated August 21, 1895, and its purport must equally be known to His Majesty's Government. It is to the effect that he would undertake to complete the surveys, under certain stated conditions, for \$2,300. Mr. Maben adds:

If it could be arranged that the natives' attorney, Mr. Gurr, could go under the authority of the Samoan Government and remain with the surveyor to arrange all native objections to the boundary lines that were being run on the ground, then I feel convinced that all the claims in Savaii at least can be done for the \$2,000. The four claims in Upolu outside of Cornwall's and Pritchard's would not cost more than \$300.

If I might venture an opinion in the matter, I should say that, owing to the surrounding difficulties, the fairest and most satisfactory way of getting this work done is to do it on the lines formerly adopted by the commission, and especially as it is simply completing the commission's work. Should, however, you decide otherwise, and insist upon a definite contract, I will undertake to survey the claims in Savaii for the \$2,000 and the four claims in Upolu, namely, 959, 960, 895, and 2095, for \$300, on the condition that the natives' attorney or some other white representative of the Samoan Government is with me during the whole of the work armed with authority to prevent all native obstructions to the progress of the survey, and on the further condition that in the event of my not being able, through native obstruction, to complete the survey of the whole of the claims, or any one of them, I shall be paid a fair amount for the work I have done and the expenses incurred.

Should the work have to be performed in the hurricane season, Mr. Maben estimates its cost at \$500 or \$600 additional.

Again, it is stated in a letter addressed to the consular body by Mr. R. Skeen, late secretary to the Samoan land commission, under date of August 27 last, that in the list of surveys directed to be made by that commission a particular one, that of the Falealili survey, which in the compromise agreement, dated October 27, 1894, between Dr. Stockflith and various native objectors concerning lands lying at the back of Siumu and Falealili, was but partially completed. This last survey or line, Mr. Mulligan thinks, might add somewhat to the cost of Mr. Maben's estimate, in which it is not included.

The original agreement of Mr. Gresham undoubtedly contemplated the payment by the Government of the United States of one-third of \$2,000, which was at the time regarded as ample to defray all expenses connected with the surveys ordered by the commission. Mr. Mulligan's investigation and information from the best sources attainable convinced him, and I feel certain the foregoing statement will convince you, that the work could not be performed within the limit covered by his instructions. He did not consider himself authorized to go beyond that sum, although he might with perfect propriety have consented to act in accordance with Mr. Gresham's agreement and have paid the one-third of the expenses thereunder as this Government's quota. He chose, however, to submit the question with the necessary information to his Government for its further consideration and direction.

I regard Mr. Mulligan's action under the circumstances as both practical and reasonable, and I can not perceive how the brief delay thus occasioned will seriously interfere with the completion of the work—a result, I may assure you, this Government is as deeply interested in seeing accomplished as is that of His Majesty.

I have every disposition to see carried out in letter and in spirit the agreement of my predecessor with reference to the payment due from this Government as its equitable share toward those expenses. Mr. Mulligan's prudence has not only enabled me to more fully understand the question but to add that this Government accepts Mr. Maben's estimate of \$2,300 for the entire work and will defray its one-third of the expense thereof. My judgment is that the aggregate sum named ought to be sufficient to complete the entire surveys and permit the closing up of the work of the land commission. I trust the two other Governments concerned will adopt a similar view.

I request that you will have the kindness to make known to His Majesty's Government the conclusions herein and to add that Mr. Mulligan will be instructed to see that the work is promptly begun in order that no unnecessary delay may be entailed in prosecuting the surveys to completion. He will be authorized to draw for and pay over this Government's share of the expense.

I am in receipt of a note of like purport from the British ambassador, and have given him a similar reply.

Accept, etc.,

RICHARD OLNEY.

Baron von Thielmann to Mr. Olney.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, October 31, 1895.

MR. SECRETARY OF STATE: Referring to the note of Mr. Adee, Acting Secretary of State, of July 25, 1895, No. 13, and to previous correspondence relative to the importation and sale of arms and ammunition in Samoa, I have the honor to inform your excellency that the Royal Government of Great Britain recently called the attention of the Imperial Government to the necessity of restricting the trade in dynamite in Samoa.

The Royal British Government remarked on that occasion that the ordinance of May 12, 1895, which was issued by the British consul at Apia with a view to the prevention of the trade in arms, expressly includes explosives, while the corresponding German ordinance and that which is in force in the municipal district do not include them.

The Imperial Government, in compliance with the desire of that of Great Britain, has instructed the Imperial consul at Apia to extend the consular ordinance issued by him June 12, 1895, for the prevention of the trade in arms, so that it shall embrace explosives. The trade in dynamite in Samoa will then be under consular police control, so far as German subjects are concerned, in all cases in which the more severe provisions of the law of the Empire of June 9, 1884, concerning the criminal and dangerous use of explosives, are not applicable.

The Imperial Government has also instructed the Imperial consul at Apia, agreeably to the further suggestions of the Royal Government of Great Britain, to use his influence to the end that the ordinance referred to, which was issued for the municipal district of Apia, be likewise made to embrace explosives.

In having the honor, in pursuance of instructions received, to bring the foregoing to your excellency's notice, I beg to request, in the name of the Imperial Government, that your excellency will consider the possibility of making American citizens in Samoa amenable to provisions, as regards the importation and sale of explosives, similar to those to which German and British subjects are amenable, and that you will take proper steps to that effect.

I avail myself, etc.,

THIELMANN.

Mr. Olney to Baron von Thielmann.

No. 63.]

DEPARTMENT OF STATE,
Washington, November 7, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of September 19 last, respecting the right of search of merchant vessels by ships of war, irrespective of their nationality, in Samoan waters, for the purpose of preventing the illegal importation of arms and ammunition into those islands.

In order that I might give the matter all possible intelligent consideration, I have examined the previous correspondence upon the whole subject. I find that the question of the right of search is an incident in the correspondence that took place during the lifetime of my immediate predecessor, in the matter of certain proposed ordinances designed, in case of their adoption, for the suppression of smuggling of firearms in Samoa outside of the municipal district.

Mr. Gresham carefully reviewed these, and his conclusions are embraced in his notes of April 18 and 25 last.

The soundness of his conclusions are apparent to me and I doubt not are likewise to your Government.

In keeping with these views, I find that Mr. Mulligan, the consul-general of the United States at Apia, on August 17, 1895, published a notice to the citizens of the United States residing, doing business in Samoa, or being in Samoa outside of the municipality of Apia, that the importation into Samoa of any arms, ammunition, or implements for the manufacture of ammunition, except in the port of Apia, pursuant to the laws governing such importation, and any sale of either of the articles above named in any quantity in Samoa without said municipality to any native Samoan or other Pacific islander resident in Samoa are violations of the Berlin general act.

The punishment of an American citizen violating its provisions in those respects was, upon conviction, to be a fine not exceeding \$200, or imprisonment of not more than one hundred and eighty days, or by both such fine and imprisonment.

It was expressly declared, however, that no citizen of the United States outside of the municipality of Apia was required to render to any authority any statement as to the quantities of the articles aforesaid, if any, which he may have in his possession, nor was his house or premises liable to be searched for such articles.

It seems pertinent to remark, with reference to the first declaration of the above paragraph, that, according to Mr. Mulligan's report, there were only three or four American traders in the group of islands outside of Apia. They are quite poor, and do merely a nominal business.

It is evident, therefore, that this Government, without further legislation by Congress, possessed no authority to do more than has already been done to reach an accord and adopt adequate measures applicable

to its citizens in Samoa. Identical means, such as those proposed, were and are out of the question.

I am consequently unable to assent to the proposition now made looking to the right of search of all trading vessels, regardless of their flag, arriving in Samoan waters, in order to prevent the smuggling of arms and ammunition. The stipulated condition that the consul of the vessel shall be notified, with a view to prevent by his presence abuse of the power granted to naval commanders, does not, in my judgment, affect the question.

If I am to understand it to be the desire of your Government to propose an amendment to the Berlin general act in accordance with the stipulations of Article VIII, I shall be glad to consider any specific statements formally submitted on that head; but, according to my present understanding, the Government of the United States has done all that lies in its power, under existing legislation, to promote the cause of good government, under the Berlin general act, in the matter of the importation and sale of arms and ammunition, and to warn all American citizens that a violation of its provisions will, upon conviction, insure their due punishment.

I shall make a similar reply to the British ambassador's note of September 17 last, and shall furnish copies of this correspondence to Mr. Mulligan, the consul-general of the United States at Apia, for his information.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Baron von Thielmann.

No. 65.]

DEPARTMENT OF STATE,

Washington, November 8, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 31st ultimo, wherein you refer to previous correspondence in relation to the restriction upon the sale of arms and ammunition in Samoa and ask the Government of the United States to join Germany and Great Britain in controlling the traffic in dynamite.

It gives me pleasure to say that a copy of your note will be forwarded to Mr. James H. Mulligan, the consul-general of the United States at Apia, with an instruction directing him to extend the terms of his consular ordinance of August 17, 1895, to include dynamite and similar explosives.

He will also be directed to join with his German and British colleagues there in exerting all proper influence to the end that the ordinance issued for the municipal district of Apia may likewise be made to embrace explosives.

Accept, etc.,

RICHARD OLNEY.

Baron von Ketteler to Mr. Olney.

[Translation.]

IMPERIAL GERMAN EMBASSY,

Washington, December 2, 1895.

MR. SECRETARY OF STATE: In your excellency's esteemed note of October 7, 1895, No. 53, relative to the closing up of the work of the Samoan land commission, it was stated that the United States consul-

general had been instructed to pay the third, which was the United States Government's share, of the expense of the land surveys in Samoa, the original estimate of said expense having been increased by \$300.

The Imperial Government thereupon issued suitable instructions to the consul of the Empire at Apia as regarded the increase of the original amount, and it assumes that the \$2,300 which have been allowed will be sufficient to cover the cost of the surveys. If, however, contrary to expectation, this should not be the case, and if, on account of the land claim in Falealili, referred to in your excellency's note of October 7, a further increase of the expense can not be avoided, it would, in the opinion of the Imperial Government, be well to authorize the consular representatives, without further delay, to pay the quotas of their respective Governments, provided the said quotas do not exceed reasonable limits.

I beg leave to remark that the Royal Government of Great Britain shares this view, and I have the honor, in pursuance of instructions received from the Imperial Government, to lay the foregoing proposition before your excellency, expressing at the same time the hope that your excellency will be pleased to instruct the American consul-general at Apia in the same sense and to invest him with the necessary authority.

I avail, etc.,

KETTELER.

Mr. Olney to Baron von Ketteler.

No. 75.]

DEPARTMENT OF STATE,
Washington, December 6, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, further relating to the work of the Samoan land commission. It appears that the Imperial Government thinks the sum of \$2,300 may not be sufficient to cover the entire cost of the surveys, and hence, in anticipation of that event, the hope is expressed that the consular representatives at Apia be instructed, without further delay, to pay the quota of their respective Governments, provided the said quotas do not exceed reasonable limits.

In reply, I have to say that as the expenditures which the consul-general of the United States at Apia is authorized to make on account of the obligations of the general act of Berlin are appropriated by Congress, within a narrow margin of the estimated charge, this Department can not, in advance, authorize Mr. Mulligan to pay any sum in possible excess of the amount so appropriated. Should, however, additional expenses develop (which it is hoped will not be the case, in view of the prolonged attention given by their respective Governments and the repeated estimates of their agents at Apia), this Department will consider them in due course, with a view, should they be approved, to meeting them from some available fund, or, if none be found, to asking Congress for further appropriation.

I shall give Mr. Mulligan a copy of your note and of my reply for his information.

Accept,

RICHARD OLNEY.

CORRESPONDENCE WITH THE BRITISH EMBASSY AT WASHINGTON.

*Sir Julian Pauncefote to Mr. Gresham.*BRITISH EMBASSY,
Washington, March 20, 1895.

SIR: I have the honor to inform you that I am in receipt of a dispatch from Her Majesty's principal secretary of state for foreign affairs, in which his lordship informs me that the German Government has agreed that the surveys still necessary to complete the work of the Samoan land commission should be completed, at an estimated cost of £400, under the supervision of the consuls of the three treaty powers, and are ready to defray one-third of the expense.

The acting British consul at Apia has, therefore, been instructed to proceed in the matter, in conjunction with his German and United States colleagues, as soon as the latter receive the necessary instructions from their respective Governments.

I am instructed to add that her Majesty's Government would be much obliged if similar orders were issued to the United States representatives, and also to point out that the consent of Her Majesty's Government to defray one-third of the estimated cost is contingent upon the agreement of the United States Government to pay a similar share.

I have, etc.,

JULIAN PAUNCEFOTE.

Memorandum from British Ambassador, March 26, 1895.

PROHIBITION OF SALE OF ARMS AND AMMUNITION.

The Samoan Government desires that two ordinances should be passed to restrain the sale of arms and ammunition, the one to apply to the municipality of Apia and the other outside its limits. Accordingly, an ordinance for that purpose, applicable within the municipality, was issued in August last. Owing to attempts on the part of the municipal council to defeat it by issuing supplemental regulations limiting the right of search, that ordinance was modified and finally revised by the chief justice (under Art. V, sec. 3, of the general act of the Berlin conference), and in its present form it is accepted by both the British and German Governments.

A further ordinance has been prepared by the chief justice and the president of the municipal council, applicable outside of the limits of the municipality. Her Majesty's Government, sympathizing with the objects which the Samoan Government have in view, are not disposed to make objection to that ordinance, except as regards the provision of Article IV, which confers on the president of the municipal council the right of search. In view of that objection, the British and German Governments think that the only course open is for the representatives of the treaty Powers to issue separate regulations for the control of this traffic which shall be binding on their respective nationals, and which should be, as far as possible, identical in terms with the extra municipal ordinance proposed by the chief justice and President Schmidt. Her Majesty's Government have accordingly instructed the British representative in Samoa to concert with his German and United States colleagues with the above object, and I am

to express the hope that if the United States Government concur in the expediency of the course proposed, instructions may be sent to the United States consul-general at Apia with as little delay as possible.

J. P.

Mr. Gresham to Sir Julian Panncefote.

No. 81.]

DEPARTMENT OF STATE,
Washington, April 18, 1895.

EXCELLENCY: On the 26th ultimo you left at this Department a memorandum stating that an ordinance had been prepared by the chief justice and the president of the municipal council of Samoa, designed, should it be adopted, to restrain the sale of arms and ammunition in Samoan territory outside the limits of the municipal district. Her Majesty's Government sympathizes with the objects contemplated by this ordinance, but objects to the provision which confers the right of search on the president of the municipal council. In view of that objection, you observe that "the British and German Governments think that the only course open is for the representatives of the treaty powers to issue separate regulations for the control of this traffic, which shall be binding on their respective nationals, and which should be, as far as possible, identical in terms with the extra-municipal ordinance proposed by the chief justice and President Schmidt. Her Majesty's Government have accordingly instructed the British representative in Samoa to concert with his German and United States colleagues with the above object;" and on behalf of your Government you express the hope that "if the United States Government concur in the expediency of the course proposed, instructions may be sent to the United States consul-general at Apia with as little delay as possible."

With a view of replying to your memorandum, I have examined the proposed ordinance with care. In its main prohibitory provisions this ordinance is substantially identical with the act itself. But the act fails to provide either punishments for violation of its own provisions or any such means of eliciting information from individuals or for searching premises as are usually to some extent necessary in the enforcement of prohibitions of the character prescribed by it. To supply these omissions the ordinance now proposed as a model for additional regulations provides, in substance—

1. For punishing by fine and imprisonment the importation and sale of arms and ammunition in violation of the prohibitions of the act.
2. For requiring reports to the president of the municipal council from persons dealing in or having possession of such articles, as to amounts thereof, and transactions in respect to the same.
3. For authority to the president of the council to search vessels and warehouses, and (on affidavit made to him) dwellings also, for such articles suspected to be unlawfully imported, sold, or held for sale.
4. For the judicial forfeiture of such articles to the Samoan Government when ascertained to be unlawfully imported, sold, or held for sale.

5. For punishing by fine and imprisonment persons who resist search or refuse to make reports to the president of the council when required.

I do not feel authorized to issue to the consul-general of the United States at Apia such regulations as the above, which, it seems to me, can only be adopted and promulgated by an exercise of legislative

power which this Department does not possess. That officer, it is supposed, can, under the provisions of existing legislation, try and punish American citizens in Samoa charged with violating the prohibitions of the general act in respect to the importation and sale of arms and ammunition; and he may punish such violations either by fine or imprisonment, or both. I should have no objection to advising him in such cases to impose on guilty parties the punishments contemplated by Article VI of the proposed ordinance. But American citizens in Samoa can not be required by the consul, or by any regulations of the State Department, to make reports to the president of the municipal council, or to submit to his searching their premises, and of course they can not be subjected to punishment for refusing to make reports, or for resisting search.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

No. 86.]

DEPARTMENT OF STATE,
Washington, April 24, 1895.

EXCELLENCY: I have the honor to acknowledge receipt of your note of the 20th ultimo, in which you state that Her Majesty's Government agrees to pay one-third of the expense of the surveys of the Samoan land commission, aggregating, perhaps, \$2,000, provided the Government of the United States concurs.

In reply, I have to inform you that this Government will assume one-third of that expense, and that the German ambassador here has been so advised in reply to his note upon the subject.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

No. 87.]

DEPARTMENT OF STATE,
Washington, April 26, 1895.

EXCELLENCY: I have the honor to inclose for your information, in connection with previous correspondence upon the subject, a copy of a note addressed to the German ambassador on the 25th instant,¹ in reply to his several notes, touching the right of veto of the president of the municipal council at Apia in the matter of the expenditure of Samoan revenues. As you will perceive, the conclusion is reached that this Government can not consistently consent that that officer shall exercise arbitrary control of those revenues of which he is only the receiver and custodian.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

No. 88.]

DEPARTMENT OF STATE.
Washington, April 26, 1895.

EXCELLENCY: I have the honor, in connection with my note of the 18th instant concerning the proposed restrictions upon the traffic in

¹See p. 1136.

arms and ammunition in Samoa, to inclose for your information a copy of a note addressed to the German ambassador on the 25th instant,¹ in relation to the reported endeavors of the municipal council at Apia "by the issuance of supplementary orders to restrict the right of search," provided for by the ordinance of August 14, 1894.

I have, etc.,

W. Q. GRESHAM.

Lord Gough to Mr. Olney.

BRITISH EMBASSY,
Newport, R. I., July 24, 1895.

SIR: The late Secretary of State, in a note addressed by him on April 18 last to Her Majesty's ambassador on the subject of the importation and sale of arms and ammunition into the Navigators Islands, stated that he did not feel authorized to issue to the consul-general of the United States at Apia such regulations as were proposed in the ordinance prepared by the chief justice and the president of the municipal council of Samoa, those regulations being designed to restrain the sale of arms and ammunition in Samoan territory outside the limits of the municipal district.

Mr. Gresham added, however, that he would have no objection in advising the consul-general of the United States, in cases where American citizens were charged with violating the prohibitions of the general act of Berlin in respect to the importation and sale of arms and ammunition, to impose on guilty parties the punishments contemplated by Article VI of the proposed ordinance. In pursuance of instructions from Her Majesty's principal secretary of state for foreign affairs, I have now the honor to inform you that Her Majesty's Government regret that it has not been possible to secure the cooperation of the United States Government in the manner originally proposed, by which a complete settlement of a question of the highest importance for the peace and quiet of Samoa would, it is believed, have been effected, but they concur with the Imperial German Government in accepting with thanks the above-mentioned offer made by the late Secretary of State on the part of the Government of the United States.

I am further instructed to express the hope of Her Majesty's Government that the necessary instructions will at once be sent to the United States consul-general at Apia, and I should be greatly obliged if you will do me the favor of informing me when those instructions have been sent, in order that I may report it to Her Majesty's Government.

I have, etc.,

GOUGH.

Mr. Adee to Lord Gough.

No. 160.]

DEPARTMENT OF STATE,
Washington, July 30, 1895.

MY LORD: I have the honor to acknowledge the receipt of your note of the 24th instant, stating that Her Majesty's Government concurs with the Imperial German Government in accepting the offer made by Mr. Gresham in his note of the 18th of April last, in which he said that while he did not feel authorized to issue to the consul-general of the

¹ See p. 1136.

United States at Apia such regulations as were proposed in the ordinance for restraining the sale of arms and ammunition, this Government would nevertheless have no objection to authorizing the consul-general of the United States at Apia to impose on the guilty parties the punishments contemplated by the proposed ordinance, in cases where American citizens may be charged with violating the prohibitions of the general act of Berlin in respect to the importation and sale of arms and ammunition.

With reference to the hope expressed by you in the conclusion of your note that the necessary instructions will at once be sent to the United States consul at Apia in the sense of Mr. Gresham's above-mentioned note, I have the pleasure to inform you that your present request has been anticipated by an instruction sent to the American consul-general at Apia, Samoa, under date of June 17 last.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Lord Gough to Mr. Adee.

BRITISH EMBASSY,
Newport, September 17, 1895.

SIR: It will be within your recollection that in the month of September last a verbal arrangement was made between the consuls of the three powers and the chief officers of the men-of-war stationed at Apia, under which all trading vessels, regardless of flag, arriving in Samoan waters should be searched, in order to prevent the smuggling of arms and ammunition.

The question of continuing the above arrangement was again discussed by the consular representatives, at Apia, of the three Powers in June last, and it appears that they have agreed to maintain the general right of search pending reference of the matter to their Governments for subsequent sanction.

In the opinion of Her Majesty's Government, there can be no doubt of the practical utility of the measure, having regard to the danger arising to the white population from the smuggling of arms and explosives, and in view of the fact that the Samoan Government has no forcible means of preventing such traffic.

As there are scarcely ever warships of all three treaty Powers at the same time in Samoa, Her Majesty's Government hold that it is most desirable that the warships of one nation should be allowed to search vessels sailing under a different flag. This plan seems to be the more justified inasmuch as the men-of-war are not stationed at Samoa solely in the interest of one power, but in the interest of the subjects of all the treaty powers, and as in case of need all white inhabitants, regardless of their nationality, would enjoy the protection of the men-of-war who happened to be at the island.

The arrangement by which the consul of the nationality to which the suspected vessel belongs is, if circumstances permit, to be informed of the intended search appears to Her Majesty's Government sufficient to prevent from the outset any abuse of the power thus accorded to the naval commanders.

The Imperial German Government has expressed its approval of the proposed maintenance of the common right of search accorded to the naval commanders by the joint agreement on the part of the consuls of

the treaty Powers, and I am now instructed by Her Majesty's secretary of state for foreign affairs to express the hope of Her Majesty's Government that the Government of the United States will also give its sanction to the continuance of the joint agreement in question.

I have, etc.,

GOUGH.

Sir Julian Pauncefote to Mr. Olney.

BRITISH EMBASSY,
Newport, R. I., September 27, 1895.

SIR: It will be within your recollection that the late Mr. Gresham, in a note addressed to me under date of the 24th of April, 1895, signified the willingness of the United States Government to defray one-third of the expenses of the further survey required to complete the work of the Samoan land commission. It had been similarly agreed that the remaining two-thirds of the cost should be borne by Germany and Great Britain, respectively, and instructions in that sense were accordingly issued to the Imperial and British consuls at Apia.

From a dispatch addressed to Her Majesty's Government by the British consul, it now appears that although the United States consul-general had received instructions in that sense, he had declined to act upon them until he had further communicated with his Government. This attitude seems the more to be regretted as it must cause considerable delay in the commencement of the work and may defer the period of its completion until next year.

In these circumstances I am instructed by Her Majesty's Government to inquire whether you would be disposed to repeat the instructions already sent to the United States representative at Apia.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Olney to Sir Julian Pauncefote.

No. 215.]

DEPARTMENT OF STATE,
Washington, October 7, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 27th ultimo, wherein you refer to the statement of my immediate predecessor, under date of April 24 last, that the Government of the United States would assume one-third of the expense toward the completion of the land surveys in Samoa, aggregating \$2,000, and observe that, although the consul-general of the United States at Apia had been advised that his Government was to assume its equal share of that amount, he had declined to act "until he had further communicated with his Government."

I find upon an examination of the matter that Mr. Gresham's note of April 24 last agreed to defray one-third of the expenses to which you allude, amounting to \$2,000, and that on May 14, 1895, Mr. Mulligan, our consul-general at Apia, was given copies of the correspondence on the subject between yourself, the German ambassador, and this Department, showing that fact.

A dispatch just received from Mr. Mulligan, No. 70, of the 9th ultimo, furnishes the reason for withholding payment of this Government's share toward those expenses concerning which you complain.

Mr. Mulligan explains that he did not feel authorized to write, in directing these surveys to be commenced, until the cost should be first ascertained or until it was definitely determined whether the expenses of the survey would actually fall within the stipulated sum of \$2,000.

It is no doubt known to your Government that the consular body at Apia united in a note to Mr. Thomas Maben, the surveyor of the late land commission, dated August 17 last, with a view to determine definitely the cost of the work.

Mr. Maben's reply is dated August 21, 1895, and its purport must equally be known to Her Majesty's Government. It is to the effect that he would undertake to complete the surveys under certain stated conditions for \$2,300. Mr. Maben adds:

If it could be arranged that the natives' attorney, Mr. Gurr, could go under the authority of the Samoan Government and remain with the surveyor to arrange all native objections to the boundary lines that were being run on the ground, then I feel convinced that all the claims in Savaii at least can be done for the \$2,000. The four claims in Upolu, outside of Cornwall's and Pritchard's, would not cost more than \$300.

If I might venture an opinion in the matter I should say that owing to the surrounding difficulties the fairest and most satisfactory way of getting this work done is to do it on the lines formerly adopted by the commission, and especially as it is simply completing the commission's work. Should, however, you decide otherwise, and insist upon a definite contract, I will undertake to survey the claims in Savaii for \$2,000, and the four claims in Upolu, namely, 959, 960, 895, and 2095, for \$300, on the condition that the natives' attorney or some other white representative of the Samoan Government is with me during the whole of the work, armed with authority to prevent all native obstructions to the progress of the survey, and on the further condition that, in the event of my not being able, through native obstruction, to complete the survey of the whole of the claims, or any one of them, I shall be paid a fair amount for the work I have done and the expenses incurred.

Should the work have to be performed in the hurricane season, Mr. Maben estimates its cost at \$500 or \$600 additional.

Again, it is stated in a letter addressed to the consular body by Mr. R. Skeen, late secretary to the Samoan land commission, under date of August 27 last, that in the list of surveys directed to be made by that commission, a particular one—that of the Falealili survey, which is the compromise agreement dated October 27, 1894, between Dr. Stockflith and various native objectors, concerning lands lying at the back of Siumu and Falealili—was but partially completed.

This last survey or line, Mr. Mulligan thinks, must add somewhat to the cost of Mr. Maben's estimate, in which it is not included.

The original agreement of Mr. Gresham undoubtedly contemplated the payment by the Government of the United States of one-third of \$2,000, which was at that time regarded as ample to defray all expenses connected with the surveys ordered by the commission. Mr. Mulligan's investigation and information, from the best sources attainable, convinced him, and I feel certain the foregoing statement will convince you, that the work could not be performed within the limit covered by his instructions. He did not consider himself authorized to go beyond that sum, although he might, with perfect propriety, have consented to act in accordance with Mr. Gresham's agreement and have paid one-third of the expenses thereunder as this Government's quota. He chose, however, to submit the question, with the necessary information, to his Government for its further consideration and direction.

I regard Mr. Mulligan's action, under the circumstances, as both practical and reasonable, and I can not perceive how the brief delay thus occasioned will seriously interfere with the completion of the work—a result, I may assure you, this Government is as deeply interested in seeing accomplished as is that of Her Majesty.

I have every disposition to see carried out, in letter and in spirit, the agreement of my predecessor, with reference to the payment due from this Government as its equitable share toward those expenses. Mr. Mulligan's prudence has not only enabled me to more fully understand the question, but to add that this Government accepts Mr. Maben's estimate of \$2,300 for the entire work, and will defray its one-third of the expense thereof. My judgment is that the aggregate sum ought to be sufficient to complete the entire surveys and permit the closing up of the work of the late land commission. I trust the two other Governments concerned will adopt a similar view. I request that you will have the kindness to make known to Her Majesty's Government the conclusions herein, and to add that Mr. Mulligan will be instructed to see that the work is promptly begun, in order that no unnecessary delay may be entailed in prosecuting the surveys to completion. He will be authorized to draw for and pay over this Government's share of the expense. I am in receipt of a note of like purport from the German ambassador, and have given him a similar reply.

I have, etc.,

RICHARD OLNEY.

Sir Julian Pauncefote to Mr. Olney.

BRITISH EMBASSY,
Washington, October 30, 1895.

SIR: Referring to Mr. Adees' note, No. 160, of July 30, to Viscount Gough and to previous correspondence on the subject of controlling the sale of arms and ammunition in Samoa, I have the honor to inform you that Her Majesty's Government have recently conferred with the German Government as to the necessity of controlling the traffic in dynamite in Samoa.

Her Majesty's Government pointed out that the ordinance published on May 12, 1895, by the British consul at Apia for the prevention of the traffic in arms expressly includes explosives, while the latter are not included in the corresponding German ordinance or in the regulation in force in the municipality.

The German Government have now instructed their consul in Apia to extend the terms of his consular ordinance of July [June] 12, 1895, for the prevention of the traffic in arms, to explosives.

The German Government have, moreover, in accordance with the wish expressed by Her Majesty's Government, issued instructions to the German consul to use his influence to obtain the extension of the regulation in question, issued for the municipality of Apia, to the case of explosives.

Acting under instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, I have now the honor to express the hope that your Government will favorably consider the possibility of subjecting American citizens in Samoa to regulations, as far as possible, similar to those applicable to British and German subjects, with respect to explosives, and will cause the necessary steps to be taken to that end.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Olney to Sir Julian Pauncefote.

No. 242.]

DEPARTMENT OF STATE,
Washington, November 7, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of a note from the Viscount Gough, of September 17, last, respecting the right of search of merchant vessels by ships of war, irrespective of their nationality, in Samoan waters, for the purpose of preventing the illegal importation of arms and ammunition into those islands.

In order that I might give the matter all possible intelligent consideration, I have examined the previous correspondence upon the whole subject. I find that the question of the right of search is an incident in the correspondence that took place during the lifetime of my immediate predecessor in the matter of certain proposed ordinances, designed, in case of their adoption, for the suppression of smuggling of firearms in Samoa outside of the municipal district.

Mr. Gresham carefully reviewed these, and his conclusions are embraced in his note of April 18, 1895.

The soundness of his conclusions is apparent to me, and, I doubt not, is likewise to your Government.

In keeping with these views, I find that Mr. Mulligan the consul general of the United States at Apia, on August 17, 1895, published a notice to citizens of the United States residing, doing business in Samoa, or being in Samoa, outside of the municipality of Apia, that the importation into Samoa of any arms, ammunition, or implements for the manufacture of ammunition, except in the port of Apia, pursuant to the laws governing such importation, and any sale of either of the articles above named in any quantity in Samoa, without said municipality, to any native Samoan or other Pacific islander resident in Samoa, are violations of the Berlin general act.

The punishment of an American citizen violating its provisions in those respects was, upon conviction, to be a fine not exceeding \$200 or imprisonment of not more than one hundred and eighty days, or by both such fine and imprisonment.

It was expressly declared, however, that no citizen of the United States outside of the municipality of Apia was required to render to any authority any statement as to the quantities of the articles aforesaid, if any, which he may have in his possession; nor was his house or premises liable to be searched for such articles.

It seems pertinent to remark, with reference to the first declaration of the above paragraph, that according to Mr. Mulligan's report there were only three or four American traders in the group of islands outside of Apia. They are quite poor and do merely a nominal business.

It is evident, therefore, that this Government without further legislation by Congress, possessed no authority to do more than has already been done to reach an accord and adopt adequate measures applicable to its citizens in Samoa. Identical means such as those proposed were and are out of the question.

I am consequently unable to assent to the proposition now made looking to the right of search of all trading vessels, regardless of their flag, arriving in Samoan waters, in order to prevent the smuggling of arms and ammunition. The stipulated condition that the consul of the vessel shall be notified, with a view to prevent by his presence abuse of the power granted to naval commanders, does not, in my judgment, affect the question.

If I am to understand it to be the desire of your Government to propose an amendment to the Berlin general act in accordance with the stipulations of Article VII, I shall be glad to consider any specific statements formally submitted on that head. But, according to my present understanding, the Government of the United States has done all that lies in its power, under existing legislation, to promote the cause of good government under the Berlin general act in the matter of the importation and sale of arms and ammunition, and to warn all American citizens that a violation of its provisions will, upon conviction, insure their due punishment.

I shall make a similar reply to the German ambassador's note of September 19 last, and shall furnish copies of this correspondence to Mr. Mulligan, the consul-general of the United States at Apia, for his information.

I have, etc.,

RICHARD OLNEY.

Mr. Olney to Sir Julian Pauncefote.

No. 243.]

DEPARTMENT OF STATE,
Washington, November 8, 1895.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 30th ultimo, wherein you refer to previous correspondence in relation to the restrictions upon the sale of arms and ammunition in Samoa, and ask the Government of the United States to join Great Britain and Germany in controlling the traffic in dynamite.

It gives me pleasure to say that a copy of your note will be forwarded to James H. Mulligan, esq., the consul-general of the United States at Apia, with an instruction directing him to extend the terms of his consular ordinance of August 17, 1895, to include dynamite and similar explosives. He will also be directed to join with his British and German colleagues there in exerting all proper influence to the end that the ordinance issued for the municipal district of Apia may likewise be made to embrace explosives.

I have, etc.,

RICHARD OLNEY.

Sir Julian Pauncefote to Mr. Olney.

BRITISH EMBASSY,
Washington, December 12, 1895.

SIR: I have the honor to inform you that I am in receipt of a communication from Her Majesty's principal secretary of state for foreign affairs, stating that a telegram has been received from Her Majesty's consul at Apia, dated the 6th ultimo; to the effect that the consuls of the treaty powers have unanimously accepted a tender of \$1,744 for the completion of the survey of the Samoan land commission, and that the work will commence at once.

I have, etc.,

JULIAN PAUNCEFOTE.

SPAIN.

CLAIM OF ANTONIO MAXIMO MORA.¹

Mr. Taylor to Mr. Gresham.

No. 282.]

LEGATION OF THE UNITED STATES,
Madrid, January 4, 1895. (Received January 18.)

SIR: In my No. 239, of the 29th of September last, I had the honor to inform you that I had addressed a note to Señor Moret, the late minister of state, informing him of his failure to answer your note of the 22d of June as to the payment of the Mora claim. On the 1st of October Señor Moret replied that an answer would be given as soon as he could consult the whole council of ministers on the subject. Failing to receive a further reply, owing, no doubt, to the recent change in the ministry of state, I addressed to Señor Groizard a note, of which I inclose a copy herein. I have to-day received his reply, a copy of which is also inclosed, with translation.

Awaiting your further instructions, I am, etc.,

HANNIS TAYLOR.

[Inclosure 1 in No. 282.]

Mr. Taylor to Mr. Groizard.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, December 28, 1894.

EXCELLENCY: It now becomes my duty to impress upon you the fact that on the 22d of June last I delivered to your predecessor, Señor Moret, an important communication from my Government touching the payment of the already adjusted Mora claim. Failing to receive a prompt reply from Señor Moret to the communication referred to, I reminded him by note on the 20th day of September that an answer was expected by my Government without further delay, as the correspondence in the case had been called for and submitted to the Senate at its last session. On the 1st of October Señor Moret replied that no answer had been sent to the communication of June 22 because before an answer could be given it would be necessary to consult the whole council of ministers upon the subject. He promised, however, that "as soon as the ministers meet again in Madrid, and the president is present at the sessions, I will consult with him on the subject." Since then I have waited in vain for the promised reply. As the note of June 22 has already remained unanswered for more than six months, you will now understand why I am now instructed to respectfully, yet firmly, insist upon a reply without further delay.

I seize this occasion, etc.,

HANNIS TAYLOR.

¹ See Foreign Relations, 1894, Appendix I, pp 364-450.

[Inclosure 2 in No. 282.—Translation.]

Mr. Groizard to Mr. Taylor.

MINISTRY OF STATE,
Palace, December 31, 1894.

MY DEAR SIR: I have received your note of the 28th instant, in which you remind me of the dispatch which, by direction of your Government, you delivered to my predecessor on the 22d of June last relative to the payment of the sum agreed upon as indemnity to Don Antonio Maximo Mora.

Surely your excellency, whose impartiality is well known, will not fail to appreciate the regret experienced by Señor Moret, when, on account of the circumstances, he found himself unable to fulfill, as he earnestly desired, the offer made to your excellency in the note of the 29th of September.

For my part, as soon as the urgent duties of the department under my charge have allowed me, leaving aside arguments already discussed and commencing from the actual state of the question, I have made, inspired by the friendly spirit which animates the Government of His Majesty in its relations with that of the United States, a profound and careful study, even in its smallest details, of all that relates to the Mora claim; and I am bound to declare, with the sincerity and frankness of my character, that the opinion which I have formed in the matter agrees with that which my predecessors in the department which I have the honor to represent have been maintaining, because this claim is based upon principles which the United States, such faithful and zealous observers of their Constitution, can not ignore.

This opinion is, in short, that the payment of the indemnity in question depends not at present upon any resolution of the executive power. To accord such payment is only within the attributes of the Cortes, which has shown very clearly the difficulties found in voting it. I believe, however, as my predecessors did also, that when the occasion arrives the Cortes will be disposed to vote the necessary credit for the Mora indemnity, provided such vote coincides with the decision of the United States to settle the pending Spanish claims. To try now to ask from the Spanish Parliament the necessary credit would be to run the risk of repeating what happened on the presentation of the Cuban budget for 1887-88 by the minister of ultramar to the Congress of Deputies, and also would perhaps, to the evident regret of the Spanish Government, make more difficult, when the proper time comes, a satisfactory solution so interesting to both countries.

To this laudable end will contribute in no small part the execution of the convention, whose draft your excellency presented, and whose bases are being made the subject of a most careful study in this department in my charge. But as this question affects directly the ministry of ultramar, the opinion formed of that convention by the ministry of state will have to be submitted to its judgment in the first place.

Notwithstanding, I may now make in anticipation to your excellency the statement that, in conformity with one of the clauses of the convention, the Mora claim will be excluded from the decision of the commission, it being a fact that the voting of its payment belongs to-day to the Cortes of the Kingdom.

For the rest, your excellency may be firmly persuaded, and may so assure your Government, that that of His Majesty, animated by the

best wishes and as another proof of its sympathy for the United States, will use every means in its power in order that this matter may receive a satisfactory termination.

I seize this opportunity, etc.,

ALEJANDRO GROIZARD.

Mr. Uhl to Mr. Taylor.

No. 341.]

DEPARTMENT OF STATE,
Washington, June 6, 1895.

SIR: Your No. 282, of January 4, 1895, inclosing the last communication of the Spanish Government in reference to the Mora case, was duly received. Prior to its receipt Congress had called for all the papers connected with this negotiation, and it was deemed best to postpone a reply pending Congressional action on the subject. I now inclose a copy of the joint resolution passed after the most careful consideration by the Senate and House of Representatives, and approved by the President, and which thus becomes the positive rule of the action of this Department. I also inclose for your information the report of the Committee on Foreign Affairs of the House of Representatives urging the adoption of the resolution.

After consideration of these inclosures, you will seek an interview with the Spanish minister of state, and make to him the following communication, indicating courteously that the Government of the United States must insist upon an early and definitive reply.

You will express the great regret of this Government at the long delay of this negotiation which seemed to have been brought to a satisfactory close in December, 1886, upon the acceptance by the United States of a proposition of settlement voluntarily made by the Government of Spain in recognition of its responsibility, growing out of its own decrees, for the restoration of Mr. Mora's estates.

Firmly convinced of the intention of the Spanish Government, as explicitly declared at that time, to settle this case by the payment of the stipulated amount, in compromise of an admitted absolute indebtedness, this Government has made the most liberal allowance for delay due to difficulties encountered in the Spanish Cortes. It has gone even further to facilitate the action of Spain than it was under any diplomatic obligation to go. It has offered to the Spanish Government an arbitration convention for the prompt adjustment of outstanding unliquidated claims of Spanish subjects against the United States. The terms of this convention have been submitted by you to the Government of Spain, and more than a year has elapsed without their approval, their modification, or their rejection.

In the meantime, the Mora indemnity remains unpaid, although the convention was proposed on the express condition that payment should not await its conclusion, nor be dependent upon its results.

While this Government is of opinion that the Spanish Government has had ample time to decide upon the merits of this convention, it is not disposed to complain of any fulness of examination which the Spanish Government may wish to give before adoption. The complaint is that this examination should be made the occasion of further delay by the Spanish Government in the payment of the Mora indemnity.

In view of the long-protracted negotiation, of the change in the whole

character of the agreement of 1886 which Mr. Groizard's note would seem to reaffirm, and of the joint resolution of Congress, it becomes my duty to instruct you to say again to the Spanish minister of state that while we do not object to any reasonable examination of the proposed convention, we can not consent to the further postponement of the payment of the Mora indemnity as in any way dependent upon the conclusion his Government may ultimately arrive at respecting the convention. You will say to him that this Government now asks the Spanish Government, in fulfillment of its voluntary promise, for payment of the stipulated indemnity, with interest from the time when the principal should have been paid under the agreement of December, 1886.

Should the financial condition of Spain render it impossible for that Government to pay the full amount at once, you will urge an immediate payment on account for the present relief of the individual claimant, who is now and has been for nearly a quarter of a century deprived of his property, and that arrangements shall be made for the early payment of the balance.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 341.]

[PUBLIC RESOLUTION—No. 27.]

JOINT RESOLUTION calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested to insist upon the payment of the sum agreed upon between the Governments of Spain and the United States in liquidation of the claim of Antonio Maximo Mora against the Government of Spain, with interest from the time when the said amount should have been paid under the agreement.

Approved, March 2, 1895.

Mr. Olney to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 11, 1895.

Instructions in Mora case mailed 6th instant with copy joint resolution of Congress requesting President to insist upon payment of stipulated indemnity, principal and interest. These instructions direct you, in event that Spain is unable to pay the full amount at once, to urge an immediate payment on account, and that arrangements be made for early payment of balance.

See minister of foreign affairs and represent importance of satisfying this claim irrespective of action on proposed claims convention. Press for settlement and report by cable after receipt of said instructions.

OLNEY.

Mr. Taylor to Mr. Olney.

[Telegram.]

MADRID, *June 19, 1895.*

Your demand carefully formulated and earnestly presented to the minister of state to-day in long interview. As a preliminary answer he said:

I have listened with all attention to the reading of your memorandum in reference to the Mora claim, upon which subject I can not at present give any opinion whatever nor even enter into conversation, because it is unknown to me, it being the first time I have had anything to do with it, but I promise you to study it with all haste, for which end I will ask the necessary data from the minister for the colonies, and after I shall have formed my judgment and spoken with the president of the council of ministers and the minister for the colonies, I shall call you to another interview upon the subject. I renew to you my assurance that I will give it all the prompt attention which its importance demands.

I clearly intimated I would call for a prompt and definite response should unnecessary delay intervene.

TAYLOR.

Mr. Taylor to Mr. Olney.

No. 377.]

UNITED STATES LEGATION,
Madrid, June 20, 1895. (Received July 5.)

SIR: In my No. 370, of the 12th instant, I had the honor to acknowledge the receipt of your cablegram of the day before informing me in advance of the contents of your No. 341, of the 6th instant, which arrived here on the 18th instant. Upon its arrival I at once asked an audience with the minister of state, which took place yesterday at 6 o'clock. Confident as I was that your demand would be made the subject of a cabinet council, I deemed it advisable to formulate it in writing, so that its true import might not be mistaken. A copy of the note thus prepared and presented by me in person to the minister of state is inclosed herein for your consideration. I sincerely hope that you will find embodied in its terms the true intent of your instructions as drawn from your No. 341, which I read in the light of your subsequent cablegram of the 11th instant. After the contents of my note had been translated in my presence for the minister of state, he assured me that a response would be made so soon as the subject can receive consideration equal to its importance. At the close of the interview I made to you the following report¹ by cable as instructed:

* * * * *

In the event the matter takes a favorable turn I fear that the demand for interest will prove a serious obstacle in the way of a settlement. Please give me explicit instructions upon that point. Shall I insist upon the payment of interest without qualification? If so, at what rate? The legal rate in Spain is 6 per cent. If there is a disposition shown to make a payment on account, what is the smallest sum I may demand in that way, and what terms shall I propose for the payment of the balance? I ask these questions in advance because it will be all important to arrange everything speedily, in the event that the matter can be arranged at all without previous action upon the part of the Cortes.

I am, etc.,

HANNIS TAYLOR.

¹ See ante.

[Inclosure in No. 377.]

*Mr. Taylor to the Duke of Tetuan.*LEGATION OF THE UNITED STATES,
Madrid, June 18, 1895.

EXCELLENCY: I have the honor to inclose herewith a copy of a joint resolution lately passed after the most careful consideration by the Senate and House of Representatives of the United States, instructing the President, by whom such resolution was approved, "to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States." Under the authority of that resolution I am now instructed by my Government to call upon that of His Majesty to fulfill its voluntary promise for the payment of the stipulated indemnity to Mora with interest from the time when the principal should have been paid under the agreement of December, 1886. In the event His Majesty's Government shall find it impossible to pay the whole amount at once, I am directed to insist upon an immediate payment on account, for the present relief of the individual claimant who is now and has been for nearly a quarter of a century deprived of his property, with a definite stipulation for the early payment of the residue.

In order that the nature and urgency of the demand as now made by my Government may be the more clearly understood, I desire to call your excellency's attention, with the greatest respect, to the following considerations:

After ten years of active negotiation the Government of His Majesty, on the 29th of November, 1886, made an unconditional offer to pay the sum of \$1,500,000 as a fair indemnity in this matter, provided "that the Messrs. Mora and the Government of the United States, in their name, shall renounce all further claim for the embargo of their property and everything connected therewith." By the immediate and unconditional acceptance of that offer in the exact terms in which it was made a liquidated debt was acknowledged by Spain to the United States, upon which interest is justly due from the date in December, 1886, upon which said agreement was concluded.

For nearly nine years the Government of the United States has sought in vain at the hands of the Government of His Majesty the performance of that agreement. The only reason ever urged during that long period of time why the accepted offer to pay Mora a stipulated sum should not be carried out has consisted of the suggestion that such payment shall await the settlement of the unliquidated and contested claims of other individuals, Spaniards and Americans, in regard to which he has no possible interest or responsibility.

While the Government of the United States has firmly and persistently refused to consent that the liquidated debt solemnly assumed to Mora by the Government of His Majesty shall await the settlement of unliquidated claims set up by other persons, I had the honor, in a spirit of fairness and conciliation, to present to your predecessor by the President's direction on the 15th day of March, 1894, the draft of a convention in which my Government offered to provide by arbitration for the prompt disposal of all outstanding claims between the two countries, except the Mora claim. The making of that convention was proposed on the express condition that payment of the Mora debt should not wait its conclusion, or depend upon its result. While my Government

is not disposed to complain of any fulness of examination which the Government of His Majesty may wish to give to such convention before its adoption, it can not agree that such examination shall be made the occasion of further delay in the payment of the Mora indemnity. As fifteen months have now elapsed without the approval, modification, or rejection of the terms of such proposed convention by His Majesty's Government, I am instructed to proceed in this matter "irrespective of action on the proposed claims' convention." The demand which I have now the honor to present is therefore made without reference to that matter in any form whatever.

The fact that the admitted wrongs which this citizen of the United States has suffered have endured for nearly a quarter of a century, the fact that nearly nine years have been permitted to pass by since the offer of compromise proposed by the Government of His Majesty as a final settlement of this controversy was accepted in expectation of an immediate payment, prove beyond all question that the spirit of patience and conciliation of my Government toward that of His Majesty has in this case rather outweighed the consideration due to one who, burdened with years and broken in health and in fortune, is fast sinking to the grave. And yet in spite of these painful facts my Government is still patient. As I have already stated, it does not even now demand the payment of the whole sum due to Mora at one time. But it does solemnly demand that the time and manner of payment be now fixed, once and for all, without reference to any consideration whatever, and that a substantial sum be immediately paid on account of such settlement. Such is the demand of the President, acting under the authority and by the direction of the Congress of the United States, which I am now directed to press upon your attention and to cable the result.

I avail, etc..

HANNIS TAYLOR.

Mr. Olney to Mr. Dupuy de Lôme.

DEPARTMENT OF STATE,
Washington, June 22, 1895.

SIR: Referring to our interview of yesterday, I beg to say that it seems to me best that our respective positions should be stated in writing, and not left to the risk of the misunderstandings which almost invariably attend reliance upon recollections of oral conversations.

It has already been suggested to your Government through our minister to Spain, Mr. Taylor, that if Spain can not without extreme inconvenience make immediate payment of the whole amount due to Mora she should make a substantial part payment on account at once. At our conference of yesterday the suggestion was further developed by making the sum to be immediately paid one-half, or at least a third, of the whole amount, coupled with a provision for paying the balance in two equal installments—one on the 1st of January next, and one on the 1st of the following April. You intimated that immediate payment should be taken to mean some time between this and the assembling of the next Congress. Exactly what color has been heretofore given to that idea—either yesterday or at any other time—I am not now able to recall. But I deem it advisable to suggest, without loss of time—that your Government may get no wrong impressions on the subject—that this first payment ought not to be deferred for the length of time that would be possible under the intimation above referred to. It should

be made at once, within the next sixty days at the latest, and I am constrained to say that any longer postponement of such first payment would not be considered satisfactory.

If your advices are that the Mora debt can be provided for without action by the Cortes, the matter will, of course, be greatly simplified. Otherwise, if the matter must go before the Cortes, it is necessary, I think, to insist that it be referred to them at once at the session now in progress. If the Cortes shall take such action as both the law and the justice of the case as well as the true interests of Spain require, a long-standing grievance and source of irritation between the two countries would be happily removed. If such action is refused, it would leave the United States to consider and determine what course its honor and interests and the due protection of its citizens call for.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 11.]

DEPARTMENT OF STATE,

Washington, June 24, 1895.

SIR: In answer to a telegraphic dispatch from this Department, the United States minister at Madrid wires that the sensational articles in the Times and other New York papers, to which you referred at our interview of the other day, are perfectly understood in Madrid to be merely rumors, for which this Government is in no way responsible.

Awaiting information respecting the answer to your telegram to Madrid, of which you were good enough to apprise me, I take this opportunity, etc.

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,

Washington, June 25, 1895.

MR. SECRETARY: I have had the honor to receive your excellency's notes of the 22d and 24th instant relative to the Mora claim.

I immediately communicated a résumé of said notes by cable to the Government of His Majesty the King, my august sovereign, and in reply I have received instructions to inform you that the Spanish Government, which is as desirous as is that of the United States to avoid any cause of unpleasantry between two friendly nations, will answer as soon as it receives the text, which I have already forwarded by mail, furnishing the satisfactory solution that is desired by both Governments.

I avail myself, etc.,

ENRIQUE DUPUY DE LÔME.

Mr. Taylor to Mr. Olney.

[Telegram.]

MADRID, July 4, 1895.

Have you my No. 377? Mora demand made subject of a cabinet meeting, and special committee appointed to consider it and report what

should be done. Outlook for settlement hopeful. I may be summoned by minister of state any day for promised conference. Generally conceded that Government has power to act, trusting to subsequent legislative ratification. No Cortes probable until next February. The right to pay in Spanish currency without interest probably will be insisted upon. Will you instruct me upon that point and as to how far I may go in pressing the matter in next conference should dilatory tactics be resorted to. For the first time the fact accepted here that something must be done.

TAYLOR.

Mr. Adce to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 9, 1895.

Your 377, June 20, not received in time for instructions respecting proposed July 5 interview. You will report by cable the substance of what took place. You will limit your action for the present to instructions already given.

ADEE.

Mr. Adce to Mr. Taylor.

No. 364.]

DEPARTMENT OF STATE,
Washington, July 9, 1895.

SIR: Your dispatch No. 377, of June 20, in relation to the Mora claim, was not received here until the evening of July 5, after your telegram of July 4 had come to hand; and the time necessarily employed in consideration of the questions presented precluded your being instructed by cable in season for the promised conference with the minister of state, which, in view of the urgency of the matter, it is presumed has already taken place. I have cabled you to-day directing a report of that interview to be sent by telegraph and limiting you for the present to the instructions you have heretofore received.

I send herewith, for your confidential information, copy of a note addressed by the Secretary of State to the Spanish minister on the 22d ultimo, with a view to preventing any possible misapprehension as to the position assumed by the United States with respect to this long-standing obligation of Spain; also a copy of the reply of Mr. Dupuy de Lôme. At the date of your telegram of July 4 the text of Mr. Olney's note was doubtless in possession of the Duke of Tetuan, and any conference held by him with you would have been with full knowledge of the position here taken. The communication of this correspondence will suggest to you the grounds for the belief here entertained that immediate pressure may be most conveniently exerted at this end of the line, and you will readily understand that the limitation of your action to instructions heretofore sent you, as stated in my telegram of this day, is designed to avert any possible embarrassment through any conflicting negotiation at Madrid.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Dupuy de Lôme.

No. 18.]

DEPARTMENT OF STATE,
Washington, July 10, 1895.

SIR: In view of the time that has elapsed since Mr. Olney's note to you of the 22d ultimo in regard to the Mora claim, and having reference not only to your written reply of the 25th ultimo, but also to the confirmation thereof by the oral assurances given by you to the Secretary of State that a definite and satisfactory response would be made by His Majesty's Government as soon as the text of Mr. Olney's note of June 22 had been received at Madrid by mail, I have the honor to inquire whether you are in a position to make the important communication which is awaited by the President.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN,
Boston, July 13, 1895.

DEAR MR. SECRETARY: I have received here the note of Mr. Adee in regard to the Mora claim.

Before leaving Washington I told Mr. Adee that I had been advised that in a very few days that long-pending question would be settled.

The Duke of Tetuan has kept me informed by cable of every step of the action taken in regard to that matter. I am sure that a very few days, no more than are necessary to comply with our internal procedure, will bring the final solution of the question.

So soon as I shall be informed of the proceedings of the cabinet meetings, I shall have the honor to communicate them to you.

Believe me, etc.,

E. DUPUY DE LÔME.

Mr. Taylor to Mr. Olney.

[Telegram.]

MADRID, July 16, 1895.

Summoned to-day by minister of state, who told me confidentially that after the council of to-morrow he would be able to answer officially my note of June 18, demanding payment of Mora indemnity; that the council yesterday resolved to offer to satisfy said demand by payment of the principal in three installments at the times indicated in your conversation with Dupuy of the 21st June. While clearly expressing his expectation to pay principal only, he declined to intimate whether he proposed to tender gold or depreciated Spanish currency. What shall I say on that point?

TAYLOR.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN,
Swampscott, Mass., July 17, 1895.

DEAR SIR: I hope you have received the letter I had the honor of addressing you Saturday last, the 13th of July.

In it I said that I intended to communicate to you the information that would reach me in the matter of the Mora claim.

I have received two more cablegrams—one yesterday and one to-day—stating that the committee of ministers had recommended the payment and that the cabinet council had agreed to pay the claim.

I would not have considered it necessary to present this news to your consideration, as the Duke of Tetuan has informed me that he has had on the subject a conference with Mr. Taylor, if my chief had not told me at the same time that the United States minister at Madrid insisted on the payment of the interest of the claim, saying that he has received no instructions on the subject.

As it was perfectly well understood in the conference I had the honor of having with you on the 21st of June last, that three installments of half a million each will be considered as a final and satisfactory settlement of the long pending question, and the decision of the Spanish cabinet has been taken upon the basis I told you I will recommend, and as it is most desirable that when the end of such a difficult question is reached no misunderstanding nor delay will come to defer the agreement in which both Governments are interested, I pray you to grant me an interview at your earliest convenience, telegraphing me at Swampscott, where I wish to spend the rest of the summer, the time at which you will be pleased to receive me.

Please accept, etc.,

E. DUPUY DE LÔME.

Handed to the Secretary of State by the Spanish minister, July 20, 1895.

[Translation.]

MADRID, July 17, 1895.

In council presided over by Her Majesty the Queen Regent there was taken into consideration, with the result of definitive approval, the resolution adopted in the council on the 15th, which textually reads as follows:

The council, in view of the facts shown of record and of the conclusions formulated by the ministers on the subcommittee of reference, resolves to authorize the minister of state to reply to the note of the 18th of June last subscribed by the minister of the United States accredited in Madrid, stating to him that the Government of His Majesty, in fulfillment of the engagement contracted by the notes exchanged on the 29th of November and 7th of December, 1886, is prepared to proceed forthwith to the payment of the demanded million and a half of pesos (Spanish dollars) in three installments of 500,000 duros (Spanish dollars) each, to which end it will come to an agreement with the Government of the United States as to the form and date of so doing.

The minister of state will adopt the necessary measures to make such payment effective.

Mr. Taylor to Mr. Olney.

[Telegram.]

MADRID, July 17, 1895.

Council, Queen presiding, authorized immediate settlement Mora matter as liquidated yesterday.

TAYLOR.

Mr. Taylor to Mr. Olney.

[Telegram.]

MADRID, *July 20, 1895.*

Mora matter awaiting final action council of state. Important to settle currency question before it acts. Government perfectly able to make gold payment.

TAYLOR.

Mr. Adee to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 20, 1895.

Questions as to times of payment, currency, and interest are under consideration with Spanish minister here. You will not raise or discuss these points unless expressly instructed.

ADEE, *Acting.*

Memorandum.

The Government of Spain will, on or before the fifteenth day of September next, pay to the United States one million five hundred thousand dollars (\$1,500,000) in Spanish gold pesos, in full discharge and satisfaction not only of the principal sum agreed to be paid in liquidation of the Mora claim, so called, but of any and every amount that might be claimed to be due as interest on said principal sum.

Boston, August 10, 1895.

RICHARD OLNEY,
Secretary of State of the United States.
E. DUPUY DE LÔME,
Minister from Spain to the United States.
J. I. RODRIGUEZ,
(Counsel and Attorney in Fact for Mr. Mora),
WM. D. SHIPMAN,
(Of counsel),
Representing Mora and all Persons Interested in said Mora Claim.

Mr. Adee to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 12, 1895.

Mora claim definitely settled here by signed agreement to pay one and half million Spanish dollars in gold by 15th proximo in full discharge. This is for your information, not for use with Spanish Government or for other official or public purposes.

ADEE, *Acting.*

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Swampscott, August 13, 1895.

MR. SECRETARY: I have the honor to impart to your excellency that the Duke of Tetuan, minister of state of the King, my august sovereign, to whom I hastened to communicate the result of our interview of the 10th instant, tells me that the King's Government adopted as its own (hace suyo) the agreement which I signed, and charges me to assure that of the United States that Spain will pay on September 15 próximo, 1,500,000 pesos Spanish gold, in funds current in the Island of Cuba, as complete and final settlement (liquidacion) of the claim known under the name of Mora and in satisfaction not only of the capital but of whatsoever amount may have been or may be claimed as interest on the said capital.

Whilst having the honor to inform your excellency thereof, thus putting an end to this protracted and vexatious question,

I avail myself, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

FALMOUTH, *August 19, 1895.*

DEAR MR. MINISTER: I duly received your two notes—one official and the other unofficial—of the 13th instant. The delay in answering has arisen from the fact that, not understanding the reason or effect of the discrepancy between the terms of the two notes, as well as between the terms of the official note and those of the signed memorandum of August 10, I caused the papers to be laid before the counsel of the parties in interest for their consideration. They are equally at a loss to understand what is intended. I must, therefore, call upon you to explain why, in the official note, the words “in funds current in the Island of Cuba” are added after the words “1,500,000 pesos Spanish gold.” What meaning and operation do you ascribe to the added words? By the signed memorandum the United States gives to Spain the benefit of the difference between \$1,500,000 United States gold dollars and \$1,500,000 Spanish gold pesos, and if the added words in question can by possibility enlarge that difference to the prejudice of the United States, they materially change the contract evidenced by the memorandum, and ought to be eliminated from your official note.

Very truly, yours,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

FALMOUTH, *August 24, 1895.*

MY DEAR MR. MINISTER: In accordance with your suggestion, our minister at Madrid will be cabled this afternoon to make formal acceptance of the offer by Spain to settle the Mora claim on the terms of a memorandum executed by yourself, myself, and the agent and counsel for the private parties interested.

Very truly, yours,

RICHARD OLNEY.

Mr. Adee to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,

Washington, August 24, 1895.

You may acknowledge tender of Mora settlement when conveyed to you by minister for foreign affairs in answer to your note of 18th June, by accepting the payment to the United States, on or before 15th next September, of \$1,500,000 in Spanish gold pesos in full discharge and satisfaction not only of the principal sum agreed to be paid in liquidation of the Mora claim so called, but of any and every amount that might be claimed to be due as interest on said principal sum. I add for your information that in a note dated August 13 minister of Spain describes the stipulated gold pesos as being current money in the Island of Cuba. Should minister for foreign affairs use the same phrase you will treat it as explanatory and merely emphasizing the pledge to pay in pesos and in gold, but not importing any increased difference between value of American and Spanish gold nor indicative of any purpose to make payment in Cuba.

ADEE, *Acting.*

Mr. Adee to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,

Washington, September 4, 1895.

Arrangements now complete for tender in Washington, 15th instant, of negotiable drafts payable London, English gold equivalent of Spanish gold. If not already done, answer note of minister for foreign affairs in response to yours of 18th June last, as directed in my telegram of August 24.

ADEE, *Acting.*

Mr. Armstrong to Mr. Olney.

[Telegram.]

MADRID, *September 5, 1895.*

Note just received from minister of state in reply to note of 18th last June confirms agreement of Spanish minister at Washington. It says:

In compliance with said agreement the Government has authorized Spanish minister at Washington to pay on the date agreed upon, that is, the 15th instant, the sum of 1,500,000 Spanish gold dollars, by drawing the equivalent sum in pounds sterling, in drafts to your order and against the agent of the treasury of Spain in London.

ARMSTRONG, *Acting.*

Mr. Adee to Mr. Armstrong.

[Telegram.]

DEPARTMENT OF STATE,

Washington, September 6, 1895.

Telegraph when you have answered Spanish minister's note. Reservation indicated in my telegram of 24th ultimo touching currency and place of payment apparently obviated by later understanding. If any qualification now appears telegraph it clearly.

ADEE, *Acting.*

Mr. Armstrong to Mr. Olney.

[Telegram.]

MADRID, September 7, 1895.

I have delayed answering note of minister for foreign affairs awaiting any comments from you on telegram giving contents of said note. In your telegram of 24th ultimo you use expression, "\$1,500,000 in Spanish gold pesos." Spanish minister expresses it as "1,500,000 Spanish gold pesos." I await your comments upon this difference of words. Otherwise, entire agreement between your telegram and note of minister for foreign affairs.

ARMSTRONG, *Acting.*

Mr. Adee to Mr. Armstrong.

[Telegram.]

DEPARTMENT OF STATE,

Washington, September 7, 1895.

Arrangement with Spanish minister here provides for delivery on 15th in Washington of negotiable drafts on London for as many pounds sterling as can be had at current exchange for 1,449,000 United States gold dollars, this sum being taken as equivalent of the one and one-half million Spanish gold pesos which Spain agreed to pay. Note of minister for foreign affairs to you is understood from your telegrams of 5th and to-day to be in accordance with this arrangement, which attorney and counsel for Mora have accepted. If no other verbal variation appears than that stated in your telegram of to-day, you will answer Spanish note as heretofore directed.

ADEE, *Acting.*

Mr. Armstrong to Mr. Olney.

[Telegram.]

MADRID, September 9, 1895.

Tender of settlement of Spanish Government acknowledged.

ARMSTRONG, *Chargé.*

Agreement.

[Handed to Mr. Adee by Mr. Dupuy de Lôme.]

SEPTEMBER 10, 1895.

By the agreement of August 10, 1895, the sum to be paid was 1,500,000 Spanish gold pesos.

The agreed value of these at the time of signing the agreement, subsequently confirmed by correspondence between Mr. Olney and Mr. Dupuy, was 4.83 American gold dollars for every 5 Spanish gold pesos.

The offer was made to pay the actual coins—Spanish gold pesos—which were to that end provided in Havana, but that being declined as unnecessary, it was agreed that the payment should be made by draft on London drawn on the Spanish financial agent there by the

minister here, and payable in pounds sterling at current rate of exchange. This last proposition was made to Mr. Olney by Mr. Dupuy by letter and accepted as entirely satisfactory by telegram from Mr. Olney. Attention being called to the fact that the 15th of September fell on Sunday, Mr. Dupuy has assured Mr. Olney that the payment would be made on Saturday next, the 14th instant.

On that day a draft will be signed for such an amount in pounds sterling as Messrs. Riggs & Co. shall certify to be the equivalent of \$1,449,000 American gold, the product of 1,500,000 Spanish gold pesos, at the agreed rate of 4.83 American gold dollars for every 5 Spanish gold pesos, and will present the same in full settlement of the Mora claim, so called, in exchange for a proper receipt and acquittance of which the form is now submitted.

[Inclosure.]

I, Richard Olney, Secretary of State of the United States, acknowledge to have received this day from the Government of Spain, by the hand of E. Dupuy de Lôme, minister from Spain to the United States, the sum of one million five hundred thousand dollars in Spanish gold pesos, paid in a draft on London, for ———, the equivalent at agreed rate of exchange of said one million five hundred thousand Spanish gold pesos, in full discharge and satisfaction not only of the principal sum agreed to be paid in liquidation of the Mora claim, so called, but of any and every amount that might be claimed to be due as interest on said principal sum, the said payment being a complete fulfillment by the Government of Spain of the memorandum signed in Boston August 10, 1895, and being accepted as a full compliance with the offer made by the Government of Spain on November 29, 1886, of the sum of one million five hundred thousand dollars, in settlement of the claim presented by the legation of the United States to the Government of Spain in behalf of the American citizen Antonio Maximo Mora for the embargo of his property in Cuba, said sum including all indemnity that can be claimed for said property, principal, as well as the interest, damages, and injury.

And the said payment of one million five hundred thousand Spanish gold pesos on this day, in accordance with the memorandum signed in Boston on the tenth day of August, 1895, is now hereby accepted as a full, final, and complete discharge of all demands against the Government of Spain by the Government of the United States growing out of the claim of Antonio Maximo Mora.

In witness whereof I have hereunto set my hand and affixed the seal of the Department of State this ——— day of September, A. D. 1895.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

SPANISH LEGATION,
Washington, September 13, 1895.

MR. SECRETARY: I have the honor to inform your excellency that I have communicated to the Duke of Tetuan the abstract of our conference at Boston, and have told him that I had notified your excellency that the Government of His Majesty the King of Spain had taken the necessary measures to have paid at Havana, to such person as the United States Government may designate, \$1,500,000 in Spanish gold, in payment and complete satisfaction of the claim known under the name of the "Mora claim."

I also informed him that your excellency had said that payment in coin was unnecessary, and that you wished payment to be made in bills

of exchange on New York or London, as the most practical and convenient method of completing the transaction.

The minister of state of His Majesty the King of Spain tells me in a communication dated at San Sebastian, which I have just received, that he authorizes me to deliver to your excellency on the 15th instant bills payable at sight, signed by me, to the order of the Secretary of State of the United States of America, drawn upon the "delegate of Spain at London," for the equivalent in pounds sterling of the said sum agreed upon, \$1,500,000 in Spanish gold, the necessary steps having been already taken to have the said bills paid on presentation.

The 15th instant being Sunday, I will deliver the bills on Saturday, if your excellency has no objection, the rate of exchange at which the payment is to be made being that of the day of delivery, to ascertain which I have requested Messrs. Riggs & Co. to make the necessary examinations, which they have done, as shown in the copy of the letter which I handed in person to Mr. Alvey A. Adee.

I avail myself, etc.

E. DUPUY DE LÔME.

Acknowledgment of settlement of claim.

I, Alvey A. Adee, Acting Secretary of State of the United States, acknowledge to have received this day from the Government of Spain, by the hand of E. Dupuy de Lôme, minister from Spain to the United States, the sum of one million five hundred thousand dollars in Spanish gold pesos, paid in a draft on London for two hundred and ninety-five thousand four hundred and twelve pounds sterling sixteen shillings eleven pence (£295,412 16s. 11d.), the equivalent at agreed rate of exchange of said one million five hundred thousand Spanish gold pesos, in full discharge and satisfaction, not only of the principal sum agreed to be paid in liquidation of the Mora claim, so called, but of any and every amount that might be claimed to be due as interest on said principal sum, the said payment being a complete fulfilment by the Government of Spain of the memorandum signed in Boston August 10, 1895, and being accepted as a full compliance with the offer made by the Government of Spain on November 29, 1886, of the sum of one million five hundred thousand dollars in settlement of the claim presented by the legation of the United States to the Government of Spain in behalf of the American citizen Antonio Maximo Mora for the embargo of his property in Cuba, said sum including all indemnity that can be claimed for said property, principal, as well as interest, damages, and injury.

And the said payment of one million five hundred thousand Spanish gold pesos on this day, in accordance with the memorandum signed in Boston on the tenth day of August, 1895, is now hereby accepted as a full, final, and complete discharge of all demands against the Government of Spain by the Government of the United States growing out of the claim of Antonio Maximo Mora.

In witness whereof I have hereunto set my hand and affixed the seal of the Department of State this fourteenth day of September, A. D. 1895.

ALVEY A. ADEE,
Acting Secretary of State.

Mr. Olney to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 17, 1895.

Mora payment effected Saturday by sight draft on London. Ascertain if amount has been remitted to delegate of Spain in London.

OLNEY.

Mr. Armstrong to Mr. Olney.

[Telegram.]

MADRID, September 20, 1895.

Just received the following response to inquiry as to money being already deposited: "The drafts will be honored the moment presented to delegate of Spanish treasury in London."

ARMSTRONG, *Chargé.*

FIRING UPON THE UNITED STATES MAIL STEAMSHIP ALLIANÇA.

Mr. Gresham to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 14, 1895.

This Department is informed that on the 8th instant the United States mail steamship *Alliança*, on her homeward voyage from Colon to New York, when 6 miles from the coast of Cuba, off Cape Maysi, was repeatedly fired upon by a Spanish gunboat, with solid shot, which, fortunately, fell short. The Windward Passage, where this occurred, is the natural and usual highway for vessels plying between ports of the United States and the Caribbean Sea. Through it several regular lines of American mail and commercial steamers pass weekly within sight of Cape Maysi. They are well known, and their voyage embraces no Cuban port of call. Forceful interference with them can not be claimed as a belligerent act, whether they pass within 3 miles of the Cuban coast or not, and can under no circumstances be tolerated when no state of war exists. This Government will expect prompt disavowal of the unauthorized act and due expression of regret on the part of Spain, and it must insist that immediate and positive orders be given to Spanish naval commanders not to interfere with legitimate American commerce passing through that channel, and prohibiting all acts wantonly imperiling life and property lawfully under the flag of the United States. You will communicate this to the minister for foreign affairs, and urge importance of prompt and satisfactory response.

GRESHAM.

Mr. Taylor to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, March 15, 1895.

Have read telegram to minister for foreign affairs, who replies that he accepts the complaint of the United States with the desire to decide it with justice. He has not received, so far, official notice of the incident complained of, but he has promised me to urgently request such notice, and when he has received it he will adopt, according to the principles of international law and without detriment to the faculties which he has a right to exercise in the jurisdictional waters of Cuba, opportune resolutions if any voluntary offense shall have been caused to the United States. I was promised that this preliminary answer should be followed by a specific and formal reply to your demand the moment the facts can be obtained from Cuba by telegraph.

TAYLOR.

Mr. Taylor to Mr. Gresham.

No. 318.]

LEGATION OF THE UNITED STATES,
Madrid, March 16, 1895. (Received April 1.)

SIR: I have the honor to report the receipt, on the morning of the 15th instant, of your telegram of the 14th. I at once requested an audience of the minister of state, to whom I read it yesterday afternoon at 5 o'clock, delivering to him at the same time a copy thereof. After a careful perusal of the same the minister began by saying that no official notice whatever of the occurrence had been received either by himself or by the minister for the colonies, and that in the absence of such information no definite answer could be made to your demand. He then entered of his own motion into a general discussion of the claims of Spain to special territorial jurisdiction over Cuban waters, and of the assumed right to visit and search when the presence of contraband articles is suspected. I simply listened until he had concluded, and then suggested that, in view of probable controversy, it would be well for him to draft a memorandum containing the exact answer which he then desired to make to you through me. In response to my request he drew such memorandum, a copy of which is herein inclosed, with translation. Its contents I communicated to you last night in a telegram, a copy of which is appended on the overleaf. From that you have learned that this preliminary response is to be followed by a formal reply to your demand so soon as the facts involved in the incident can be obtained from Cuba by telegraph. In any discussion which I may have upon this subject I shall regard the following principles as settled, unless you instruct me to the contrary:

This Government never has recognized and never will recognize any pretense or exercise of sovereignty on the part of Spain beyond the belt of a league from the Cuban coast over the commerce of this country in time of peace. This rule of the law of nations we consider too firmly established to be drawn into debate, and any dominion over the sea outside of this limit will be resisted with the same firmness as if such dominion were asserted in mid-ocean.

You will observe, therefore, that the American vessels which have been interfered with thus unwarrantably were not engaged in trade with Cuba, and were in no degree subject to any surveillance or visitation of revenue regulations.

In this aspect of the case, it may well be doubted whether, under color of revenue investigation to intercept smuggling or other frauds, jurisdictional power within the

limit of the recognized maritime league could be invoked in time of peace to justify the interference of Spanish cruisers with the lawful commerce of nations passing along a public marine highway in a regular course of navigation which brings them near the Cuban coast, though not bound to its ports.

(Mr. Evarts, Secretary of State, to Mr. Fairchild, August 11, 1880. MSS. Inst., Spain, Foreign Relations, 1880, concerning the cases of American vessels visited and searched by Spanish cruisers near Cape Maysi.)

I am, etc.

HANNIS TAYLOR.

[Inclosure in No. 318.—Translation.]

Memorandum.

The minister of state entertains the complaint of the Government of the United States, with the desire to decide upon it with justice. As yet he has not received official information of the incident complained of; but he has promised me to demand it imperatively, and when he has received it he will adopt—according to the principles of international law and without prejudice to the authority which he has a right to exercise in the territorial waters of Cuba—the proper measures, if any involuntary wrong has been committed against the Government of the United States.

Mr. Muruaga to Mr. Uhl.

LEGATION OF SPAIN,
Washington, March 19, 1895.

The Spanish minister presents his compliments to the Hon. E. F. Uhl, Acting Secretary of State, and has the honor to forward herewith the official report wired by the Captain-General of Cuba, referring to the alleged firing on the *Alliança*.

[Inclosure.—Translation.]

Governor-General of Cuba to Mr. Muruaga.

MARCH 18, 1895.

According to sailors, an inspection of log book *Conde Venadito* shows that that vessel at daybreak of the 8th espied steamer with bow to the northeast off Maysi, displaying her flag, the other replying with the British [flag], *Venadito* making for her without being able to overtake her.

The signal to heave to was subsequently made to her. She did not stop. After firing cannon twice, and afterwards again twice with solid shot, without effect, and seeing that she could not get within range, and Maysi having been passed, she steered to leeward and gave up the investigation. When the first solid shot was fired she was distant from the steamer one mile and a half, and the same from the land; she was athwart port and the seamer on the starboard tack. As the incident occurred on the day and at the spot in which it is supposed that that of the *Alliança* took place, it seems certain that she is the steamer to which *Venadito* refers. For greater accuracy of particulars the commander of the naval station ordered a revision [of the] report.

CALLEJA.

Mr. Taylor to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, March 25, 1895.

Minister for foreign affairs said he was not in condition to speak of affairs of the department of which he had been in charge only one day;

but he promised to consider *Alliança* incident before everything, assuring me of his desire and hope that it will receive solution equal to his interest to maintain reciprocal friendship and consideration existing between the two nations.

TAYLOR.

Mr. Gresham to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 25, 1895.

Inform minister foreign affairs that President appreciates his generous assurances and the great responsibilities he has suddenly assumed, and does not permit himself to doubt that *Alliança* incident will be satisfactorily adjusted in due time without disturbance of the friendly relations between the two Governments.

GRESHAM.

Mr. Gresham to Mr. Muruaga.

No. 13.]

DEPARTMENT OF STATE,
Washington, April 3, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 20th ultimo, addressed to Mr. Uhl as Acting Secretary, communicating copy of a telegram from the Governor-General of Cuba in regard to an alleged statement of "sailors" touching an entry in the log book of the *Conde Venadito*, relative to firing upon a vessel said to have shown the British flag off Cape Mayasi on the 8th instant, which vessel the Governor-General supposes to have been the *Alliança*.

Accept, etc.,

W. Q. GRESHAM.

Mr. Taylor to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, April 11, 1895.

Minister of state has answered your telegram of the 14th ultimo, as follows:

Sufficient information is still wanting to authorize a reply as precise and concrete as the Government of His Majesty sincerely desires, but I am pleased to assure you at once that it is not its purpose, and never has been, to put obstacles or obstructions of any kind in the way of the legitimate commerce of the United States. With this feeling and without prejudice to the exercise of the right which belongs to us in our maritime zones, opportune instructions have been sent to the commanders of the ships of His Majesty first by telegraph and afterwards at greater length by mail. I shall have the honor to supplement this note as soon as I shall receive the report which has been ordered to be drawn up as rapidly as possible at Havana for the purpose of investigating the affair with the *Alliança*, and which my colleague, the minister for the colonies, expects to receive very soon. The Cabinet at Washington may be assured that if the commander of the *Venadito*, believing to act within his rights, should have committed an error, His Majesty's Government shall regret it

sincerely and shall proceed respecting the said commander in the form and manner which the case requires. It is to be hoped that the Government of the United States will appreciate the sincerity of the sentiments which animate that of His Majesty when the nation which you so worthily represent is concerned, and to which Spain professes the most cordial friendship.

TAYLOR.

Mr. Taylor to Mr. Gresham.

No. 336.]

LEGATION OF THE UNITED STATES,
Madrid, April 13, 1895. (Received April 29.)

SIR: I have the honor to report the receipt of a note from the minister of state touching the *Alliança* incident, a copy of which is inclosed herein, with translation. I deemed it proper to transmit to you the substantial part of the note by telegraph.

I am, etc.,

HANNIS TAYLOR.

[Inclosure in No. 336.—Translation.]

The Duke of Tetuan to Mr. Taylor.

MINISTRY OF STATE,
Palace, April 9, 1895.

MY DEAR SIR: In compliance with the offer which I had the honor to make to you in the conference held on the 25th of March last, the instant I took possession of the ministry of state, I gave my attention first to the study of the incident which was the subject of your note of the 15th ultimo, that you were pleased to direct to my predecessor.

Sufficient information is still wanting to authorize a reply as precise and concrete as the Government of His Majesty sincerely desires, but I am pleased to assure you at once that it is not its purpose, and never has been, to put obstacles or obstructions of any kind in the way of the legitimate commerce of the United States. With this feeling and without prejudice to the exercise of the right which belongs to us in our maritime zone, opportune instructions have been sent to the commanders of the ships of His Majesty, first by telegraph, and afterwards at greater length by mail.

I shall have the honor to supplement this note as soon as I shall receive the report which has been ordered to be drawn up as rapidly as possible at Havana for the purpose of investigating the affair with the *Alliança*, and which my colleague the minister for the colonies expects to receive very soon. The Cabinet at Washington may be sure that if the commander of the *Venadito*, believing to act within his rights, should have committed an error, His Majesty's Government shall regret it sincerely, and shall proceed respecting the said commander in the form and manner which the case requires.

It is to be hoped that the Government of the United States will appreciate the sincerity of the sentiments which animate that of His Majesty when the nation which you so worthily represent is concerned, and to which Spain professes the most cordial and lively friendship.

I avail, etc.,

THE DUKE OF TETUAN.

Mr. Gresham to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 16, 1895.

A month having elapsed since you communicated to the Spanish Government the representations of this Government touching the firing upon the *Alliança* on the high sea off Cape Maysi while innocently sailing under the American flag, the President deprecates further delay in responding to our just expectations. This Government has given due weight to the serious situation in Spain and Cuba, but the evidence appears to so clearly establish that the act complained of was indefensible, if not wanton, that delay is not understood.

GRESHAM.

Mr. Taylor to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, April 19, 1895.

After interview, minister of state has replied in writing as follows:

As I had the honor to tell you in my note of the 9th instant, I proposed to supplement it as soon as the report called for was received, which, having started from Havana by mail on the 30th ultimo, is expected at Madrid every day. The fact that my colleague of marine has transmitted to me a telegram from the commander-general of that station, which has been received in my department to-day, enables me, however, to recognize that when the *Venadito* fired upon the *Alliança*, the latter was in fact, according to the evidence taken, outside of the jurisdictional zone of Spain, and that, therefore, recognizing that fact the official accidentally in charge of the command of the Spanish ship at that time committed an error, undoubtedly involuntary. When His Majesty's Government shall be able to understand the event in all its details from the study of the report which will shortly arrive, as I have already said, it will examine the conduct of the official who then commanded the *Venadito* in order to proceed as it shall be fit, as His Majesty's Government has promised. It can not but lament an occurrence so contrary to the sentiments which animate it, as it has said on various occasions, not to interfere or hinder under any pretext the legitimate commerce of the United States.

Minister of state promised me verbally that the commander of the *Venadito* should be appropriately punished as soon as the degree of his guilt can be exactly ascertained.

TAYLOR.

Mr. Taylor to Mr. Gresham.

No. 344.]

UNITED STATES LEGATION,
Madrid, April 20, 1895. (Received May 2.)

SIR: In my No. 340, of the 17th instant, I had the honor to report that I had communicated on that day to the minister of state the contents of your telegram of the 16th, touching the *Alliança* incident. On the next day the minister of state requested me to call upon him on the 19th at 5.30 o'clock. During the interview which then took place the minister read to me the draft of a note which he had prepared, and which he said he would send me, subject to any changes I might see fit to suggest. He said that his earnest purpose was to promptly give to the Government

of the United States the most complete satisfaction in his power. I replied that, while I was not authorized to pass upon the sufficiency of his note, I would venture to suggest (1) that the admission of the wrongfulness of the act be made in terms which could not be mistaken; (2) that a definite assurance should be given that the officer responsible for the wrong should be properly punished. He then amended the note so as to make the first admission more emphatic, and added that the promise already given that the officer should be properly punished would be carefully observed. He assured me that as soon as the official report, daily expected by mail, should be received, the officer who committed the fault would be dealt with according to the facts, and that I would be duly informed as to the result. As soon as the official note thus prepared was received at the legation, I transmitted its contents to you by cable. I inclose the full text of the note, with translation.

I am, etc.,

HANNIS TAYLOR.

[Inclosure in No. 344.—Translation.]

The Duke of Tetuan to Mr. Taylor.

MINISTRY OF STATE,
Palace, April 18, 1895.

MY DEAR SIR: I have been informed by your note of yesterday of the telegram which the Secretary of State has addressed to you relative to the *Alliança* incident.

As I had the honor to tell you in my note of the 9th instant, I proposed to supplement it as soon as the report called for was received, which, having started from Havana by mail on the 30th ultimo, is expected at Madrid every day. The fact that my colleague of marine has transmitted to me a telegram from the commander-general of that station, which has been received in my department to-day, enables me, however, to recognize that when the *Venadito* fired upon the *Alliança* the latter was, in fact, outside of the jurisdictional zone of Spain, and that therefore, recognizing that fact, the official accidentally in charge of the command of the Spanish ship at that time committed an error undoubtedly involuntary.

When His Majesty's Government shall be able to understand the event in all its details from the study of the report which will shortly arrive, as I have already said, it will examine the conduct of the official who then commanded the *Venadito*, in order to proceed as it shall be fit, as His Majesty's Government has promised. It can not but lament an occurrence so contrary to the sentiments which animate it—as it has said on various occasions—not to interfere with or hinder under any pretext the legitimate commerce of the United States.

I avail, etc.,

THE DUKE OF TETUAN.

Mr. Uhl to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 4, 1895.

Your No. 344 received, and we await promised further action.

UHL, Acting Secretary.

Mr. Uhl to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1895.

Postpone formal acknowledgment of Spain's last reply in *Alliança* affair until instructed by the Department after examination.

UHL, Acting.

Mr. Taylor to Mr. Gresham.

No. 357.]

UNITED STATES LEGATION,
Madrid, May 20, 1895. (Received June 3.)

SIR: I have the honor to report the receipt yesterday morning of the following telegram:

Postpone formal acknowledgment of Spain's last reply in *Alliança* affair until instructed by the Department after examination.

At the same moment I received the Spanish Government's last reply in the *Alliança* affair, which I inclose herein, with translations.

I have simply acknowledged the receipt of this note, stating at the same time that a copy thereof has been forwarded for your consideration.

I am, etc.,

HANNIS TAYLOR.

[Inclosure in No. 357—Translation.]

The Duke of Tetuan to Mr. Taylor.

MINISTRY OF STATE,
Palace, May 16, 1895.

MY DEAR SIR: I have had the honor to receive your note dated the 6th instant, in which you inform me that you have transmitted to your Government the text of my note of the 18th of April last, relative to the *Alliança* incident. In your said note you also embody the telegram addressed to you by the Secretary of State, saying that he awaits the promised further action.

The Government of His Majesty considers it its duty to inform your excellency, as another proof of its sincerity, that by the reports received in this ministry the fact is proven that when the official commanding the *Venadito*, during the absence of the commander, fired upon the *Alliança* with the sole purpose of stopping her, and having special care not to hit the American steamer, the latter was outside of the jurisdictional zone of Spain. There was, therefore, an error, though certainly involuntary, and no one laments it more than the Government of His Majesty, whose purpose never was to set obstacles or hindrances to the legitimate commerce of the United States and much less to give the slightest offense to the flag of a friendly power.

As I have already told your excellency, instructions have been sent to the commanders of the ships of the navy in order to avoid the repetition of events similar to that now in question, which is disavowed by the Government of His Majesty.

In order to remove any doubts which might arise if certain wholly unfounded rumors should be taken as true, I take pleasure in assuring

you that when the incident of the *Alliança* took place the commander was not on board, but only the second chief, Señor Ibarra, who has been removed to another post of the same grade.

I shall not conclude this note, Mr. Minister, without expressing my hope that the United States will find in the preceding spontaneous manifestations one more proof of the interest which Spain takes in all that relates to the great American Republic, and of the warm desire which animates the Government of His Majesty to contribute, for its part, to the definite and most satisfactory termination of this affair.

I avail, etc.,

THE DUKE OF TETUAN.

Mr. Uhl to Mr. Taylor.

No. 338.]

DEPARTMENT OF STATE,
Washington, June 5, 1895.

SIR: Your No. 357, of the 20th ultimo, in relation to the *Alliança* incident, was duly received, and I have laid before the President the note of his excellency the minister of state, of the 16th ultimo, conveying the disavowal by His Majesty's Government of the act of the temporary commander of the *Venadito* in firing upon the *Alliança* and the assurance that instructions have been sent to Spanish naval commanders in order to avoid the repetition of any such occurrence.

I am directed by the President to instruct you that, without conceding that the exact location of the *Alliança* at the time the shot was fired can be considered a controlling circumstance, this communication of His Majesty's Government is accepted as a sufficient and satisfactory explanation of the incident.

You will add an expression of the President's high appreciation of the friendly tenor of the Duke of Tetuan's note.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Taylor to Mr. Olney.

No. 378.]

UNITED STATES LEGATION,
Madrid, June 24, 1895. (Received July 6.)

SIR: I have the honor to report, in reply to your No. 338, of the 5th instant, touching the *Alliança* incident, that I have duly communicated your acceptance of the explanation made by the minister of state, as nearly as possible in your own language.

I am, etc.,

HANNIS TAYLOR.

COMMERCIAL ARRANGEMENT.—CUBA AND PUERTO RICO.¹

Mr. Taylor to Mr. Gresham.

No. 301.]

LEGATION OF THE UNITED STATES,
Madrid, February 9, 1895.

SIR: I have the honor to inclose herein, with translation, an official copy of the law lately approved by Her Majesty the Queen Regent,

¹ See Foreign Relations, 1891, pp. 621-635.

and published in the *Gaceta de Madrid* on the 6th instant, giving to the products and manufactures of the United States the benefit of the second column of the tariff now in force in the islands of Cuba and Puerto Rico.

I inclose also, with translation, a copy of a note received to-day from the minister of state, and dated the 6th instant, informing me officially of the fact that the Government of His Majesty has sent to the Governors-General of the islands of Cuba and Puerto Rico the orders necessary to put the *modus vivendi* lately executed between the two nations into effect.

I am, etc.,

HANNIS TAYLOR.

[Inclosure 1 in No. 301.—Translation.]

[Extract from the *Gaceta de Madrid*, February 6, 1895.]

MINISTRY OF STATE.

LAW.

Don Alfonso XIII, by the grace of God and the constitution King of Spain, and in his name and during his minority the Queen Regent of the Kingdom, to all whom these presents shall come or may concern, take notice that the Cortes have decreed and we have sanctioned the following:

ARTICLE 1. The Government is authorized to apply to the products and manufactures of the United States, which proceeding from the ports of said States may be admitted into those of Cuba and Puerto Rico, the second column of the tariff in force in those islands, in exchange for which the United States will apply its lowest tariff rates to the products of the soil and to those of the industry of Cuba and Puerto Rico.

This *modus vivendi* shall prevail until the execution of a definitive treaty between the two parties interested or until one of them gives notice three months in advance of the day upon which it desires to put an end to it.

Therefore, we command all tribunals, justices, chiefs, governors, and all other authorities, civil as well as military and ecclesiastical, of every class and rank, to keep and make the present law to be kept, fulfilled, and obeyed in all its parts.

Given in the Palace on the 4th of February, 1895.

I, THE QUEEN REGENT.

ALEJANDRO GROIZARD,
The Minister of State.

[Inclosure 2 in No. 301.—Translation.]

Mr. Groizard to Mr. Taylor.

MINISTRY OF STATE,

Palace, February 6, 1895.

EXCELLENCY: I have the satisfaction to tell you that the Gazette of to-day publishes the law which authorizes the Government of His Majesty to apply to the products and manufactures of the United States, which proceeding from the same may be admitted into Cuba and Puerto Rico, the second column of the tariff in force in those islands, in exchange for which the United States will apply its lowest tariff rates to the products and manufactures of Cuba and Puerto Rico.

In virtue of that law the Government of His Majesty has put in force the *modus vivendi* made between Spain and the United States of America, giving immediately by telegraph the necessary instructions to the Governors-General of Cuba and Puerto Rico, to the end that said *modus vivendi* may prevail until a definite treaty is celebrated between the two countries interested, or until one of them announces, after three months' notice, the day upon which it desires to put an end to it.

I approve, etc.,

ALEJANDRO GROIZARD.

ENFORCEMENT OF THE NEUTRALITY LAWS OF THE UNITED STATES.

Mr. Muruaga to Mr. Gresham.

LEGATION OF SPAIN,
Washington, January 22, 1895.

The strange proceedings had at Fernandina, Fla., after the detention, under very suspicious circumstances, of the yachts *Baracoa*, *Amadis*, and *Lagonda* compel the undersigned to call the attention of the honorable Secretary of State to the possible consequences that might result from the leniency which has been shown in the case of their open violation of the neutrality laws of the United States.

The undersigned, being desirous of avoiding any friction of an international character, has sought to keep this annoying incident within the limits of strictly confidential discussion, and, while acknowledging the good will with which the honorable Secretary of the Treasury has taken his suggestions into consideration, he can not but lament the ambiguity of the American law which permits the organization on and the departure from American soil of armed expeditions with the disguised though decided purpose of seeking to destroy the integrity and to disturb the tranquillity of a friendly nation.

All the reports, both official and confidential, that have been received through various channels by the undersigned agree in designating Don José Martí as the promoter and leader of the frustrated attempt. Martí habitually resides in New York, but his active propaganda, during the past few months, has been carried on at Tampa, Key West, New Orleans, and in Colombia.

In view, therefore, of the facts above stated, of the hopes cherished and the objects had in view by these professional revolutionists, who publicly boast that the arms which have been seized will be returned to them, and will be reshipped, the undersigned invokes the good offices of the honorable Secretary of State to the end that the said arms, warlike stores, and ammunition may be held by the Federal Government until their alleged owners, Mantell and Miranda, who are now in hiding and fugitives, shall have furnished a satisfactory explanation with regard to their origin and the purpose for which they were intended.

The undersigned avails, etc.,

E. DE MURUAGA.

Mr. Gresham to Mr. Muruaga.

No. 5.]

DEPARTMENT OF STATE,
Washington, February 12, 1895.

SIR: I received in due course your note of the 22d ultimo, in which you advert to the leniency shown in the "strange proceedings" against certain vessels at Fernandina, Fla., recently detained on suspicion of being employed for unlawful purposes, and ask that the arms and supplies found on board be held by the Federal authorities until the alleged owners shall give a satisfactory account of their origin and lawful destination.

In response to a communication thereupon addressed to the Secretary of the Treasury I have been furnished with copies of all correspondence and documents relating to the detention of the vessels and arms in

question. It appears that the detention was based on suspicion and the apprehensions of the owner of the yacht *Lagonda* that she might be bound elsewhere than specified in the charter party. No evidence was at any time brought forward to show the true destination of the *Lagonda*. Her owner believed that she was to be taken by the charterer, Mantell, to Costa Rica. In a letter of the collector at Fernandina she is said to have been "bound to some port in South America." Nor was any complaint made from any quarter upon knowledge or belief that the *Lagonda* and the associated vessels, *Amadis* and *Baracoa*, were engaged in any enterprise or expedition made unlawful by the statutes of the United States, although the detention was prolonged to afford ample opportunity for such complaint or evidence as might have permitted the courts to take cognizance of the matter. In the absence of legal ground for libeling the vessels or proceeding against the owners of the arms, and after reference of the matter to the Department of Justice, the Treasury Department was, on the 18th of January, constrained to cease the precautionary detention theretofore exercised against the *Lagonda* through the collector at Fernandina, and on the 25th the arms were in like manner released.

I fail to find in the record of the case anything justifying the statement that the proceedings of the United States officers were "strange," or that they fell short of their duty. On the contrary, the circumstance that the arms were detained by the custom-house authorities a full week after the proceedings against the *Lagonda* had fallen through for want of complaint or evidence to charge that vessel with a violation of law, indicates extreme caution and a desire to invite such testimony as might have served to set the machinery of justice in motion against any persons charged with infraction of the laws.

Accept, etc.,

W. Q. GRESHAM.

Mr. Muruaga to Mr. Gresham.

[Translation.]

LEGATION OF SPAIN,
Washington, March 11, 1895.

The undersigned minister plenipotentiary of Her Majesty the Queen Regent of Spain has the honor to transmit to the honorable Secretary of State the inclosed report of Mr. Schuyler, consular agent of Spain at Fernandina, Fla., which corroborates the suspicion of Mr. Borden's complicity in the equivocal and questionable transactions connected with the yachts *Lagonda*, *Amadis*, and *Baracoa*.

Relying upon the assurances which, according to the press, have been given by Mr. Taylor to the Spanish Government that the American Government will cause a strict watch to be kept upon expeditions carrying arms, the undersigned takes the liberty to call the attention of the honorable Secretary of State to the probable or simulated shipment of said arms via the port of Philadelphia.

The undersigned avails, etc.,

E. DE MURUAGA.

[Inclosure.]

Extracts from report of Mr. Schuyler, Spanish consular agent at Fernandina, Fla.

MARCH 7.

SIR: I wrote you hurriedly last night, and wired you this morning, that the suit of Kimbal-Mantell was settled, the case dismissed, and the arms, etc., released from attachment, as I wrote you a few days ago was likely to be the case at any time. The arms, etc., upon being released by the sheriff were immediately, during the night, removed back to Borden's warehouse, and I have reason to believe that they were, or will be, at once shipped by rail from here; I know not where, but suspect to Philadelphia. I have interviewed the custom-house this morning and find that there is no vessel in port that is at all likely to be concerned in the matter, and that night there was an empty car standing before the Borden warehouse. There may be some further developments during the day, and if so, I will advise you. The whole negotiations have been conducted very quietly, and the closing of the case last night came quite unexpectedly, taking us by surprise. I was unable to be present at the settlement, on account of other imperative official duties, but I was kept advised. The attorneys for plaintiff are Cooper & Cooper, of Jacksonville.

MARCH 8:

SIR: All the arms, ammunition, etc., that were stored in Borden's warehouse have been removed and shipped from here by railroad; their destination I do not know. The work was done at night, and all employed in it are very secretive; nothing can be learned from them, but the warehouse was empty.

MARCH 5.

SIR: I am in receipt of your esteemed favor of the 28th ultimo, and have given the matter referred to due attention. I was previously under the impression that all the arms, ammunition, and accouterments received here by Mr. Borden were under attachment in the Kimbal-Mantell suit, but I find that not to be the case, a portion only—sufficient to secure the claim in the suit—was attached and unmoved from Borden's warehouse. These are still in the hands of the sheriff, stored in a building at some distance from the warehouse. The remainder are in the warehouse, in Mr. Borden's possession, and he may be disposing of them; in fact, though I can not as yet get evidence to prove it, I am satisfied he is disposing of them; to what extent I can not at present say. In the suit referred to, Kimbal v. Mantell, Mr. Borden was garnishee, and required to show under oath what property, possessions, or effects he had in his possession or control belonging to said Mantell. To this he yesterday made answer that he had nothing so belonging. This is a denial on his part that the arms, etc., are the property of Mantell, and hence they lie there without any apparent owner and subject to be removed without any responsibility. The suit in attachment is not returnable until July next, but I learn incidentally that the matter is in process of compromise, in which case dismissal of the suit and release of the property may at any day be accomplished. The owner of the property, whoever it may be, has means and is desirous of settling the suit and getting possession of the same. Mr. Borden is very little in the city, spending most of his time in Jacksonville, as I understand, and any disposal of the arms, etc., must be made through a third party. The correspondent of the secret agency to which you refer may gain more details in the case than I can, as my position is well known and information carefully secreted from me, but the information given above I have obtained from first hands.

Mr. Muruaga to Mr. Gresham.

[Translation.]

LEGATION OF SPAIN,
Washington, March 15, 1895.

The envoy extraordinary and minister plenipotentiary of Her Majesty, the Queen Regent of Spain, has the honor to inform the honorable Secretary of State, W. Q. Gresham, that, according to a telegram of to-day's date from the Spanish consul at Philadelphia, the commissioner and district attorney of the United States have declined to com-

mence judicial proceedings against a store of arms, ammunition, and equipment declared by the said consul to be intended for the Cuban insurgents.

The said arms, composed of 241 cases, form part of those taken from the yacht *Lagonda* at Fernandina, Fla., and were stored in the warehouses of Mr. Borden.

On Thursday, the 7th instant, the cases in question were surreptitiously and clandestinely shipped by express to Philadelphia, consigned to a Mr. Rubens, and are now stored in the warehouses of the Pennsylvania Railroad Company.

The steps taken by the Spanish consul having proved fruitless, the undersigned finds himself necessarily obliged to bring the matter to the attention of the honorable Secretary of State and to invoke the aid of the Federal Government, in order that an act contrary to the laws of the United States in regard to neutrality may not be committed.

The undersigned avails, etc.,

E. DE MURUAGA.

Mr. Muruaga to Mr. Gresham.

[Translation.]

LEGATION OF SPAIN,
Washington, March 20, 1895.

With reference to the note of Her Majesty's legation of the 15th instant, the consul of Spain advises the undersigned that the arms stored in the warehouse of the Pennsylvania Railroad have disappeared, and that the Attorney-General had refused the detention "attachment" of the same until evidence was adduced that they belonged to a local military organization formed to wage hostilities against Spain.

In the note of the Department of State of the 12th of February last, the honorable Secretary of State stated that the embargo of arms held as suspicious at Fernandina had been raised because charges of the supposed offense were not preferred in due time.

Now, then, in the present instance the judicial authorities will not be able to allege the same reasons. The supposed offense having been notified, and the necessary proceedings having been officially instituted, it was evident that the obligation of proving that the said arms were part of the *Lagonda's* cargo rested on the consul of Spain; but while the proceedings were in course of execution, it is to be presumed that the consignee, Mr. Rubens, would be privately and confidentially informed of what was being done, and the corpus delicti was removed to a place of safety.

What could give better evidence of the "criminal character of the contents of the 241 boxes"? How, then, can it be wondered, in view of the facilities afforded to the filibusters to export arms to Cuba and of the difficulties opposed to the Spanish Government to detain them, that the Spanish cruisers endeavor to intercept on the Cuban coasts what is declared by Spanish law to be contraband of war?

The undersigned avails, etc.,

E. DE MURUAGA.

Mr. Gresham to Mr. Muruaga.

No. 9.]

DEPARTMENT OF STATE,
Washington, March 21, 1895.

SIR: I have the honor to state that your note of the 11th instant, concerning the probable or simulated shipment of arms from Philadelphia to Cuba, has been communicated to the Attorney-General and the Secretary of the Treasury, and I am now in receipt of a letter from the latter, stating that the attention of the collector of customs at Philadelphia and of collectors at other ports has been invited to the matter, with a view to the prevention of any violations of the laws of the United States by the persons named.

Your note of the 15th instant, complaining of a failure on the part of the district attorney and United States commissioners to act in the matter, has also been communicated to the Attorney-General.

Accept, etc.,

W. Q. GRESHAM.

Mr. Muruaga to Mr. Gresham.

[Translation.]

LEGATION OF SPAIN,
Washington, March 30, 1895.

The undersigned, envoy extraordinary and minister plenipotentiary of Spain, has the honor to bring to the knowledge of the honorable Secretary of State that, according to an official communication from the consul of his nation, volunteers for the island of Cuba are being publicly recruited at New Orleans, at the enlistment pay of \$35 monthly and with the manifest purpose of hostilities against a friendly power.

The undersigned takes the liberty of calling the attention of Hon. W. Q. Gresham to this obvious infringement of the neutrality laws, to the end that the Government of the United States may be pleased to take, consistently with its declarations, such measures as it may deem expedient.

The undersigned avails, etc.,

E. DE MURUAGA.

Mr. Gresham to Mr. Muruaga.

No. 10.]

DEPARTMENT OF STATE,
Washington, March 30, 1895.

SIR: Referring to Department's note of the 21st and in acknowledgment of your legation's notes of the 11th, 15th, and 20th instant, all relating to the apprehended shipment of arms from Philadelphia to Cuba, I have the honor to inclose for your information copy of the report made by the United States district attorney at Philadelphia, pointing out that the evidence submitted was insufficient to sustain action.

The Attorney-General regards the course taken by the district attorney so far as unexceptionable.

Accept, etc.,

W. Q. GRESHAM.

[Inclosure in No. 10.]

District Attorney at Philadelphia to the Attorney-General.

PHILADELPHIA, March 18, 1895.

SIR: Referring to your telegram of the 16th instant, requesting a full report upon the refusal of this office to institute legal proceedings against certain arms and ammunition in the Pennsylvania Railroad Company's warehouses in this city, alleged to be intended for the use of the Cuban insurgents, I have the honor to report as follows:

On Friday, the 18th instant, Señor José Congosto, Spanish consul, called at this office and made the statement that 127 cases of arms were stored in the warehouse of the Pennsylvania Railroad Company at this city; that said arms were consigned to one Rubens from Fernandina, Fla., and were a part of the cargo intended to be shipped from Florida on the vessels *Amadis*, *Baracoa*, and *Lagonda*; that said arms were now intended to be shipped on another vessel, name and port of departure unknown, for the use of the Cuban insurgents.

On this statement of facts, in my absence from the office one of my assistants, Mr. Ralston, advised the Spanish consul that no proceedings could be taken under section 5283, Revised Statutes.

On receipt of your telegram on Saturday I requested Señor Congosto to call this morning and lay the case before me. This he has done, and the following additional particulars have been stated:

Señor Congosto says that there are in the United States clubs or organizations composed of citizens of the United States of Cuban origin, or of exiled Cubans, which are engaged in raising money, purchasing arms and munitions of war, raising volunteer soldiers, and equipping said troops for service against the Spanish Government and in aid of the Cuban insurgents. He believes that the arms before spoken of are a part of the equipment owned by said clubs or insurgent organizations, and that they are intended to be put on a vessel (not known) to be sent to Cuba.

I have advised the Spanish consul as follows:

1. I do not think a case has been made out under section 5283, because he is not able to establish the fact that said arms, etc., are intended to arm and equip or augment the equipment of any vessel to be employed against the Spanish Government. The decision of the circuit court of appeals for the ninth circuit in the *Itata* case would seem clearly to cover the one presented, the arms, etc., being intended not to fit out an armed vessel, but to be shipped as merchandise.

2. If information can be furnished which shows that there is a military expedition or enterprise being set on foot in this district by any person or persons, I will, on being furnished such definite information, cause warrants to be issued for their arrest under section 5286, and if proof can be furnished that the arms now in this city, in the Pennsylvania Railroad Company's warehouse, are a part of the equipment of such military expedition or enterprise, I will cause proceedings for forfeiture to issue against such arms.

3. I advised the Spanish consul, in addition to the above, that I did not care to take the responsibility of issuing process under section 5283 in the light of the decision of the court in the *Itata* case without your authority; that as the case stood my judgment was that such proceedings would not be warranted by the law; that I would submit the matter to you and ask you for telegraphic instructions. I further said to him that I would not hesitate to issue process under section 5286 if he brought me definite and specific information this afternoon, but that I did not care to issue the same merely on suspicion.

Señor Congosto agreed with me in thinking this the proper course for me to pursue, and has left the office to ascertain what proof he can submit under section 5286.

I have, etc.,

ELLERY P. INGHAM,
United States Attorney.

Mr. Gresham to Mr. Muruaga.

No. 11.]

DEPARTMENT OF STATE,
Washington, April 1, 1895.

SIR: I have the honor to acknowledge receipt of your note of the 30th ultimo, in which you state that you are in possession of official information to the effect that volunteers for the Island of Cuba are

being publicly recruited at New Orleans in violation of the neutrality laws.

A copy of your note has been sent to the Attorney-General.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Mr. Muruaga.

No. 12.]

DEPARTMENT OF STATE,
Washington, April 1, 1895.

SIR: In connection with my note to you of the 30th ultimo, touching the possible shipment of arms to Cuba in violation of the neutrality laws of this country, I now have the honor to apprise you of the receipt of a letter from the Acting Secretary of the Treasury of the 19th ultimo, transmitting copies of letters from the collectors of customs at New Orleans, at Fernandina, and Key West, dated, respectively, the 21st, 22d, and 25th ultimo, upon the subject.

The collector at New Orleans remarks that the surveyor of customs and the United States attorney have been advised of your complaint and directed to cooperate with that officer to prevent, if possible, any violation of the laws of the United States. It is added that every effort will be made to prevent the shipment of any arms in the manner referred to by you or any other violation of the neutrality laws of the United States.

The collector at Fernandina says that he will use all means at his command to carry out the instructions of the Secretary of the Treasury to prevent a violation of those laws, and the collector at Key West indicates that his office has given particular attention to and is using every effort to prevent any such violation. The entire force in this service, it is said, has been instructed to be on the alert, and to report any attempt or any information that they may receive of intended violation of such laws.

Accept, etc.,

W. Q. GRESHAM.

Mr. Muruaga to Mr. Gresham.

[Translation.]

LEGATION OF SPAIN, April 4, 1895.

In confirmation of his last communication of March 20 last, the undersigned, envoy extraordinary and minister plenipotentiary of Spain, has the honor to notify the honorable Secretary of State that, according to official and reliable information; a filibustering expedition, commanded by Gonzalo de Quesada, secretary of the Cuban Revolutionary Junta, and a naturalized American citizen, is on the point of setting out from Tampa, Fla., for the Island of Cuba.

The undersigned avails, etc.,

E. DE MURUAGA.

Mr. Uhl to Mr. Muruaga.

No. 16.]

DEPARTMENT OF STATE,
Washington, April 6, 1895.

SIR: In connection with my note to you of the 5th instant, concerning the alleged sailing of a filibustering expedition from Tampa, Fla.,

for the Island of Cuba, I have the honor to apprise you of the receipt of two letters from the Attorney-General upon the subject, of the 5th and 6th instant.

In the former Mr. Olney advises me that he promptly telegraphed the contents of your note to the district attorney of the United States at Jacksonville, and instructed him to use the utmost diligence to prevent any violation of the neutrality laws of the United States.

According to the latter, the United States district attorney for the southern district of Florida reports that he is using every effort to prevent any violation of those laws by the organization of filibustering expeditions in aid of existing disturbances in Cuba. Mr. Olney remarks also that a telegram from the United States marshal indicates that Quesada left Jacksonville for Tampa on the evening of the 5th instant, and that the district attorney and a deputy marshal left for the same place on the same train.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Muruaga.

No. 17.]

DEPARTMENT OF STATE,
Washington, April 6, 1895.

SIR: In further reply to your note of the 30th ultimo, stating that you were advised by the consul of Spain at New Orleans that volunteers were being publicly recruited in that city for the purpose of carrying on hostilities in Cuba against the Government of Spain, I have the honor to say that this Department is in receipt of a letter from the Attorney-General, dated to-day, announcing that the United States district attorney at New Orleans has so far failed to discover any basis for the representations contained in your note above referred to. He will, however, continue his investigation of the charge.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Olney to Mr. Taylor.

No. 349.]

DEPARTMENT OF STATE,
Washington, June 17, 1895.

SIR: I inclose herewith six copies of the proclamation of the President of the 12th instant, in regard to the neutrality laws of the United States.

In this connection, I inclose also for your information a copy of a note of the 14th instant, from the minister of Spain at this capital, expressing, by direction of his Government, its gratification at the measures taken by the United States for the enforcement of the neutrality laws.

I am, etc.,

RICHARD OLNEY.

[Inclosure 1 in No. 349.]

[NEUTRALITY—CUBA.]

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas the Island of Cuba is now the seat of serious civil disturbances, accompanied by armed resistance to the authority of the established Government of Spain, a power with which the United States are and desire to remain on terms of peace and amity; and,

Whereas the laws of the United States prohibit their citizens, as well as all others being within and subject to their jurisdiction, from taking part in such disturbances adversely to such established Government, by accepting or exercising commissions for warlike service against it, by enlistment or procuring others to enlist for such service, by fitting out or arming or procuring to be fitted out and armed ships of war for such service, by augmenting the force of any ship of war engaged in such service and arriving in a port of the United States, and by setting on foot or providing or preparing the means for military enterprises to be carried on from the United States against the territory of such Government;

Now, therefore, in recognition of the laws aforesaid, and in discharge of the obligations of the United States towards a friendly power, and as a measure of precaution, and to the end that citizens of the United States and all others within their jurisdiction may be deterred from subjecting themselves to legal forfeitures and penalties,

I, Grover Cleveland, President of the United States of America, do hereby admonish all such citizens and other persons to abstain from every violation of the laws hereinbefore referred to, and do hereby warn them that all violations of such laws will be rigorously prosecuted; and I do hereby enjoin upon all officers of the United States charged with the execution of said laws the utmost diligence in preventing violations thereof and in bringing to trial and punishment any offenders against the same.

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 twelfth day of June, in the year of our Lord one thousand eight hundred and ninety-five, and of the Independence of the United States of America the one hundred and nineteenth.

[SEAL.]

GROVER CLEVELAND.

By the President:

RICHARD OLNEY,
Secretary of State.

[Inclosure 2 in No. 349.—Translation.]

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN,
Washington, June 14, 1895.

MR. SECRETARY: The minister of state of Her Majesty the Queen Regent of Spain, to whom I hastened to give account by telegraph of the measures adopted by the Government of the United States to prevent infringements of the law and attempts against the peace and security of a friendly nation, directs me by cable to express to your excellency the profound gratitude of the Spanish Government and its confidence in the effectiveness of the steps taken, which it appreciates as a proof of loyal friendship.

I improve, etc.,

ENRIQUE DUPUY DE LÔME.

*Señor Dupuy de Lôme to Mr. Olney.*SPANISH LEGATION, *June 21, 1895.*

DEAR MR. SECRETARY: On my return to my house I find a telegram from the Spanish consul at Key West, confirming the press report of the return of six of the Cubans who left Key West on the 7th instant,

the day of the *George W. Childs* expedition. The consul informs me that it is said there are more concealed in the surrounding keys, and among them one of the leaders, Serafin Sanchez. If they were rescued by the *Raleigh* or one of the revenue cutters, it will be a good object lesson, and will tend to have such people keep the peace.

Accept, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 13.]

DEPARTMENT OF STATE,
Washington, June 27, 1895.

SIR: I have the honor to state that the Acting Secretary of the Treasury has referred to this Department, under date of the 24th instant, a letter from the collector of customs at New Orleans of the 19th, giving the result of the investigation made by Inspector Nemours Cousin at the instance of the Spanish consul at that city, that an expedition was fitting out from St. Tammany Parish, La., to aid the insurrection now in progress in Cuba. A thorough investigation was made by Mr. Cousin along the entire coast of the section in question, including all places accessible by boats of small draft, but no evidence was found, I have pleasure in saying, of an attempt to violate the neutrality laws of the United States.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Washington, June 29, 1895.

MR. SECRETARY: I have the honor to acknowledge the receipt of your excellency's polite note, under date of 27th instant, in which you are pleased to inform me of the falsity of the rumors of the departure of a filibustering expedition from St. Tammany Parish, La.

In giving your excellency my most sincere thanks for the investigations made,

I improve, etc.,

E. DUPUY DE LÔME.

Mr. Uhl to Mr. Dupuy de Lôme.

No. 14.]

DEPARTMENT OF STATE,
Washington, June 29, 1895.

SIR: The Secretary of the Navy has communicated to this Department a report from the commanding officer of the U. S. S. *Raleigh*, dated Key West, June 22, 1895, stating that matters are very quiet there, and the conditions are such as to indicate that it is very improbable that any serious attempts to violate the neutrality laws will be made; that any movement against Cuba would of necessity be confined to small parties, and the transportation to some of the small craft capable of navigating the reefs.

In order to look out for these vessels, the revenue cutter *Louis McLane* has made a cruise inside the reefs and among the keys and returned, reporting that she had seen nothing of a suspicious nature.

Captain Miller further states that it appears to be well established that the party which left Key West on the 6th instant numbered only fifteen or twenty; that they were taken from the north end of the island by a small sailing vessel, and probably transferred to some other vessel near the Bahamas.

The U. S. S. *Raleigh* was at the date mentioned above expecting to cruise westward as far as Tampa Bay.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Dupuy de Lôme.

DEPARTMENT OF STATE,
Washington, July 2, 1895.

The Acting Secretary of State presents his compliments to the Spanish minister and has the honor to acknowledge, with thanks, the receipt of the minister's note of the 1st instant, with which is inclosed an account of the sitting held by the Spanish Senate on the 15th ultimo, at which sitting the Government was questioned by Señor Ortiz de Pinedo, senator for the Island of Cuba, as to the observance by the United States of its neutrality laws.

The Acting Secretary of State has read with pleasure the deserved tribute paid by the Duke of Tetuan to the impartial friendliness of this Government.

Mr. Adee to Mr. Dupuy de Lôme.

No. 17.]

DEPARTMENT OF STATE,
Washington, July 5, 1895.

SIR: I have the honor to apprise you—having regard to previous correspondence upon the subject—of the receipt of a letter from the Secretary of the Navy of the 2d instant, covering a report from the commanding officer of the U. S. S. *Raleigh*, in regard to the orders under which he is acting to assist the civil authorities in carrying out the neutrality laws of the United States on the coast of Florida and vicinity. Captain Miller's report is dated Tampa Bay, Florida, the 29th ultimo, and shows that he sailed from Key West on the 24th of June, and that he proceeded along the reefs to the westward as far as Tortugas; he then followed the reefs and coast to the eastward and northward to Tampa Bay. He had a conference with the collector of the port of Tampa, and regards it not at all probable that any attempt to violate the neutrality laws will be made from that point or from the reefs to the westward of Key West. Captain Miller thinks that in case any men should leave for Cuba they will first go to some eastern point, or to Key West by the ordinary routes of travel, and from there make the attempt, if at all; but the feeling seems to be very general in that quarter that no serious attempt will be made.

He expected to sail for Key West on the 1st instant.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Dupuy de Lôme to Mr. Adee.

[Telegram.—Translation.]

SWAMPSCOTT, MASS., August 31, 1895.

I offer you sincere thanks for your efficient cooperation and loyal proofs of friendship. The Wilmington episode is at this moment being repeated at New Orleans. I beg you will telegraph the naval and revenue authorities.

E. DUPUY DE LÔME.

Mr. Adee to Mr. Dupuy de Lôme.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 31, 1895.

The Attorney-General and the naval and revenue authorities will be advised of your statement in to-day's telegram that filibustering expeditions are in progress at New Orleans. Details should be furnished. Your consul there should communicate all information he has directly to United States attorney, and, if the facts suffice, make complaint under oath upon which judicial steps may be regularly taken, and the other executive branches may act.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Dupuy de Lôme.

No. 27.]

DEPARTMENT OF STATE,
Washington, September 5, 1895.

SIR: The Department has been advised by the Solicitor of the Treasury that, on information given by J. M. Fernandez, representing the Spanish consul at Tampa, the collector of customs at Cedar Keys, Fla., has seized at a point some 20 miles from the latter port, 18 cases Remington rifles, 150 boxes cartridges, and 12 kegs (contents unknown) alleged to be intended for use in Cuba.

If you desire to have judicial proceedings instituted, it will be advisable for you to instruct the consul on whose statements the seizure was made, to make the necessary complaint under oath, which will meet with the considerate cooperation of the agents of the Departments of Justice and of the Treasury.

The collector expected to remove the arms to Cedar Keys.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Dupuy de Lôme to Mr. Adee.

[Translation.]

LEGATION OF SPAIN,
Swampscott, Mass., September 8, 1895.

MR. SECRETARY: Acknowledging receipt of your note dated 5th instant, I have the honor to tender to your excellency my thanks to the

Government of the United States and to the Federal authorities who have intervened in the capture of arms and ammunition near Cedar Keys.

At the same time I take pleasure in undertaking that the Spanish consul in Florida will make in due time the sworn statement which you mention as necessary in order to establish judicial proceedings.

I avail myself, etc.,

E. DUPUY DE LÔME

Mr. Dupuy de Lôme to Mr. Adee.

[Translation.]

LEGATION OF SPAIN,
Washington, September 9, 1895.

MR. SECRETARY: I have the pleasure of informing you that, as the Spanish consul in Florida informs me, the collector of customs at Cedar Keys has not only lent his most energetic cooperation in securing the capture of the deposit of arms and ammunition concealed at North Key, but has personally, and for more than thirty-two hours, labored day and night, enduring great hardships, until he attained the object demanded by his duty.

Impelled by a feeling of justice, I think it my duty to bring these facts to your excellency's knowledge, and to request you if you deem it proper to communicate them to the Secretary of the Treasury.

I avail myself, etc.,

E. DUPUY DE LÔME.

Mr. Dupuy de Lôme to Mr. Olney.

[Telegram.]

LEGATION OF SPAIN,
Swampscott, September 17, 1895.

The Spanish consuls in Tampa and Key West report great activity in filibusterers' expeditions ready to start. The revenue cutter has seized at Pine Keys the schooner *Lark*, owned long time ago by sympathizers with the rebels, with 33 men. That is only a small part of a vast plan. Cedar Keys, Palm Beach, and neighborhood are the points more dangerous; also the keys near Key West. The leaders are Enrique and Tomas Collazo. The Spanish consuls have made the required sworn statement. I feel it is my duty to bring to your notice these facts, regretting that my poor health has prevented me from remaining in Washington.

DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 31.

DEPARTMENT OF STATE,
Washington, September 18, 1895.

SIR: I have the honor to acknowledge the receipt of your telegram of this date [17], and to say in reply that I have communicated with the Attorney-General, the Secretary of the Treasury, and the Secretary of

the Navy, and asked their earnest cooperation in the most diligent efforts to prevent any violations of the neutrality laws of the United States, and for the arrest and punishment of any persons found to be engaged therein.

Faithfully, yours,

RICHARD OLNEY

Mr. Olney to Mr. Dupuy de Lôme.

No. 32.]

DEPARTMENT OF STATE,
Washington, September 18, 1895.

SIR: This Department is in receipt from the Treasury Department of a copy of a letter from the United States district attorney for Florida, in which he states that the trial of the case against the persons charged with storing the munitions of war in the places where they were seized, near Cedar Keys, resulted in the discharge of the defendants, owing to the absence of evidence to show that any military expedition had been formed, or that if formed its destination was Cuba.

The attorney adds that the libel case against the arms would, if brought to trial, fail for the same reason, and suggests that your consular officers in Florida, if possible, furnish further evidence.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Telegram.]

LEGATION OF SPAIN,
Swampscott, Mass., September 19, 1895.

I am informed that on the 17th instant at 8.30 p. m., by Pennsylvania Railroad, in special car No. 5841, a consignment of arms and ammunition, comprising 450 boxes ammunition, 20 boxes of rifles marked *a* in a diamond, has been sent to Charles Raymond, esq., Southport, N. C. These arms, I am informed, are for the insurgents in Cuba, and will be shipped probably to steamer *Commodore*, which left New London, Conn., a few days ago. Will return to Washington as soon as my health will permit.

DUPUY DE LÔME.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Swampscott, September 19, 1895.

MR. SECRETARY: In confirmation of what I had the honor to state to your excellency by telegraph, I deem it my duty to inform you that all the consuls and agents of Spain in the State of Florida write to me that there is an extraordinary agitation among the Cuban rebels, who publicly say that they are organizing one or several military armed expeditions in order to disembark them in the Island of Cuba.

The persons who for several months past have been quartered in Tampa, Key West, and Jacksonville, where they have been receiving military instructions, have now split up into groups, which go about from one point to another in order to throw the authorities off the trail and to deceive those whose duty it is to be aware of their plans.

I have sufficient information to suspect that the arms seized at Cedar Keys, with the active and loyal cooperation of the collector of that port, are not all those which were gathered for the expedition, and I am told that in the same neighborhood, and perhaps on the banks of the Suwanee River, where about 150 men are supposed to be encamped, will be found the point whence the leaders (who are the brothers Henry and Thomas Collazo) are to take their departure.

The vessels which I have thus far had reason to suspect are the *James Woodall*, which is now at New Orleans, and which has already made one or more filibustering expeditions, and the *Commodore*, which cleared a few days ago from New London, Conn., for Cartagena, Colombia.

Your excellency knows the fact (for which, in the name of my Government, I tender you most sincere thanks) that a steamer of the coast guard of Key West has seized the schooner *Lark*, at Pine Tree, with 33 men on board, who had set out from Key West. It is notorious in Key West that this schooner was bought in order to violate the neutrality laws, and although the judicial proofs thereof are not in my hands, no moral proof is wanting.

The consuls [of Spain] in Florida have gone before the competent authorities and have declared under oath all that they know and that has been brought to their notice.

I deem it my duty to bring all these facts to the knowledge of the Department under your worthy care, in order that they may be of service to the Government of the United States—which, as I take pleasure in recognizing, is fulfilling with all loyalty its international duties—to the end that it may communicate them to the subordinate authorities and stimulate their zeal in order that they may not leave their duty unfulfilled.

I improve this opportunity, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 33.]

DEPARTMENT OF STATE,
Washington, September 20, 1895.

SIR: I have the honor to acknowledge your telegram of the 19th instant, and to say that copies of the same have been communicated to the Departments of Justice and of the Treasury with the request for such immediate official action as will tend to prevent any violation of the neutrality laws of the United States or to punish any such violations as actually occur.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 34.]

DEPARTMENT OF STATE,
Washington, September 21, 1895.

SIR: Inclosed please find copy of telegram received at the Department of Justice yesterday afternoon.

Please furnish the United States district attorney at Wilmington, N. C., directly or through this Department, with all the evidence at your command in support of the proceedings which have been instituted, and oblige,

Respectfully, yours,

RICHARD OLNEY.

[Inclosure in No. 34.]

District Attorney Aycock to the Attorney-General.

[Telegram.]

WILMINGTON, N. C., September 20, 1895.

Have libeled steamer *Commodore* and cargo, under section 5283, and have had arrested for violation of section 5286 John G. Dillon, master; George H. Martin, first officer; Frank P. Grain, second officer; Manuel Hendio, cook; John B. Vanivie, chief engineer; and Mark Reilley, assistant engineer. Can you furnish any evidence in regard to the shipment of arms and ammunition or the connection of Charles Raymond or any of above parties with same?

C. B. AYCOCK,
United States Attorney.

Mr. Olney to Mr. Dupuy de Lôme.

No. 36.]

DEPARTMENT OF STATE,
Washington, September 23, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant relating to the apprehended movements of filibusters near the mouth of the Suwanee River, and the suspicious character of the vessels *James Woodall* and *Commodore*.

In reply, I beg to say that the information contained in your note has been communicated to the Department of Justice.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Washington, September 25, 1895.

MR. SECRETARY: I have received telegraphic advice from the consul of Spain at Tampa stating that according to reports, which he believes true, there is danger of the expedition which for some time past has been in preparation by Enrique Collazo, sailing this or next week from waters in the vicinity of Cedar Keys [Florida].

The United States authorities have been notified, but have no means of preventing the violation of the laws because the revenue cutter on duty at Tampa is under repairs, and the commanding officer of the United States cruiser now at Key West told the consul, who requested his assistance, that he could not leave thence without an order of the Secretary of the Navy.

I deem it my duty to lay these circumstances before you to the end that you may be pleased to take such measures as you may think expedient.

I seize this opportunity, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 39.]

DEPARTMENT OF STATE,
Washington, September 27, 1895.

SIR. I have the honor to advise you that on the receipt of your note of the 25th instant, as to the apprehended departure of an expedition

for Cuba from the neighborhood of Cedar Keys, I at once inclosed a copy to the Secretary of the Navy, to whom I suggested the desirability of such telegraphic orders to the commander of the United States cruiser then at Key West as would instruct and enable him to prevent such violations of the neutrality laws of the United States as seemed to be contemplated.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 41.]

DEPARTMENT OF STATE,
Washington, October 1, 1895.

SIR: Referring to your note of the 25th ultimo, in consequence of which I immediately communicated with the Navy Department, I have the honor to inform you that on the 27th instant the following telegram was sent to the commanding officer of the U. S. S. *Cincinnati*, at Key West, Fla.:

Spanish minister informs State Department consul at Tampa reports there is danger of an expedition under Enrique Collazo sailing this or next week from vicinity of Cedar Keys; that revenue cutter at Tampa is under repairs; that consul requested your assistance and you stated you could not leave Key West except by order of Department. It is presumed your answer was misunderstood. All violations of the neutrality laws of the United States must be prevented, and your movements must be governed accordingly. See first paragraph Department's order of June 11th to captain of *Raleigh*, and telegram to you of 18th instant.

HERBERT.

To this telegram the following reply was made by the commanding officer of the U. S. S. *Cincinnati*:

KEY WEST, FLA., September 28, 1895.

Telegram received. Cedar Keys to-day. Consul's representations of statements made by me are without foundation.

JOHNSON.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Telegraph.]

SPANISH LEGATION,
Philadelphia, October 7, 1895.

The lawyer who is in Wilmington, N. C., urging the release of the *Comodore* is the same Mr. Reuben Pastner, of B. Guerra, treasurer of the Cuban Junta and one of the counsel for the defendants in the trial at Wilmington, Del.

DUPUY DE LÔME.

Handed to Mr. Adec by Dr. Gaytan, Secretary of the Spanish Legation, October 8, 1895.

LEGATION OF SPAIN IN WASHINGTON.

The Spanish consul in Key West wires that leaders and considerable number of men left the Keys; that the *Cincinnati* is in port; that the *Woodall* is about to start from New Orleans, conveying the party, and that the *Childs*, probably now in Key West, is preparing to sail. Consul in Tampa reports expedition is now in Pine Reef.

Mr. Olney to Mr. Dupuy de Lôme.

No. 43.]

DEPARTMENT OF STATE,
Washington, October 8, 1895.

SIR: I have the honor to acknowledge the receipt of your telegram of the 7th instant, and to say that I have transmitted a copy of the same to the Attorney-General, that through him the district attorney at Wilmington, N. C., may be put in possession of the significant facts stated in your dispatch.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 45.]

DEPARTMENT OF STATE,
Washington, October 11, 1895.

SIR: In view of a memorandum handed to Mr. Adee on the 8th instant, embodying the substance of a telegram received by your legation from the Spanish consul at Key West in relation to apprehended violations of neutrality at New Orleans, Key West, Tampa, Pine Keys, and other localities in that quarter, I communicated with the respective Departments of this Government to the end that their agents in that quarter should take whatever steps might be necessary under the ascertained circumstances, and I have the honor to inform you that I am now in receipt of a letter from the Attorney-General stating that he at once telegraphed to the United States officials at New Orleans and in Florida, calling their attention to the information so received, and directing them promptly to investigate, take all possible steps to prevent violations of neutrality laws, and notify all other United States officers, including the commander of the U. S. S. *Cincinnati*.

Mr. Harmon adds that he has received a reply from the United States attorney at Tampa, Fla., stating that he is watching everything closely, and will do all possible to prevent violation of the statutes.

Should any further information require, other steps will be promptly taken by the Department of Justice; and I beg to call your attention to the advisability of instructing the consular representatives of Spain in Florida and New Orleans to promptly lay before the respective United States attorneys any facts of their knowledge or belief which may tend to further the interests of neutrality and justice.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 46.]

DEPARTMENT OF STATE,
Washington, October 12, 1895.

SIR: Referring to the memorandum handed on the 8th instant to Mr. Adee by Dr. Gaytan, embodying the substance of a telegram received by your legation from the Spanish consul at Key West in relation to apprehended violations of the neutrality laws of the United States, I have the honor to say that the collector at Key West reported to the Secretary of the Treasury on the 5th instant that he was taking and would continue to take every precaution to prevent the persons encamped on Pine Key from embarking for Cuba, but that it would be

a very difficult undertaking; that the revenue cutters *McLane* and *Winona* were rendering all the assistance in their power, and that he had requested the captains of those vessels to confine their cruising ground to the neighborhood of the key on which the suspected persons were encamped; that notwithstanding the presence of the vessels the men might be removed to another island without the fact becoming known to the cutters, as the latter could not use the inside route, whereas the Cubans could move in small boats from one island to another. The collector added that should any steamer attempt to take the men off, he had instructed the cutters to seize her and bring her into port.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Dupuy de Lôme.

No. 47.]

DEPARTMENT OF STATE,
Washington, October 12, 1895.

SIR: I am requested by the honorable Secretary of the Treasury to suggest the advisability of your requesting the Spanish consul at Tampa to make applications or to give information relative to alleged infractions of the neutrality laws of the United States to the collector of customs at the port at which the revenue cutter may be stationed, in all cases where the services of such vessel are required.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Washington, November 14, 1895.

MR. SECRETARY: I have evidence, in my judgment sufficient, to show that the American steamer *Laurada*, on her last voyage from the United States to Jamaica, took on board, in the waters of this Republic, an armed military expedition, organized in New York and Philadelphia, which she landed on the Island of Cuba at night, lending the said expedition all necessary aid in order to enable it to make war against a nation with which the United States are at peace.

The said steamer *Laurada* has returned, and, after remaining in New York for a few hours, has sailed and cast anchor at a distance of about 60 miles from Philadelphia, in the waters that wash the coast of the State of Delaware.

The consuls of Spain at New York and Philadelphia have laid before the competent judicial authorities the complaints required by law against such transgressions.

As I have reason to suspect, from the movements of the steamer *Laurada*, that she is trying to avoid the action of the courts, I take the liberty to call your attention to these facts, begging you to bring them to the notice of the Treasury Department, to the end that the revenue cutters may be instructed to cooperate with the judicial authorities, and detain the captain and the steamer where they now are, and turn them over to the judges who want them.

I avail myself, etc.,

E. DUPUY DE LÔME.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Washington, November 23, 1895.

MR. SECRETARY: According to information which leaves no doubt in my mind the Danish steamer *Horsa*, on her voyage from Philadelphia to Port Antonio, Jamaica, took on board on the 9th instant, near New York, an armed expedition under the command of Francisco Cavillo and José María Aguirre, and landed the same during the night on the coast of the Island of Cuba. The said steamer has started on her return voyage to Philadelphia.

The consul of Spain in this [that] city will lay a complaint before the competent authorities and will undertake to prove what I have stated above.

Feeling confident that the United States Government is firmly purposed to execute the laws, I take the liberty to beg your excellency that the aforesaid steamer may be detained on her arrival, to the end that the accomplices and concealers of the crime which she has committed may not be able to do away with the evidence which may lead to her condemnation by the courts of justice.

I avail myself of this occasion, etc.,

E. DUPUY DE LÔME.

Mr. Dupuy de Lôme to Mr. Olney.

ROYAL SPANISH LEGATION,
Washington, November 28, 1895.

SIR: Permit me to send you a copy of a letter just received from the Spanish consul in Philadelphia in re James W. Foster.

You will see by it that the report I have received gave me sufficient ground to apply to you as I have done.

Please accept. etc.

E. DUPUY DE LÔME.

[Inclosure.]

Mr. Congosto to Mr. Dupuy de Lôme.

PHILADELPHIA, November 23, 1895.

DEAR SIR: Referring to the search and failure to obtain any evidence concerning the schooner *J. W. Foster*, which had been suspected of carrying goods in the interests of the Cuban insurgents, I beg to call your attention to the circumstances under which this vessel left the port of Philadelphia, as follows: She was towed out of the port of Philadelphia about 3 o'clock on the afternoon of Thursday, the 21st instant, with a cargo of coal, part of which cargo was bituminous coal and part anthracite coal, cleared for Port Tampa, Fla., and taken as far as Newcastle, on the Delaware, where the tug left her and she dropped anchor. At the time this vessel left the port there was a wind blowing such as would have been sufficient to have warranted her in continuing to the capes and setting sail for her destination, and that wind continued all of that afternoon and night. I sent a tug down to Newcastle that night after I had learned that the *Foster* had sailed, and found her anchored as described above; and during the evening a tug, which was then lying at Newcastle, showing to have a cargo of something on her forward deck, covered over, and which caused her to lie deep in the water forward, pulled out and went alongside of the *Foster*, remaining there for four and one-half hours. While she was there, there was work going on which could be seen, and something was being done between the two boats. At 12.30 a. m., Friday, the 22d instant, the tug left the side of the vessel, went out with her towline and towed the *Foster* to a point near the breakwater and there left her.

On Friday morning the custom-house officials' attention was called to this vessel, and that afternoon, about 2 or 3 o'clock, one of the evening papers—the Evening Telegram—published an account of it, clipping of which is inclosed. According to the newspapers the custom-house officials did not board the *Foster* until after midnight Friday. There was nothing to prevent the master of the *Foster* being notified as soon as it was learned that action was to be taken against her and have her relieved of these goods which were placed upon her the night before, several hours prior to the arrival of the custom-house officials. There is no doubt in my mind but this vessel had goods on board of her, as there seems to be no reason why she would have remained at Newcastle as she did, and I believe that the failure on the part of the custom-house officials to find anything on board of her was owing to the publication of what was to have been done so many hours in advance of the action taken. She was anchored at a point near the breakwater, where it would have been an easy matter for her to have dropped overboard the goods which she had taken on board or to have transferred them to a tug.

Yours, respectfully,

JOSE CONGOSTO,
Consul for Spain.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN,
Washington, December 7, 1895.

DEAR MR. SECRETARY: I beg to call your attention to a telegram which is published in page 6 of to-day's New York Herald.

I thank you most sincerely for the real good work that the authorities are doing there to prevent disobedience to the President's commands. At the same time, as it is said in the telegram, that the authorities are waiting further instructions from Washington, I beg you to communicate what you will think proper in order to end the scandal that a military expedition intended to sail against Spain is camping on United States soil.

I take the liberty of including the letters from Florida relating to the arms taken in Cedar Keys. My information points to the fact that those arms are still in possession of the parties that are trying to ship them to Cuba and are connected with the men at Cape Sable.

I believe that the blow received by the expedition of Collazo at Cape Sable, and a little care, will prevent their shipment. By the fact that Collazo was a pupil of our Royal Artillery College. He failed three times in his examination. If he had been able to get his commission as officer, surely he would be now fighting on the side of Spain, as many other loyal Cuban officers are.

Thanking you again, I remain, etc.,

E. DUPUY DE LÔME.

[Inclosure 1.]

Mr. Gunby to Mr. Pedro Solis.

TAMPA, FLA., November 30, 1895.

DEAR SIR: I have the honor to inclose you herewith letter of Mr. J. Emmet Wolfe, United States attorney for the northern district of Florida, bearing date November 23, 1895, informing me that it is his duty to abstain from further legal proceedings in the matter of the prosecution of the case of the United States against the arms and ammunition seized near Cedar Keys, in which case I had the honor to represent you.

As on my return from Pensacola I informed you that Mr. Wolfe had signed and would that day file a new information for the forfeiture of these arms and ammunition, it will, of course, be only proper that I should express to you my surprise at the receipt of a letter dated two days after my departure from Pensacola announcing that he declined to take any further action until after the matter should be

submitted to the Attorney-General of the United States. The facts of the case are simply these: Mr. Wolfe, as district attorney, filed an information against the arms and ammunition, in which he charged that the seizure was made on land within the limits of the northern district of Florida, and after he brought the suit on the admiralty side of the court, and the charge under which he expected to have the goods forfeited was not, in my opinion, clearly and legally set out in such a manner as [to show] that the information itself was not clearly open to objection by way of exception, and in fact exceptions were formally filed by the attorneys representing the claimants to the property. I went to see Mr. Wolfe, and after he was convinced that the first information, or rather the second information, was insufficient, I, at his request, drew and presented to him the information asking for the forfeiture of the arms and ammunition for the violation of section 5283, Revised Statutes, a copy of which I inclose you herewith, and Mr. Wolfe signed the same as district attorney and agreed to file it and have process issued the next day. Of course, the only information of fact that I could give him was the information which I had from you as to the character of the testimony which you expected to produce, and I had previously written him, on October 16, giving him the names of the captain and cook of the vessel that took the arms from Tampa to Cedar Keys. I have no information that Mr. Wolfe summoned or examined these witnesses or had any reason to know what their testimony on a trial of the cause would actually be, and I informed him most positively that I should be able, in my opinion, to produce satisfactory proof of the facts charged in the information, and further proof that Knight and Wall and the other claimants of the goods in question had no right or title to them whatever, but that the arms and ammunition had been sold and delivered and paid for by the people who intended to use them for the purposes charged in the information. You must understand, then, what was my surprise when I received the inclosed letter, and I desire to say to you that Mr. Wolfe must have had from some other source information, the character of which he did not deem it necessary to disclose to me, which caused him to abandon this case and deliver the goods to the claimant without a trial of the facts. The dismissal of the information on exception was essential, as it would have been dismissed on argument beyond doubt.

Yours, very truly,

E. R. GUNBY.

[Inclosure 2.]

Mr. Gunby to Mr. Wolfe.

TAMPA, FLA., October 16, 1895.

DEAR SIR: In the matter of the attachment and information against the arms and ammunition recently seized near Cedar Keys, the witnesses whose names you desire are S. B. Crosby and Harry Dolphin, both of Tampa, Fla. Please let me know when the case will be called for trial, and oblige,

Yours, truly,

E. R. GUNBY.

[Inclosure 3.]

Mr. Wolfe to Mr. Gunby.

PENSACOLA, FLA., November 23, 1895.

DEAR SIR: I am in receipt of a letter from the Attorney-General relating to the Cedar Keys seizure, in which he says:

"If you have reasonable grounds to believe that on the merits of this controversy judgment in accordance with the contention and claim of the United States should and could be recovered, it would seem to be your duty clearly to institute a new proceeding; if, on the other hand, you are of the opinion, after thorough consideration of the facts and the law, the United States is not entitled to recover judgment and should not further prosecute this action, you are at liberty and it is your duty, in the exercise of your official and professional discretion, to act in accordance with the opinion you have reached."

After a thorough consideration of the neutrality law, and an examination of the facts in the Cedar Keys case so far as they have been submitted to me, it is my opinion that the Government will ultimately fail in this action for lack of sufficient testimony.

I have therefore considered it my duty to abstain from further legal proceedings in this cause, and have directed the return of the property to the claimants.

Very truly, yours,

J. EMMET WOLFE,
United States Attorney.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN,
Washington, January 26, 1896.

SIR: Last night, as I feared, left New York an expedition commanded by a Cuban leader named Calista Garcia and composed of 150 men, arms, ammunitions, and stores.

We have not found in the law nor attempted, in consequence of past experience, means to prevent the organization of that expedition, nor have my agents had time at the last moment when, under cover of the night had assembled, to ask the protection of the authorities.

But the fact is that another body of men, drilled and organized in the United States, have left its shores to bring war to a friendly nation.

It is possible that the steamer *J. W. Hawkins*, that took them, will go to the South, in the neighborhood of Palm Beach, Fla., to take more men and more arms, and also that she will pass in the United States waters near Key West. In both cases it seems possible that the revenue cutters from Savannah and other Southern ports and from Key West will be able to stop that filibuster expedition. I beg also to say that the arms and ammunition that were confiscated at Cedar Keys, Fla., are ready to embark in a schooner to join at sea the Garcia expedition, and that the famous steamer *Commodore*, at Wilmington, S. C., still in port, forms part of that conspiracy.

I am sure, Mr. Secretary, that the Government will do all in its power to detain that armed expedition if possible, when in the jurisdiction of the United States, giving a new proof of its desire of having the law enforced.

Please accept the assurances, etc., E. DUPUY DE LÔME.

The steamer *J. W. Hawkins* is 189 tons gross register, 125 net; has two smokestacks and two small masts.

Mr. Olney to Mr. Dupuy de Lôme.

DEPARTMENT OF STATE,
Washington, January 26, 1896.

SIR: I have yours of this date and have sent a copy to the Secretary of the Treasury, Secretary of the Navy, and the Attorney-General, expressing the hope that any attempted violation of the international obligations of the United States would be prevented.

I have also said that you would furnish each of them with the evidence, or sources of evidence, justifying the statement contained in your letter.

Begging you to accept the assurances of my highest consideration,
I am, etc.,

RICHARD OLNEY.

RIGHT OF CONSUL-GENERAL TO PRESENT REMONSTRANCES.

Mr. Olney to Mr. Dupuy de Lôme.

No. 37.]

DEPARTMENT OF STATE,
Washington, September 26, 1895.

SIR: I have the honor to bring to your notice a remarkable communication addressed by the Governor-General of the Island of Cuba to

the consul-general of the United States under date of the 6th instant. Mr. Williams having, in execution of instructions telegraphed to him, made representations touching the prolonged confinement of certain American citizens without trial and in contravention of existing treaties and engagements between the United States and Spain, Gen. Martinez de Campos replied that consuls are not invested with diplomatic functions and, therefore, can not rightfully present official remonstrance in affairs of government, but may merely address themselves confidentially to the authorities for the purposes of inquiry in order to report to their Government; and he adds that the custom of responding to such confidential inquiries can not be continued if the Government of the United States should not become convinced of the correctness of his views.

The position so taken by Gen. Martinez de Campos has naturally occasioned this Government much surprise. The right of consuls to intervene with the local authority for the protection of their countrymen from unlawful acts violative of treaty or of the elementary principles of justice is so generally admitted as to form an accepted doctrine of international law. More than this, it has been conventionally established by treaties. In the enjoyment of the most favored national right, stipulated in the existing treaty between the United States and Spain, the express provisions of the consular treaty of February 27, 1870, between Spain and Germany are to be invoked. The ninth article thereof provides that consuls-general and other consular officers shall have the right to address the authorities of their district in remonstrance against every infraction of the treaties or conventions existing between the two countries and against any abuse whatsoever of which their countrymen may complain.

During a long course of years the Government has exercised its unquestionable privilege of intrusting to its consular representative in the Island of Cuba the duty of watching in the first instance over the interests of citizens of the United States, and of securing for them the enjoyment of all their lawful rights; and to this end it has supported their endeavors upon occasion by instructions looking to further and more precise remonstrance. This, indeed, it has had occasion to do with regard to the American citizens lately detained in Cuba. If it has at times in the past acquiesced in the suggestion of the Spanish Government that representations against the action of the authorities in Cuba might also be conveniently addressed to the minister of Spain in the United States, it has done so simply because such procedure afforded a ready and practical means of still further supporting the efforts of its agents in Cuba under their instructions and regulations, and not in any way as a substitution of a new and extraordinary channel of communication for one recognized by usage, by international law, and by convention.

The Governor-General appears to confound the legitimate representations of consular agents when the rights of their countrymen may be assailed with the diplomatic action of an accredited envoy. If so he clearly forgets that diplomatic relations can only take place directly between sovereigns, and that this Government could not by any channel, even through you as the envoy of Spain, or through its own envoy at Madrid, address the Governor-General of the Island of Cuba as a sovereign authority. It is simply as the local depositary and delegate of the sovereign power that the consul addresses him, and then only for the purpose and to the extent fixed by usage as defined in the Spanish-German treaty. Such correspondence is not and can not be diplo-

matic in any sense. Its object is to furnish a ready and convenient method of adjusting the questions at issue on the spot, thereby averting resort to those necessary diplomatic channels which the intercourse of sovereign powers provides.

In all this matter of the treatment of American citizens arrested by military or administrative act in Cuba this Government, while showing a spirit of temperance which it is happy to believe the Government of Spain can not have failed to appreciate, has persistently directed its earnest efforts toward securing for American citizens so detained the immediate enjoyment of all conventional guarantees with respect to process and punishment, and it has sought to do this without invocation of the diplomatic resorts of protest and demand. To this end its agents in Cuba have zealously labored in compliance with the instructions given them, and this Government has been pleased to believe from the results reported in the several cases hitherto that these endeavors have met with a cordial response on the part of the agents of Spanish power in Cuba. The present communication of the Governor-General suggests that we may have been mistaken in this belief; but even if so mistaken, this Government can not be expected to acquiesce in the position taken by Gen. Martinez de Campos and abdicate its rights in the premises.

I address this note to you in the expectation that the direct relations known to exist between yourself and the superior authority in Cuba will enable you to set the Governor-General right upon this important point, and that the necessity may not arise of carrying to Madrid the questions involved.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Taylor.

No. 408.]

DEPARTMENT OF STATE,
Washington, September 26, 1895.

SIR: I inclose, for your information, copy of a dispatch No. 2536,¹ from the United States consul-general at Havana, under date of September 11, communicating an extraordinary letter addressed to him by the Governor-General of the Island of Cuba, denying his right to present official remonstrance against acts whereby the rights of American citizens, under treaty and international law, may be invaded. I also inclose a copy of a note addressed, under date of the 26th instant, to the Spanish minister at this capital, setting forth the views here entertained upon the subject and the impossibility of acquiescing in the position taken by Gen. Martinez de Campos; having adopted this method of bringing the matter to attention through the agency of the Spanish minister in the hope that it may not be necessary to represent it at Madrid with the solemnity and earnestness due to the discussion of so important a question between sovereign States.

While it is not expected that you will present the issue formally to His Majesty's Government, it may be proper for you to mention upon convenient occasion to the minister of foreign affairs that you are aware that this question has been raised by the Governor-General of Cuba, and that steps have been here taken to remove the misapprehension under which that officer apparently labors.

¹ Not printed.

You may also take occasion to impress upon his excellency the importance which this Government attaches to securing for any of its citizens arrested in Cuba every safeguard of law and justice, and every right guaranteed by treaty, and that not the least of these safeguards and rights is immunity from arrest or molestation save for lawful cause, to be justified upon sufficient grounds; and to be determined in the stipulated forum of the civil courts, promptly, and with every precaution and recourse of orderly justice.

I am, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

SPANISH LEGATION,
Washington, October 1, 1895.

MR. SECRETARY: I have received, rather late, in consequence of its having been forwarded by mistake to Swampscott, the note which you were pleased to address me, under date of September 26, relative to a communication addressed by the Governor-General of the Island of Cuba to the United States consul-general at Havana concerning consular powers.

Knowing, as I do, the elevated view taken by General Martinez Campos of all questions, I can not give to his communication either the scope or the interpretation given to it by your excellency in the note to which I have the honor to reply.

I know the exertions made by the superior authority of the Island of Cuba, in order that foreigners may suffer as little as possible in the exceptional circumstances through which the territory under his charge is passing, and to prevent any friction or cause of complaint on the part of friendly nations. I also know that he maintains the best and most cordial relations with the head of the United States consular service in Cuba; and I can assure the Government of which your excellency forms a worthy part that, in writing to Mr. Williams in the sense in which he did, it was certainly not with the intention or wish that the United States should address him through me, as is customary between sovereigns, but to the end that, he being, as he knows that he is, a delegated authority, foreign consuls, in addressing him officially in the exercise of a right acknowledged by international and conventional law, and which nobody denies, may not go so far as to ask for decisions, request declarations, or demand settlements which His Majesty's Government alone is competent to adopt.

I am sure that what the Governor-General of the Island of Cuba has done was not denying a right, but endeavoring to prevent the abuse of it, which, it is true, has been unintentionally committed for a long time back.

The foregoing observations are entirely personal, but I do not think that they are far from [stating] the actual facts.

I inform the Governor-General to-day of what your excellency has been pleased to communicate to me, and I report it at the same time to the minister of state.

I avail, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 44.]

DEPARTMENT OF STATE,
Washington, October 11, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant, in reply to mine of September 26, relative to the powers of United States consular representatives in Cuba with regard to correspondence with the local authorities.

I am pleased to receive your assurances that the efforts of the Governor-General, as the superior authority of the Island, in behalf of foreigners and their interests are aided by the cordial relations existing between him and the United States consul-general in Havana. I also note the further statement that, his office being merely one of delegated authority, "foreign consuls, in addressing him officially in the exercise of a right which you state to be acknowledged by international and conventional law, and which nobody denies, may not go so far as to ask for decisions, request declarations, or demand settlements which His Majesty's Government alone is competent to adopt."

This statement would seem to imply a limitation of the subjects upon which a consular representative may properly correspond with the local Spanish authority in Cuba. But neither is such limitation expressly confirmed by you, nor can it be fairly inferred either from the text of the treaty between Spain and Germany, in which I find the fullest conventional definition of the right, or from precedent and usage. The right of consuls "to address the authorities of their district in remonstrance against every infraction of the treaties or conventions existing between the two countries and against whatever abuse may be complained of by their countrymen" clearly includes initial representations upon those subjects. It may indeed happen that the precise form of remedy may have to be referred to His Majesty's Government and that appropriate redress may be attainable only after diplomatic negotiation between the two Governments.

But such negotiations are the sequel of the original remonstrance, and are made necessary only when and because the local authorities show themselves lacking either in the will or the power to adequately deal with the grievance. This is clearly expressed in the concluding paragraph of article 9 of the Spanish-German treaty of February 22, 1870, which specifically authorizes consuls, in the absence of the diplomatic agent of their country, to conduct such further diplomatic discussion with the supreme government, thus clearly distinguishing between the incident in its incipient stage and the incident when it has passed that stage and become a subject of diplomatic treatment.

The communications of the consul-general to which His Excellency the Governor-General takes exception have been in each case made under the authority and direction of this Department in the interest of good relations and with the design of avoiding, if possible, that ulterior diplomatic correspondence which would necessarily ensue should any wrong against an American citizen in Cuba remain unredressed after due representation to the local authorities. It is, of course, true, as stated in my note of September 26, that the consul-general can not conduct a diplomatic discussion with the Governor-General, since neither that officer nor the consul-general possesses the requisite powers. Nevertheless, though the subject treated of may ultimately become the theme of diplomatic negotiation, that circumstance can not deprive the consul

of the clear right nor absolve him from the clear duty of initiating such inquiries and remonstrances as the interests intrusted to his keeping may from time to time require.

Accept, etc.,

RICHARD OLNEY.

Mr. Taylor to Mr. Olney.

[Telegram.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 21, 1895.

Minister for foreign affairs says Dupuy's note concerning your No. 408 received to-day was prior special examination. Minister said he was disposed to grant at once to consuls of the United States in Cuba all rights guaranteed to German consul under the treaty of 1870.

TAYLOR.

Mr. Uhl to Mr. Taylor.

No. 419.]

DEPARTMENT OF STATE,
Washington, October 23, 1895.

SIR: I append on the overleaf a copy of your telegram of the 21st instant, to the effect that the Spanish Government was disposed to grant at once to consuls of this Government in Cuba all rights guaranteed to German consuls under the treaty of 1870.

Mr. Olney's note to Mr. Dupuy de Lôme, of the 11th instant,¹ answers his communication in the sense indicated by the minister of state and thus anticipated his excellency's gratifying assurances.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

PROTECTION OF AMERICAN PROPERTY IN CUBA.

Mr. Ades to Mr. Taylor.

No. 363.]

DEPARTMENT OF STATE,
Washington, July 5, 1895.

SIR: I transmit for your information and files a copy of a dispatch from the vice-consul-general of the United States at Havana, No. 2517, of the 19th ultimo, concerning the inquiry of three Cuban landowners, American citizens, residents of Sancti Spiritus, respecting the protection of their property from seizure or destruction by insurgents. I add also a copy of the Department's reply, No. 1098, of the 1st instant, indicating the general principles applicable in such cases.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

¹ See page 1213.

[Inclosure 1 in No. 363.]

Mr. Springer to Mr. Uhl.

No. 2517.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, June 19, 1895.

SIR: I have the honor to accompany herewith copy of a letter addressed to this consulate-general by three Cuban planters and land-owners who are at the same time naturalized citizens of the United States, resident in the district of Sancti Spiritus of this island, inquiring as to what course of action they must follow in case of threats being made to them by the insurgents to destroy their property unless certain bounties are paid.

They state that they have learned that the insurgents have forbidden the extraction of cattle from the farms, and fearing loss, ask if they have the right to apply to the Spanish authorities for the protection of their property, to conduct their cattle to the nearest market, etc., and in case of refusal, under what circumstances and in what form they can make protest for damages.

The parties desire to receive full information on this point from the Department of State, to which I respectfully refer their letter.

I will add that Mr. Antonio M. Yznaga is a member of a well-known and wealthy Cuban family, and that he has been registered as an American citizen over twenty years. The other subscribers, Messrs. José Rafael de los Reyes and Eduardo Alvarez Cerice, are brothers-in-law to Mr. Yznaga, and acquired citizenship in 1890, and have since resided in Sancti Spiritus.

A number of questions of the same tenor have been verbally made to this office by naturalized citizens residing and holding property in this island, and it is desirable to have the instructions of the Département on the subject in order to give to such an authoritative answer.

I am, etc.,

J. A. SPRINGER,
Vice-Consul-General.

[Subinclosure.]

American citizens to Mr. Williams.

SANCTI SPIRITUS, June 13, 1895.

SIR: We, the undersigned American citizens and property holders in several municipal districts of this island, having received intelligence that the insurgents have forbidden the extraction of cattle from the farms; and, furthermore, seeing through the newspapers the wanton destruction of property throughout the island, with marked tendencies to anarchy, apply to you for information on the following points, viz:

Have we the right to apply to the Spanish authorities for such forces as would be required to safely conduct our cattle to the nearest market?

Should the Spanish authorities deny our request, what shall we do?

In what form are we to protest, and under what circumstances can we make good our claims to damages?

We furthermore understand that in certain cases the insurgents have threatened to destroy property unless a certain bounty is paid. What are we to do in case such a threat is made to us?

We would be thankful for full information, if possible, through the Department of State, on these subjects, and with much respect, etc.,

JOSÉ RAFAEL REYES Y GARCIA.

ANTONIO M. YZNAGA.

EDUARDO ALVAREZ CERICE.

[Inclosure 2 in No. 363.]

Mr. Uhl to Mr. Springer.

No. 1098.]

DEPARTMENT OF STATE,
Washington, July 1, 1895.

SIR: Your dispatch, No. 2517, of the 19th instant, has been received. You therewith forward copy of a letter received by you from three Cuban landowners, American citizens, and residents of Sancti Spiritus, making inquiries concerning the protection of their property from seizure or destruction by insurgents. In particular the writers state that they have learned that the insurgents have forbidden the removal of cattle from the farms, and ask if they have the right to apply to the Spanish authorities for the protection of their property, in conducting their cattle to the nearest market, and, in case of refusal, under what circumstances and in what form they can make protest for damages.

It is a generally accepted principle of international law that a sovereign government is not ordinarily responsible to alien residents for injuries that they may receive within its territories from insurgents whose conduct it can not control. Within the limits of usual effective control law-abiding residents have a right to be protected in the ordinary affairs of life and intercourse, subject, of course, to military necessities, should their property be situated within the zone of active operations. The Spanish authorities are reported to be using strenuous endeavors to prevent the class of spoliations which the writers apprehend, and notification of any particularly apprehended danger from the insurgents would probably be followed by the adoption of special safeguards by the authorities. In the event, however, of injury, a claim would necessarily have to be founded upon averment and reasonable proof that the responsible officers of the Spanish Government, being in a position to prevent such injury, have failed to use due diligence to do so.

It is impossible to give more precise instructions upon the hypothetical case presented. Should injury be actually suffered, and the facts be fully represented, this Department would be in a position to determine its duty, if anything, in the premises.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

DESTRUCTION OF AMERICAN PROPERTY IN CUBA.

*Mr. Olney to Mr. Dupuy de Lôme.*DEPARTMENT OF STATE,
Washington, December 12, 1895.

SIR: I have the honor to inclose herewith a copy of a letter just received at this Department from the firm of Atkins & Co., of Boston, Mass.

I send it for your information, as well as for any suggestions and recommendations you may see fit to make either to the Spanish Government or to the local authorities in Cuba for the protection of American properties in Cuba from destruction by the Cuban insurgents.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

*Messrs. E. Atkins & Co. to Mr. Uhl.*BOSTON, MASS., *December 9, 1895.*

DEAR SIR: By messenger returned from Cuba last night we have full details of the destruction of property on our Soledad estate. The total amount of cane destroyed was estimated at 10,000 net tons, or about 10 per cent of the crop. Of this cane some 6,250 tons were our own property, the balance belonging to tenants leasing lands from us, most of which tenants were more or less indebted to us for money advanced for the care of their places, their crops being our security.

The firing was done by a band of some eight negroes, who said they were acting under orders of one Rego, their chief. After the firing, several parties reported having seen the written orders.

The insurgents were in force upon the neighboring hill and threatened to kill any of our employees who attempted to put out the fires; notwithstanding the threats, the employees of the estate, under a young Englishman who was acting as assistant manager, finally succeeded in extinguishing the flames.

Up to the time of these fires no attempts had been made to defend the property, but upon information by one of the insurgents that it was their intention to destroy not only cane, but factory buildings, a body of Spanish soldiers was at once sent by the Spanish authorities and a permanent guard for the buildings established, consisting of 25 soldiers. A permit was issued to us by the Spanish Government, allowing us to arm an additional force of 40 men at our own expense, the Government furnishing arms. This we were forced to do to protect the buildings and machinery, as well as the lives of our employees, which had been threatened.

Inquiry as to the cause of change of policy on the part of the insurgents brings the following reports:

That orders for general destruction of all property had been issued by the commander in chief, Maximo Gomez.

That the insurgents said they had knowledge that the American property owners were not in sympathy with them; that the destruction of American property would lead to claims upon the Spanish Government, and consequent complications between the United States and Spain, which would lead to their recognition by the United States as belligerents.

Our reports say that the larger portion of the insurgents are negroes.

On the night of the 1st instant a band of insurgents appeared at one of our tenancies under the command of a white leader, who brought written orders to destroy, which he showed to the man in charge (Peter M. Beal, an American citizen). The orders were to destroy that and other places.

The order contained the following:

Destroy all sugar estates. Burn their cane and defenses at their factories, as well as destroy their railroad lines. Every laborer shall be treated as a traitor who lends any assistance to these sugar factories.

MAXIMO GOMEZ.

Copy of this order was brought to us by our agent, who arrived yesterday.

While no destruction was attempted upon the night mentioned, we are at this moment in receipt of cable advising that the above-named tenancy is in flames.

This particular place belongs to our property of Soledad, and is leased by American citizens who are engaged in production of cane for our factory. It is an extensive place, and we paid them for their cane delivered last crop some \$70,000.

While the Spanish authorities are protecting the buildings and machinery, they find difficulty in covering the railroad lines and cane fields, extending over some 12,000 acres of territory.

All of this we submit for your consideration, and would respectfully call the attention of the Department to the imminent danger of destruction of this and other American properties in Cuba.

Respectfully, etc.,

E. ATKINS & Co.

Mr. Olney to Mr. Dupuy de Lôme.

DEPARTMENT OF STATE,
Washington, December 28, 1895.

SIR: I have the honor to inclose for your information copy of a letter just received from Messrs. E. Atkins & Co.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

Messrs. E. Atkins & Co. to Mr. Uhl.

BOSTON, MASS., December 26, 1895.

DEAR SIR: A cable this moment received from our Soledad property at Cienfuegos advises the further burning of eight caballerias of cane (266 acres) on the tenancy of Beal & Co.

As the scene of active operations is now far removed from our vicinity, and as this particular tenancy is without any protection by armed men, the sole object would seem to be that of wanton destruction of property.

Letters received yesterday from this same tenancy report the destruction by fire on the 16th, which was advised by cable, as amounting to some 1,500 tons of cane. A letter from our general manager at Soledad, also at hand yesterday, referring to his cable of destruction upon the 16th, reports losses of cane on other tenancies belonging to Soledad, at that date, as amounting to 4,400 tons in addition to the amount mentioned above.

We estimate the total amount of cane destroyed on our Soledad property up to the present date at about 40,000 tons.

Yours, etc.,

E. ATKINS & Co.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN AT WASHINGTON,
Washington, December 31, 1895.

MR. SECRETARY: Having read the two letters of Messrs. E. Atkins & Co., of Boston, Mass., which were inclosed in your excellency's notes of the 12th and 28th instant, I have the honor to inform you that on

the same day on which I received the latter note I sent a long telegram to His Excellency the Captain-General of the Island of Cuba, urgently calling his attention to the desire expressed in the aforesaid letters that every possible means should be used to protect the interests of Messrs. E. Atkins & Co., and that an earnest endeavor should be made to prevent the insurgents from accomplishing the iniquitous plans of devastation which constitute their only method of waging war.

I avail myself, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 63.]

DEPARTMENT OF STATE,
Washington, January 2, 1896.

SIR: I beg to hand you herewith, for your information and such immediate action as you may deem advisable, copy of a letter just received from E. Atkins & Co., Boston, Mass.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

Messrs. E. Atkins & Co. to Mr. Olney.

BOSTON, MASS., January 1, 1896.

DEAR SIR: We are informed through confidential but reliable source that it is the intention of the Cuban agents in New York to destroy the buildings and machinery at our estate, Soledad, situated near Cienfuegos, Cuba.

We beg to lay this information before the State Department, with the suggestion that the same be transmitted through the Spanish minister to the authorities in Cuba, in order that they may be promptly advised and prepared to guard against a possible attack by the insurgents.

We remain, etc.

E. ATKINS & Co.

Mr. Dupuy de Lôme to Mr. Olney.

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 3, 1896.

MR. SECRETARY: Referring to my note of the 31st ultimo, and in reply to yours of yesterday, I have the honor to confirm all that I said with respect to the request of the firm of E. Atkins & Co., and I take pleasure in informing you that these gentlemen have repeatedly expressed to me their satisfaction with the zeal and energy with which the Spanish authorities of the Island of Cuba endeavor to protect their property and interests from the attacks of the insurgents.

I avail, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 65.]

DEPARTMENT OF STATE,
Washington, January 7, 1896.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, and beg to thank you for your courtesy in telegraphing to the Captain-General of Cuba, urging him to endeavor, as far as possible, to protect the property of Messrs. E. Atkins & Co., of Boston, from devastation.

Accept, etc.,

RICHARD OLNEY,

Mr. Olney to Mr. Dupuy de Lôme.

No. 70.]

DEPARTMENT OF STATE,
Washington, January 22, 1896.

SIR: I have the honor to inclose herewith for your information a copy of a letter from Messrs. E. Atkins & Co., of Boston.

Accept, etc.,

RICHARD OLNEY.

[Inclosure.]

Messrs. E. Atkins & Co. to Mr. Olney.

WASHINGTON, January 21, 1896.

DEAR SIR: I beg to call your attention to the following cable received to-day from Cuba. It reads:

San Francisco completely burned. Maneno lost two caballerias yesterday. Beal here fled for his life.

Beal is the man in charge of one of the tenancies. He had no protection there, and although he is a man of good judgment and extreme courage, he has been driven out, no doubt, by threats upon his life.

All of which I respectfully submit for your consideration.

EDWIN F. ATKINS,
E. ATKINS & CO., Boston.

ARREST OF FRANCISCO CARRILLO.

Mr. Uhl to Mr. Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1895.

Consul-general at Havana reports that Governor-General denies application procedure of protocol of 1877 to case of Francisco Carrillo, a citizen of the United States, alleging that he has been arrested and is detained by executive authority under powers of state of siege merely as a person dangerous to public order; that therefore there is no ground for a demand for a transfer of his case to civil jurisdiction. He is held without apparent intention to try him. The negotiations resulting in

the protocol of 1877 and the awards of the mixed commission in cases of arrest without charge and imprisonment without trial show that article 7 of the treaty of 1795, and the protocol which interprets it, confer on citizens of the United States arrested in Cuba during a state of siege or otherwise, unless with arms in their hands, absolute right to the benefits and guaranties of the law ordinarily administered in the civil courts and to be placed as soon as arrested in the custody of the civil courts, excluding altogether the right to deprive them of their liberty under any processes of martial law. You are instructed to demand that Carrillo be promptly released or placed at once in the custody of the civil courts for regular trial and for such proceedings as may be lawful under the law administered therein.

UHL, *Acting.*

Mr. Taylor to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Madrid, May 20, 1895.

Interview with the minister for foreign affairs. Presented demand. He said he had no knowledge of the case, but promised to communicate with Cuba at once, in order to answer as soon as possible.

TAYLOR.

Mr. Taylor to Mr. Uhl.

No. 363.]

UNITED STATES LEGATION,
Madrid, May 31, 1895.

SIR: Inclosed please find copy, with translation, of a note from the minister of state informing me of the release of Francisco Carrillo, in response to the demand contained in your telegram of the 17th instant.

I have just sent you the following telegram:

Minister for foreign affairs informs me that Governor-General of Cuba has ordered the release of Carrillo.

I am, etc.,

HANNIS TAYLOR.

[Inclosure in No. 363.—Translation.]

The Duke of Tetuan to Mr. Taylor.

MINISTRY OF STATE,
Palace, May 29, 1895.

MY DEAR SIR: I have the honor to inform you, in reply to your polite note of the 18th instant, that I have just received a telegram from the Governor-General of the Island of Cuba reporting that he has ordered that the prisoner Francisco Carrillo be released.

I seize, etc.,

THE DUKE OF TETUAN.

Mr. Olney to Mr. Taylor.

No. 350.]

DEPARTMENT OF STATE,
Washington, June 18, 1895.

SIR: Your No. 363, of the 31st ultimo, has been received. You therein report the announcement of the Duke of Tetuan that Francisco Carrillo, whose case called forth Mr. Uhl's telegraphic instruction to you of May 17, was to be released by order of the Governor-General of the Island of Cuba.

Dispatches from the consulate-general at Havana, under date of May 30 and 31, report the release of Mr. Carrillo and his departure for New York. It appears that Mr. Carrillo, when released, was ordered to immediately depart for New York, and that having taken passage on the *Vigilancia*, sailing May 30, he was taken in charge by an inspector of police and put on board the Spanish steamer *Panama*, also bound to New York, his first-class passage ticket being supplied by the Spanish authorities.

It further appears that although General Arderius's order merely directs Mr. Carrillo's departure for New York, that officer, in a conversation with Acting Consul-General Springer, stated that Mr. Carrillo's departure was a condition of his release, and expressed fear that he would not accept it, in which case he should bring charges against him of resistance to the authority (*desacato*) and then turn him over to the civil jurisdiction. General Arderius admitted that Mr. Carrillo had not been indicted (*procesado*), but held only by a gubernative order, for which reason he supposed Carrillo would not accept his release under conditions. Mr. Carrillo, however, expressed his willingness to accept his release under the said condition of deportation to New York, reserving the right to protest before the Government of the United States for the imprisonment he had suffered.

How far Mr. Carrillo's acquiescence in the condition of deportation may be affected by the subsequent action of the Spanish authorities in expelling him by force after he had made all arrangements for voluntarily quitting the island is not at present material, except so far as it serves to confirm our complaint that an American citizen was arbitrarily imprisoned, upon executive order merely, without intention to prefer a charge against him under which a civil trial could take place. The assumption of a right to treat Mr. Carrillo arbitrarily and without process of law appears to have been kept up to the last.

I send you, for your information and the files of the legation, the several reports in the case received from the consulate-general at Havana. Without at present intimating any purpose to ask indemnity for Mr. Carrillo, it is desirable that you should do nothing in the way of accepting his release in answer to your demand which might prejudice the entire liberty of action of this Government for the protection of the rights of this American citizen as the case may be found to demand.

I am, etc.,

RICHARD OLNEY.

[Inclosure 1 in No. 350.]

Mr. Williams to Mr. Uhl.

No. 2439.]

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 7, 1895.

SIR: Upon information received in a letter dated the 27th ultimo, from our vice-commercial agent at Caibarien, Mr. James H. Springer,

to the effect that Mr. Francisco Carrillo, a citizen of the United States, had been arrested at the neighboring town of San Juan de los Remedios, I have addressed a communication to His Excellency the Governor-General, asking that this American citizen be tried by the civil and not by the military jurisdiction, according to and with the enjoyment of all the guarantees of the agreement of the 12th of January, 1877, between Spain and the United States.

For the information of the Department, I enclose translation of my communication to the Governor-General.

I am, etc.,

RAMON O. WILLIAMS,
Consul-General.

[Subinclosure to inclosure 1.]

Mr. Williams to the Governor-General.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 2, 1895.

EXCELLENCY: I am obliged to inform your excellency of the arrest of Mr. Francisco Carrillo, a citizen of the United States, at San Juan de los Remedios, on the 27th ultimo, for reasons not known to this consulate-general, but supposing that he has been arrested on suspicions similar to those upon which two other citizens have been arrested within a few days past; therefore, and in fulfillment of the general and special instructions of my Government, I beg your excellency to please inhibit the military jurisdiction from the trial of this case, with transfer of it to the civil jurisdiction, leaving the accused with the full enjoyment of the guarantees of the agreement of the 12th of January, 1877, between Spain and the United States, in the same manner as your excellency was pleased to order in the cases of Howard, October 26, 1893, and Oglesby, November 24, 1893, both in Havana, and in the cases of Rosell, in Santiago de Cuba, the 18th of September, 1893, and Mayolin, at Santa Clara, the 5th of January, 1894.

I have, etc.,

RAMON O. WILLIAMS, *Consul-General.*

[Inclosure 2 in No. 350.]

Mr. Williams to Mr. Uhl.

No. 2449.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, March 14, 1895.

SIR: With reference to my dispatch, No. 2439, of the 7th instant, relating to the arrest of Mr. Francisco Carrillo, an American citizen, at San Juan de los Remedios, and his subjection for trial to a court-martial by the Cuban authorities instead of to a court of the ordinary jurisdiction, as provided by the agreement of the 12th of January, 1877, between the United States and Spain, I have now the honor to inclose a copy and translation of a communication, dated the 4th instant, received from the secretary of the General Government, asking me to accredit the fact of Carrillo's having complied with the law relating to foreigners of the 4th of July, 1870, by presentation to this consulate-general of his certificate of registration by the civil government of the province of Havana on his registration by this office. I also inclose copy and translation of my answer thereto, dated the 12th instant.

I am, etc.,

RAMON O. WILLIAMS,
Consul-General.

[Subinclosure 1 to inclosure 2.—Translation.]

Mr. Antonio to Mr. Williams.

GOVERNMENT GENERAL OF THE ISLAND OF CUBA,
OFFICE OF SECRETARY-GENERAL,
Havana, March 4, 1895.

SIR: His Excellency the Governor-General, being informed of your communication of the 2d instant, referring to the arrest of Francisco Carrillo, has been pleased to order that you be advised, as I now have the honor of doing, that as according to article 7 of the law relating to foreigners of the 4th of July, 1870, not contradicted nor vitiated by the agreement of the 12th of January, 1877, between Spain and the United States, nor by the treaty of the 27th of October, 1795, every foreigner resident in the Island of Cuba, to be considered as such, must be inscribed in the register of the Government besides in that of the consulate of his nation, it becomes necessary in order to proceed with the remonstrance founded on his character of American citizen, that you accredit that the said individual has complied with the precepts of the said article 7 of the law of the 4th of July, 1870, of having presented for that purpose the certificate of his inscription in the register of foreigners, which till the decree of the 21st of December, 1880, was kept by this Government General, and from that date and by order of the said decree by the civil government of the provinces.

God guard you many years.

ESTANISLAO DE ANTONIO.

[Subinclosure 2 to inclosure 2.—Translation.]

Mr. Williams to Mr. Antonio.

UNITED STATES CONSULATE-GENERAL,
Havana, March 12, 1895.

SIR: Replying to your official communication of the 4th instant asking for certain information respecting Mr. Francisco Carrillo, an American citizen, I have the honor to inform you, as I manifested in my note presented to his excellency the 2d instant, that said individual was naturalized the 28th of December, 1891, by the court of common pleas of New York, and that his passport was issued to him by the Department of State of the United States, at Washington, the 29th day of December, 1891, under No. 34455, and viséd by the inspector of the Havana harbor police the 2d of January, 1892, with residence at 69 Campanario street, of this city.

God guard you many years.

RAMON O. WILLIAMS, *Consul-General.*

[Inclosure 3 in No. 350.]

Mr. Williams to Mr. Uhl.

No. 2483.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, April 22, 1895.

SIR: Referring to my dispatch, No. 2449, of the 14th ultimo, relating to the arrest of Mr. Francisco Carrillo, a citizen of the United States, at Remedios, on the 27th of February last, I now beg to inclose copies of two communications received from the secretary of the General Government with reference thereto, dated, respectively, the 20th and 27th ultimo, and to inform the Department that upon further inquiry by this consulate-general it now appears that Mr. Carrillo has omitted to take the precaution of inscribing himself in the register of foreigners in any provincial government of this island, apparently not knowing of the existence of the local law requiring such formality.

I am, etc.,

RAMON O. WILLIAMS,
Consul-General.

[Subinclosure 1 to inclosure 3.—Translation.]

Estanislao de Antonio to Mr. Williams.

GOVERNMENT GENERAL OF THE ISLAND OF CUBA,
OFFICE OF THE SECRETARY,
Havana, March 20, 1895.

SIR: I have received your communication of the 12th instant, informing me that Mr. Francisco Carrillo was naturalized as a citizen of the United States on the 28th of December, 1891, and obtained a passport from the Department of State on the 29th of the same month and year, which was also viséed by the inspector of harbor police on the 2d of January, 1892, with the further statement that the party interested took up his residence at 69 Campanario street, and though viséed by the same office of the same inspection, yet the passport not proving that Mr. Carrillo has ever complied with the prescriptions of article 7 of the law relating to foreigners of the 4th of July, 1870, his excellency the Governor-General has been pleased to order that the regional government of the province of Havana be asked for information on the subject, supposing from what you say of his having been domiciled at No. 69 Campanario street that you referred to the street of that name in this capital, and taking it as an indication that if Mr. Carrillo has inscribed himself in the register of foreigners he may have verified it in the one kept by the province of Havana. By order of his excellency, I have the honor to communicate to you the above in reply to your said communication.

God guard you many years.

ESTANISLAO DE ANTONIO.

[Subinclosure 2 to inclosure 3.—Translation.]

Estanislao de Antonio to Mr. Williams.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,
OFFICE OF THE SECRETARY,
Havana, March 27, 1895.

SIR: The governor of the province of Havana reports on the 24th instant to this Government General as follows:

“EXCELLENCY: In compliance with your order of the 20th instant, I have the honor to inform your excellency that Mr. Francisco Carrillo does not appear as inscribed in the register of foreigners kept in this office.”

I have to communicate the above to you by order of his excellency, to the end that you may present evidence of Mr. Carrillo having complied with the prescriptions of article 7 of the law of the 4th of July, 1870, with reference to his inscriptions as a foreigner in the register of foreigners of some other civil government of this island, or that you please say in what provincial government you know or suppose the said inscription was made, so that I may request the necessary certificate.

God guard you many years.

ESTANISLAO DE ANTONIO.

[Inclosure 4 in No. 350.]

Mr. Williams to Mr. Uhl.

No. 2490.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, April 25, 1895.

SIR: I have the honor to inform you that, in compliance with the cipher telegram of the honorable Secretary of State, of the 16th instant, I addressed a communication yesterday to his excellency the general in charge of captaincy-general, asking for the transfer of Mr. Francisco Carrillo from the military to the civil jurisdiction for trial, in accordance with the requirements of the agreement of the 12th of January, 1877, and entering at the same time the formal protest of the Government of the United States before the government of this island against any further delay in his transfer to the civil jurisdiction, protesting

alike against all the proceedings hitherto practiced or that may hereafter be practiced by the court-martial now trying him, because they are in clear contradiction of the said agreement between the two nations.

I am, etc.,

RAMON O. WILLIAMS,
Consul-General.

[Subinclosure to inclosure 4.]

Mr. Williams to the General in charge of Captaincy-General of Cuba.

CONSULATE-GENERAL OF THE UNITED STATES,
Havana, April 24, 1895.

EXCELLENCY: In compliance with the instructions of my Government, I had the honor to address his excellency the Governor-General, on the 2d ultimo, respecting the arrest on the 27th of February last, at San Juan de los Remedios, of Mr. Francisco Carrillo, an American citizen, who was subjected, and still remains subjected, notwithstanding my petition for the inhibition, to the jurisdiction of the military authority, contrary to the agreement of the 12th of January, 1877, between Spain and the United States, which provides under article 1:

"That no citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of treason or conspiracy against the Supreme Government, or any other crime whatever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand."

But inasmuch as this American citizen was not arrested with arms in hand in any attempt against the Supreme Government of Spain, therefore if there was any cause for his arrest he should have been committed for trial to a court of the civil jurisdiction, and never to a court-martial, as agreed between the Governments of the United States and Spain under the protocol of the 12th of January, 1877.

I have, therefore, in compliance with later instructions, to ask your excellency that this American citizen, Mr. Francisco Carrillo, be transferred to the civil jurisdiction for trial, as his excellency the Governor-General was pleased to order in the identical case of the other citizen, Mr. Julio Sanguily, arrested in this city on the 24th of February last; and also, by order of my Government, to enter its most formal protest before the Government of this island against any further delay of his transfer to the civil jurisdiction, as likewise to protest against all the proceedings hitherto practiced or that may hereafter be practiced by the court-martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations.

I have, etc.,

RAMON O. WILLIAMS, *Consul-General.*

[Inclosure 5 in No. 350.]

Mr. Springer to Mr. Uhl.

No. 2499.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 3, 1895.

SIR: With reference to the previous dispatches of this office, Nos. 2439, March 7; 2449, March 14; 2483, April 22, and 2490, April 25, relating to the arrest and imprisonment of Mr. Francisco Carrillo, I now have the honor to transmit a copy and translation of a communication received from his excellency the Governor Captain-General, dated the 29th ultimo, in which he states that by report from the auditor de guerra (law officer of the war department), to whom had been referred the official communication of this office, dated April 24 last, which asked for the delivery of Mr. Carrillo to the ordinary civil jurisdiction and protested against his further detention, it appears that Mr. Carrillo is not proceeded against under military jurisdiction, but, from data joined to a certain cause, No. 7220; which is being prosecuted in this place for rebellion, it

seems that he was arrested under what is known as an "orden gubernativa," he being considered as a person dangerous to public order, and from the fact that all constitutional guaranties are now suspended.

From what I am able to learn, an "orden gubernativa" is nothing more nor less than the arbitrary exercise of the governing power, unlawful even as used against Spaniards, except under certain conditions and in circumstances like the present, when all constitutional guarantees are suspended, and therefore undoubtedly so in the case of American citizens.

The report submits further that his excellency could reply to the consulate in no other terms but declare that the military jurisdiction in this specific case was not bound to abide by the terms of the agreement of May 29, 1877 (January 12, 1877), as it is not a question of an American subject (citizen) proceeded against militarily, and expects that the consulate will be satisfied with this information regarding Mr. Carrillo's situation: The report as submitted is approved by his excellency and transmitted to this office.

But as this office can not, in view of the instructions it has received from its Government, be satisfied with such an answer to its formal protest, I addressed another communication to the Governor-General, reiterating the substance of the previous one of the 24th of April, and asked that whatever may be the grounds of Mr. Carrillo's arrest, he should be subjected to the civil jurisdiction, according to the said agreement, which, as an international law, is superior to any local law which tended to impair the rights of American citizens. If guilty he should be punished, or released if so entitled to be, without any further delay so prejudicial to his personal interests and the principle of equity established by the said agreement.

I am, etc.,

J. A. SPRINGER,
Vice Consul-General.

[Subinclosure 1 to inclosure 5.—Translation.]

CAPTAINCY-GENERAL OF THE EVER FAITHFUL ISLAND OF CUBA,
OFFICE OF THE CHIEF OF STAFF,
Havana, April 29, 1895.

SIR: Having referred to my solicitor of war (auditor de guerra) your communication dated 24th instant, in which you ask for the delivery of the American citizen, Mr. Francisco Carrillo, to the ordinary civil courts, said functionary has submitted his opinion thereon as follows:

"EXCELLENCY: In view of the communication which the consulate-general of the United States has addressed to your excellency, claiming the delivery to the ordinary civil courts of the American citizen, Mr. Francisco Carrillo, the undersigned, taking into account the protest contained in said document, respectfully submits:

"That it does not appear that Mr. Francisco Carrillo is proceeded against by military jurisdiction, but that in fact, as appears from the data united to cause No. 7720, which is being prosecuted in this place for rebellion, he was arrested governmentally by the superior authority of this island, believing him to be dangerous to public order, and in virtue of the suspension of the constitution guaranties, your excellency not being able to reply in any other terms than to declare that the military jurisdiction is not constrained in this particular case to abide by the conditions of the agreement of the 29th of May, 1877 (12th of January, 1877), as it is not a question of an American subject (citizen) being proceeded against militarily. The American consulate being thus well informed of the situation of Mr. Carrillo it is to be expected it will consider its communication as answered, and the interests which it represents completely satisfied."

And having agreed with said opinion, I have the honor to transmit it to your honor for your knowledge, for the purpose indicated, and in reply to your aforesaid communication.

God guard you many years.

ARSENIO MARTINEZ DE CAMPOS.

[Subinclosure 2 to inclosure 5.]

*Mr. Springer to Governor-General of Cuba.*CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 2, 1895.

EXCELLENCY: In view of the contents of your excellency's communication dated 29th ultimo, from which it appears that the American citizen, Mr. Francisco Carrillo, whose delivery to the courts of ordinary civil jurisdiction, in conformity with the agreement between the United States and Spain of 12th January, 1877, has been asked for by this consulate-general, is not held subject to the military jurisdiction, but detained under a gubernative order (orden gubernativa) of the superior authority of this island, considering him dangerous to public order, and by reason of the fact that the constitutional guaranties are for the present suspended, I now have the honor to again appear before your excellency to ask, as was done in the previous communication of this office, dated the 24th ultimo, that inasmuch as the said Mr. Francisco Carrillo is a citizen of the United States, whatever may be the ground of his detention, his fault may be expiated in accordance with the said agreement, by the civil courts of ordinary jurisdiction, as the extent of said agreement as an international law is superior to any other local law whatever tending to impair the rights reserved by said agreement in favor of American citizens.

Therefore, and in obedience to the instructions received of my Government, I am obliged to reiterate to your excellency the contents of the before-mentioned communication of this office of the 24th April, asking that the American citizen, Mr. Francisco Carrillo, shall be as soon as possible subjected to the ordinary civil courts, and his peculiar situation of arrest under a governmental order shall cease, in the understanding that he shall be punished if guilty, but released if thereto entitled, without any further delay, so prejudicial to his personal interests and the principle of equity established by said agreement.

God guard your excellency many years.

JOSEPH A. SPRINGER,
Vice-Consul-General.

[Inclosure 6 in No. 350.]

*Mr. Springer to Mr. Uhl.*No. 2510.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, May 31, 1895.

SIR: I beg to advise and confirm my telegram of to-day, reading:

ASSISTANT SECRETARY OF STATE, *Washington, D. C.:*Carrillo sailed yesterday for New York by Spanish steamer *Panama*.SPRINGER, *Vice Consul-General.*

In the full conviction that Mr. Carrillo was to sail by the *Vigilancia*, I closed my dispatch and forwarded it by the pouch leaving on said steamer, and boarded her late in the afternoon, just previous to her sailing, and then learned that Carrillo was on board the *Panama*, a Spanish steamer, also bound for New York.

I passed alongside this steamer on my return to the shore, and Mr. Carrillo hailed me and said he had been brought aboard by the police. On account of the late hour, 6.30 p. m., a high wind, and heavy sea, I did not stop.

I learned this morning from Carrillo's brother, who saw him off yesterday, that the Government sent an inspector of police and two guards to take him on board the Spanish steamer, as it was expected he would make resistance. The chief of police was also on board. Carrillo offered no resistance whatever, but expressed some surprise that the Government should change his steamer and provide him with a first-class passage ticket after it had been arranged, as he supposed, that he was to take passage at his own expense on board of the American steamer *Vigilancia*.

This action on the part of the Government bears out the fact of his deportation.

I am, sir, etc.,

JOSEPH A. SPRINGER,
Vice-Consul-General.

EXPULSION OF JOHN A. SOWERS, JOSEPH A. ANSLEY, AURELIO A. ANSLEY, AND MARIA LUIS ANSLEY FROM CUBA.

Mr. Olney to Mr. Dupuy de Lôme.

No. 38.]

DEPARTMENT OF STATE,
Washington, September 27, 1895.

SIR: Dispatches recently received from the United States consul-general at Havana and from the consul at Sagua la Grande present the circumstances attending the expulsion of certain American citizens from the province of Santa Clara and from the Island of Cuba in such a light as to constrain me to bring the matter to your attention.

The persons so deported are four in number, all being citizens of the United States, namely, Joseph A. Ansley, Aurelio Ansley, Maria Luis Ansley, and John A. Sowers. These persons were arrested by the military authorities on a charge the nature of which was not formally made known or even indicated until after they had been provisionally released from confinement. After such release they were cited to appear before the military commandant, who, it is reported, informed them that an order of the Captain-General of the island directed them to leave Sagua within twenty-four hours and report to the United States consul-general at Havana to be banished from the island and to be under prohibition of resorting to any other port of the Spanish dominions.

Upon representations of the hardships entailed by this proceeding and of the inability of the parties to provide their own passage to Havana, the military commandant modified his order so as to give them forty-two hours within which to take their departure, and agreed to furnish transportation from Sagua to Havana, warning them that if they were found in Sagua after the expiration of the time specified they would be manacled and escorted to Havana by a military guard.

The Department is unable to comprehend that part of the order of the Governor-General which appears to require these four citizens of the United States to report to the consul-general of the United States at Havana for deportation from the island. It is, of course, entirely outside of the functions of that officer to forcibly deport an American citizen upon the decree of the Spanish or Cuban authorities. It is not within his official competence to execute any decrees or laws of any other than his own Government, and certainly he could neither be expected nor requested to assume any share of the responsibility of removing an American citizen from Spanish jurisdiction against his will. Fortunately, however, it was not necessary for Mr. Williams to put this question to a practical test, inasmuch as the parties themselves on reaching Havana voluntarily elected to obey the Governor-General's order and quit the island.

The proceeding is furthermore harsh in this regard, that two of the deported persons, Mr. Joseph A. Ansley and Mr. John A. Sowers, are said to have been men of family, and, being in impoverished circumstances, to have been compelled to leave their wives and children behind them without resources. The Governor-General's order, as interpreted by the military commandant of Sagua, appears to have required these four individuals to remove from Sagua to Havana at their own expense, and thereafter to find for themselves the means of reaching the United States. It is true that upon representation of their destitute circumstances the military commandant of Sagua offered to furnish transportation to Havana. But it does not appear that the Government of the island thereafter intervened in any way to enable these unfortunate men to obey the arbitrary mandate of expulsion.

The right of Spain, as of every other sovereign state, to expel aliens need not be discussed. If the right be conceded to the fullest extent, the mode of its exercise may be so harsh, unreasonable, and oppressive as to give just ground of complaint, and was so beyond all doubt in the four cases now under consideration. Whether there be regard to the arbitrary character of the decree of deportation, to the successive steps by which it was apparently proposed to be enforced, to the separation of husbands and fathers from dependent families, or to the constrained abandonment of the latter in destitute circumstances to the tender mercies of strangers, the proceedings at every stage and in every particular seem to have been characterized by willful disregard not merely of the rights of American citizens, but of the dictates of common humanity. This Government can not be expected to look upon such proceedings except with indignation, nor to pass them over without remonstrance. It takes this occasion, therefore, to make known its sentiments in the matter, and to give notice both that it will demand adequate redress for the indignities and injuries inflicted upon Sowers and the Ansleys, and that it will expect such precautionary measures to be taken by the Spanish Government for the future as will prevent any like treatment of other American citizens.

Accept, etc.,

RICHARD OLNEY.

Mr. Dupuy de Lôme to Mr. Olney.

[Translation.]

LEGATION OF SPAIN,
Washington, October 2, 1895.

MR. MINISTER: I have had the honor to receive the note which you were pleased to address me on the 27th ultimo, concerning the expulsion from Sagua la Grande, Cuba, of the American citizens Joseph A. Ansley, Aurelio Ansley, Maria Luis Ansley, and John A. Sowers.

I have communicated its contents to the minister of state and to the Governor-General of Cuba.

Although I have no official information of the facts which you communicate to me, I can assure your excellency, from some confidential though imperfect information which I have received, that there is evident exaggeration in the account given of them.

I am induced to believe this from the fact that I recently had occasion to mention to Hon. Alvey A. Adee, Acting Secretary of State, but without laying stress on the matter, that Gen. Martinez Campos had been compelled to call the attention of the United States consul-general at Havana to the conduct of the consul of this Republic at Sagua la Grande, who appears not to have exercised in his relations with the authorities that correctness and moderation which are so becoming to the representatives accredited, in whatever capacity it may be, to a friendly nation.

I have also some recollection of having heard that Gen. Martinez Campos had discussed confidentially with Mr. Williams the case of the four citizens above mentioned, and that the legitimate defensive measure of expelling them, adopted in their case, had been agreed upon as less vexatious, less annoying, and less severe than those which might have been applied to them if they had been subjected to a prosecution.

The order given them to present themselves to the consul-general, as the superior authority of their nation and their legitimate protector, must be referred to that fact alone, and not to the wish to share with

him a responsibility which, being based upon right, did not need to be shared.

I have no doubt that if the Spanish authorities had been informed that the persons mentioned had no money and could not procure any from their consuls, they would have received charitable assistance; but the position in which they found themselves does not appear to me very different, though certainly less painful to them, from that of the unfortunate Spaniards of whom I had occasion to speak to Mr. A. A. Adce not long ago, who, expelled from the United States for violation of the immigration laws, of which they were probably ignorant, were confined in the jail at Tampa and kept there several days, merely because the navigation company which had brought them over refused to carry them back, thereby disobeying the order of a judge who had directed it to be done.

The Acting Secretary of State told me in reply that the law gave the Secretary of the Treasury no authority to alleviate their situation, and I, holding that every citizen of a country who goes abroad must, first of all, obey the laws, accepted his reply.

I make these statements to your excellency in order to convince you that not only has there been no intention of causing the least annoyance to American citizens, but that nothing has been done deserving the energy of language and intention employed by your excellency in your said note of September 27.

The Governor-General of the Island of Cuba has pursued and has directed all his subordinates to pursue a policy of moderation and tolerance, which I doubt not has been justly appreciated by the United States Government, and he has done so under really difficult circumstances, as American citizens enjoy in Cuba, by virtue of a convention, a privileged position with regard to the courts which have to try them, and because it is well known that many of them, natives or naturalized, violating the laws of the country in which they are living, those of the country in which they were born or whose flag they have chosen, and the eloquent commands of the President's proclamation, lend open aid to the Cuban insurrection.

If I am mistaken in what I have had the honor to say, if the American citizens whom your excellency mentions have been annoyed and persecuted, His Majesty's Government, which is resolved that the laws shall be respected, both by those who live in Spanish territory and by those who are bound to guard the laws and to have them executed, will punish all who have committed any wrong, and will make reparation for it if there has been any.

I avail, etc.,

E. DUPUY DE LÔME.

Mr. Olney to Mr. Dupuy de Lôme.

No. 42.]

DEPARTMENT OF STATE,
Washington, October 5, 1895.

SIR: I have the honor to acknowledge your note of the 2d instant and to thank you for the contents and especially for the assurance that if the American citizens referred to in my note to you of the 27th ultimo have been annoyed and persecuted by Spanish officials in Cuba, "His Majesty's Government, which is resolved that the laws shall be respected, both by those who live in Spanish territory and by those who are bound to guard the laws and have them executed, will punish all who have committed any wrong, and will make reparation for it if there has been any."

Accept, etc.,

RICHARD OLNEY.

TURKEY.

IRADE FOR AMERICAN COLLEGE FOR GIRLS AT SCUTARI.

Mr. Uhl to Mr. Terrell.

No. 296.]

DEPARTMENT OF STATE,
Washington, December 29, 1894.

SIR: I inclose herewith, for report and such action as may be proper, copy of a letter¹ from the foreign secretary of the American Board of Commissioners for Foreign Missions requesting your aid to secure an Imperial firman for the American College for Girls at Constantinople.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Terrell to Mr. Gresham.

No. 396.]

LEGATION OF THE UNITED STATES,
Constantinople, January 16, 1895. (Received Feb. 4.)

SIR: I have the honor to inform you that an irade for the female college at Scutari has this day issued, as I am informed by a messenger from the palace. The irade is recognition of the "good work done in educating His Majesty's Christian subjects," and it exempts the college forever from the payment of taxes. It places that institution on a firm basis, as the grant is irrevocable by the Sovereign.

I have, etc.,

A. W. TERRELL.

Mr. Uhl to Mr. Terrell.

No. 319.]

DEPARTMENT OF STATE,
Washington, January 22, 1895.

SIR: Referring to the Department's No. 296, of the 29th ultimo, I inclose herewith copy of a letter from the Rev. Judson Smith, foreign secretary of the American Board of Commissioners for Foreign Missions, expressing his gratification at the successful result of your efforts to secure an irade for the American College for Girls at Constantinople.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

¹Not printed.

[Inclosure in No. 319.]

Mr. Smith to Mr. Gresham.

AMERICAN BOARD OF COMMISSIONERS
FOR FOREIGN MISSIONS,
Boston, Mass., January 19, 1895.

SIR: I have this morning received a cable message from Miss Patrick, the president of the American Collège for Girls at Constantinople, Turkey, stating that Judge Terrell has informed her that His Majesty the Sultan has graciously issued an irade for the college in consideration of its great services in educating his Christian family and subjects. Coming so promptly after the communication which I sent to you dated December 26, reporting Miss Patrick's special request that the matter be brought to a prompt conclusion, we have every assurance that your invaluable services have been immediately rendered in effecting this delightful consummation, and I desire to express to you my own personal gratification with the result, and to assure you that in this feeling all my associates heartily join, as well as the ladies who are more immediately connected with the college at Constantinople. It is but an added proof, where many have appeared before, of the readiness with which our Government takes up American interests abroad, and the efficiency of such representations from our Government to the powers abroad.

Again assuring you of the exceeding gratification with which this tidings has been received,

I am, etc.,

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

Mr. Terrell to Mr. Gresham.

No. 526.]

LEGATION OF THE UNITED STATES,
Constantinople, April 27, 1895. (Received May 13.)

SIR: I have the honor to inclose herewith the copy of a resolution of thanks passed by the faculty of the American College for Girls in Constantinople on the 5th instant.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 526.]

Mrs. Dodd to Mr. Terrell.

AMERICAN COLLEGE FOR GIRLS,
Constantinople,

At a meeting of the faculty of the American College for Girls in Constantinople, held on the 5th of April, 1895, the following resolution was passed:

Whereas, the American College for Girls has received from His Imperial Majesty the Sultan of Turkey an irade, by which all taxes are forever remitted upon the property of the college,

Resolved, That the faculty express their sincere gratitude to the Hon. A. W. Terrell, minister plenipotentiary of the United States, for his untiring and successful efforts to obtain this irade.

ISABEL F. DODD,
Secretary of the Faculty.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, June 12, 1895.

MR. SECRETARY OF STATE: In an interview which I had with your excellency's worthy predecessor on the 4th of April last, the late Mr. Gresham expressed some uneasiness with regard to the American Female College at Scutari, and requested me to write to Constantinople for information on the subject.

The Sublime Porte has just informed me, in reply to my inquiry, that not only has that college never been closed, but that it has been the recipient of an altogether special favor in being exempted from the moukata'a, to which all educational institutions in the Empire are subject.

This exemption, which is without precedent, has been granted by His Imperial Majesty the Sultan as an evidence of his sincere desire that the relations of friendship which so happily exist between the two States may be maintained on a footing of the greatest cordiality.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Olney to Mavroyeni Bey.

No. 21.]

DEPARTMENT OF STATE,
Washington, June 27, 1895.

SIR: I have the honor to acknowledge receipt of your note of the 22d instant, in relation to the interview which you had with the late Secretary of State on April 4 last.

In the light of your statements it may be that Mr. Gresham referred to the ultimate firman fortifying and making perpetual the concession of the irade issued in January to the girls' school at Scutari. The firman is still awaited.

Accept, etc.,

RICHARD OLNEY.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, June 29, 1895.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your note of the 27th instant, in which you point out that Mr. Gresham, in my interview with him of the 4th of April last, probably referred to the girls' college of Scutari.

As your excellency now informs me that the Imperial firman concerning the above-mentioned concession, spoken of in my note of the 12th instant, has not yet been issued, I propose to write concerning it to the Sublime Porte by the next mail.

Be pleased to accept, etc.,

MAVROYENI BEY.

Mr. Terrell to Mr. Olney.

No. 568.]

LEGATION OF THE UNITED STATES,
Constantinople, July 10, 1895. (Received July 26.)

SIR: I have the honor to inform you that the report of the Turkish minister near you contained in your 503 of the 19th ultimo, is correct. The entire exemption of the college at Scutari, under irade and firman, from taxation is secured, and is a favor without precedent in Turkey

Your obedient servant,

A. W. TERRELL.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, September 9, 1895. (Received Sept. 11.)

MR. SECRETARY OF STATE: I promised in my note of June 29 last, special No. 34, to transmit to the Sublime Porte what you wrote me in your note of the 27th of the same month in regard to the American College for Girls at Scutari.

I now have the pleasure of informing you that in response to the request I addressed to him, His Excellency Turkhan Pasha has just written me that, Imperial firmans being granted to authorize the building of schools and other similar institutions, there is no occasion to issue one for the above-named American college, which has already been in operation for a number of years.

Accept, etc.,

MAVROYENI.

Mr. Terrell to Mr. Olney.

No. 634.]

LEGATION OF THE UNITED STATES,
Constantinople, October 3, 1895. (Received Oct. 18.)

SIR: I have the honor to inclose herewith a letter from Mr. Schma vonian, the attorney for the female college at Scutari. The delivery of the irade when no new buildings are to be constructed is equivalent to a firman. This is the only institution in whose favor an irade exempting from all taxes forever has ever been issued, and it is not probable that any similar one will ever issue.

I have, etc.,

A. W. TERRELL.

[Inclosure No. 634.]

Mr. Schma vonian to Mr. Terrell.

AMERICAN HAN 3,
Constantinople, October 1, 1895.

YOUR EXCELLENCY: In reply to your inquiries concerning the tenure of the property of the American College for Girls in Scutari, I have the honor to inform your excellency that the document officially announcing the Imperial irade was handed to me some time ago by the ministry of Ercaf. Thus the property of the said college is exempted from all kinds of taxes, and also by an exceptional Imperial favor from the payment of the yearly moucata'a of 5,632½ piasters.

According to precedent, so long as no new building is erected, no firman is issued for the moucata'a-i-zémine (the present change of tenure), and the document given by the ministry of Ercaf is considered by many similar institutions as fully sufficient. We have, however, applied to the department of title deeds and requested them to issue new deeds in the name of the college. Our request has been accepted, and I expect to obtain the said deeds within a short time. No fees will have to be paid for this.

Allow me to thank your excellency for the indefatigable efforts which you have used in this matter.

I am, etc.,

ARSCHAG K. SCHMAVONIAN,
Advocate.

IRADE FOR MARSOVAN COLLEGE.¹

Mr. Gresham to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 2, 1895.

Your 461² received. Instruction last August authorized you to demand irade for Marsovan College, and you are now instructed to demand such authority and inform Turkish Government President will regard further delay in fulfillment of its promise as unfriendly.

GRESHAM.

Mr. Terrell to Mr. Gresham.

[Telegram.]

CONSTANTINOPLE, April 4, 1895.

Irade for Marsovan demanded; expect answer in a fortnight.

TERRELL.

Mr. Terrell to Mr. Gresham.

[Telegram.]

PERA, May 2, 1895.

Have received information from the Sublime Porte that the Sultan has issued irade for Marsovan College.

TERRELL.

Mr. Uhl to Mr. Terrell.

No. 461.]

DEPARTMENT OF STATE,
Washington, May 10, 1895.

SIR: I inclose herewith, for your information, copy of a letter of the 7th instant from the foreign secretary of the American Board of Commissioners for Foreign Missions, expressing the gratification of the Board at the favorable outcome of your efforts in behalf of Marsovan College.

¹ See Foreign Relations, 1894, page 739.

² Not printed.

Mr. Smith, expresses the hope that the Sultan will go further and extend the same protection to the Protestant church in Stamboul, which has long awaited such action on his part.

I am, etc.,

EDWIN F. UHL.

[Inclosure in No. 461.]

Rev. Judson Smith to Mr. Gresham.

BOSTON, May 7, 1895.

SIR: The good tidings sent in your favor of May 4, to the effect that you have a cablegram of the 2d instant from the United States minister at Constantinople conveying the gratifying intelligence that he has been assured by the Sublime Porte that the Sultan has issued an irade for Marsovan College, is at hand, and its tidings received with the greatest satisfaction. A letter from Constantinople received a few days ago had informed me that Judge Terrell, under instructions from Washington, had made a demand upon the Sultan for the immediate fulfillment of his pledge to this effect. It is very gratifying to know that through the steadfast purpose of our Government and the address of Judge Terrell, this long-delayed promise has at length been fulfilled, and I beg to convey to you hearty thanks both from myself personally and from all my associates in the Board. We are sure that great benefits to our missionary work will result from the increased security thus enjoyed by our higher institutions of learning in the Turkish Empire, and we indulge the hope that the Sultan, in his consideration for American interests, may go further and afford the same Imperial protection to the Protestant church in Stamboul, which has long awaited such action on his part.

Rejoicing in this additional token of a better understanding and purpose on the part of the Turkish Government with reference to our missionaries and their work in Turkey,

I am, etc.,

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

PROTECTION TO AMERICAN MISSIONARIES.

Mr. Gresham to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 11, 1895.

American missionaries at Bitlis apprehensive of danger. If needed, ask protection for them, and, if in your judgment necessary, you may send Jewett to Bitlis, asking escort.

GRESHAM.

Mr. Terrell to Mr. Gresham.

[Telegram.]

PERA, February 23, 1895.

On information from British ambassador that Americans at Bitlis fear attack, I demanded at Porte telegraphic order for protection, which was promptly sent.

TERRELL.

Mr. Terrell to Mr. Gresham.

No. 451.]

LEGATION OF THE UNITED STATES,
Constantinople, March 2, 1895. (Received March 21.)

SIR: I have the honor to inform you that the matters referred to in the letters from the secretary of the American Board of Foreign Missions inclosed in your No. 360, of the 15th ultimo, were already known to me, and the dangers apprehended by Dr. Judson Smith were guarded against by orders from the Porte on my demand. An assurance that the petty annoyances which made the American teachers at Bitlis feel insecure would cease was given me at the Porte before your telegram on the subject was received, and after its receipt orders were given in my presence for an immediate telegram charging Turkish officials at Bitlis to look after their safety.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Telegram.]

CONSTANTINOPLE, *March 13, 1895.*

Consul Gibson reports that Americans at Marash, Hadjin, Aintab, Orfa apprehend being massacred. A hostile feeling toward missionaries exists at Erzeroum, Van, Bitlis. Have demanded telegraphic orders to all civil and military functionaries to enforce respect for Americans, which I am informed at the Sublime Porte have been sent.

TERRELL.

Mr. Terrell to Mr. Gresham.

No. 460.]

LEGATION OF THE UNITED STATES,
Constantinople, March 13, 1895. (Received April 2.)

SIR: The inclosure, to which your attention is respectfully invited, announces the apprehension of a massacre of Christians. I at once, on its receipt, sent my note to the Porte (a copy of which I inclose), and telegraph you to-day on the subject, a copy of which is also inclosed. There is reason to apprehend trouble; though recently assurances were given me by the foreign minister of the safety of our missionaries.

I am informed that the missionaries at Olintab and Aleppo are men of nerve, and Dr. Washburn, of Robert College, believes that the danger apprehended by them is real. It is believed that the greatest danger from ignorant fanaticism will follow the report of the European delegates on the Sassoun Commission. That report is expected in April.

My views of the importance of a friendly visit to the defenseless coast of the eastern Mediterranean by our war vessels were given in a former dispatch. Their presence there now might avert trouble.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 460.]

Mr. Gibson to Mr. Short.

No. 60.]

UNITED STATES CONSULATE,
Beirut, Syria, March 5, 1895.

SIR: I have the honor to transmit to you by this mail under separate cover a copy of the Armenian pamphlet, a number of which were sent to Dr. F. D. Shepard, of the American hospital at Aintab, and about which a charge was made by the Turkish authorities against Consular Agent Poche for introducing seditious books. Dr. Shepard's name was mistaken at the time for Dr. Chirde, and an examination showed that there is nothing whatever compromising or at all seditious in the pamphlets. You will please forward the pamphlet to His Excellency Minister Terrell, with a request to take such steps as he may deem proper to secure an adequate satisfaction for the gratuitous and entirely unfounded charges brought against Mr. Poche. This is due to him, and I beg to add that unless some prompt and powerful measures are taken to restrain the hostile attitude and growing aggressions of the Turkish authorities in that section, American interests will be sacrificed and the lives of our people actually placed in jeopardy.

Mr. Poche has already notified Minister Terrell directly, according to previous orders, of the arrest of two agents of the American Bible Society of Constantinople, near Aleppo, and I learn to-day through Mr. Poche that the Americans at Aintab, Marash, Hadjin, and Orfa are seriously apprehending an approaching massacre.

I am, etc.,

THOMAS R. GIBSON,
United States Consul.

[Inclosure 2 in No. 460.]

Mr. Terrell to Saïd Pasha.

No. 53.]

UNITED STATES LEGATION,
Constantinople, March 12, 1895.

SIR: Information deemed reliable reaches me that the Americans at Aintab, Marash, Hadjin, and Orfa seriously apprehend an approaching massacre at the hands of Mussulmans. The letter containing this information is dated March 5. Since that date, in a personal interview with your excellency, I demanded that you telegraph orders to every portion of the Ottoman Empire where American missionaries are found, and require all civil and military functionaries to respect their persons and property, to relieve them from annoyances and insults, which have recently become too frequent.

I hope your excellency sent that telegram since the letter referred to was written. If you have done so, be pleased to inform me before the 14th inst.

I have time and again urged the Porte to restrain the insulting conduct of bad men in the interior; and, while I feel sure the disposition of His Imperial Majesty's Government is to protect American citizens in all their rights, annoyances and a disregard of their rights multiply.

I have felt unwilling to increase the embarrassments now surrounding Turkey by demanding reparation for more than one wrongful act. Your excellency has always promised compliance with my requests for an observance of treaty rights, and I have often refrained from commu-

nicating to my home Government complaints made to me. Only a few days ago an American went from Bitlis to Mush to inform me through a colleague that Americans at Bitlis feared a massacre. He could not trust the mail, for his letters now are seldom delivered. To-day, after being informed that a massacre is feared in four other distant towns on account of the manifest prejudice of the officers and populace, it has become my duty to inform my Government.

I will be glad to inform my Government on the 15th instant what course your excellency has adopted for the security of American citizens in the interior.

I am, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

[Telegram.]

CONSTANTINOPLE, *March 14, 1895.*

The Porte by note reassures me that full instructions have been sent by telegram to secure public tranquillity. It declares that apprehensions in the interior have been caused by revolutionists and have no foundation.

TERRELL.

Mr. Terrell to Mr. Gresham.

No. 462.]

LEGATION OF THE UNITED STATES,
Constantinople, March 15, 1895. (Received April 8.)

SIR: I have the honor to inclose a copy of a note just received from the Porte in answer to mine of the 12th instant, inclosed in my 460, of the 13th instant. I also inclose copy of my telegram of this date, sent on the receipt of Saïd Pasha's note.

Whether there is real danger, or the missionaries are dupes of revolutionists, it is impossible for me to know. You were therefore informed by telegram both of the apprehended danger and of the assurance from the Porte that the missionaries are secure.

I know the missionaries are suspected as being in sympathy with sedition, and therefore have reason to fear that they may be in danger.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 462.—Translation.]

Saïd Pasha to Mr. Terrell.

SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
March 14, 1895.

MR. ENVOY: I have received the note your excellency was good enough to address to me on the 12th of this month, regarding information received at your legation of the attitude of Mussulmans at Aintab, Marash, Hadjin, and Arfa.

Permit me, Mr. Envoy, to state once more that these reports, invented by our traducers in an evidently ill-disposed spirit, have no serious foundation. As your excellency knows, similar reports have been

spread of the fate of Christians in certain provinces of the Empire, which have been immediately contradicted, not only by the Imperial authorities, but also by impartial parties.

The measures adopted by the Imperial authorities amply guarantee public order and tranquillity, so that no apprehension can be entertained by American citizens. Nevertheless, in consequence of the above-mentioned note of your excellency, telegraphic communications have been sent to the said authorities recommending them again to enforce the application of these measures.

The Imperial Government, conscious of its duties, has always scrupulously watched over the protection of all the inhabitants of the Empire, native and foreign alike.

The broad hospitality extended to American missionaries in Turkey, and the liberty allowed them in the exercise of their duties, is an evident proof thereof.

If sometimes questions of common right, or irregularities occur, they have been isolated cases, such as might occur in any country in the world.

The Imperial authorities, as soon as informed of such cases, have always hastened to take the necessary steps to punish the offenders and redress the wrongs.

Under the circumstances, I trust the American missionaries, on their side, will abstain from all acts which might assist the subversive tendencies of the agitators.

Accept, etc.,

SAÏD PASHA.

Mr. Gresham to Mr. Terrell.

No. 402.]

DEPARTMENT OF STATE,
Washington, March 30, 1895.

SIR: Referring to the Department's instruction No. 360, of the 15th ultimo,¹ in relation to the request of the American Board of Commissioners for Foreign Missions for protection to the American missionaries at Bitlis, I have to apprise you of the receipt of a letter of the 21st instant upon the subject from the foreign secretary of the Board, written in reply to the Department's communication of the 11th ultimo, of which you have a copy. In this letter, Mr. Smith, after stating that, with your full knowledge of the facts, you will doubtless lean to the side of special care for American interests, expresses the hope that reasonable precaution against calamity or loss of their rights will be taken in behalf of the missionaries at Bitlis, who undertook their labors there in reliance upon the ability and purpose of this Government to protect them in life, liberty, and unhindered pursuit of their legitimate work. He adds that while advices from time to time indicate that as yet no personal harm has come to them, and they remain at their posts in good courage and hope, the conditions around them are such as to justify grave apprehensions on the part of their friends in this country.

Under these circumstances it is thought probable that in the exercise of the discretion conferred upon you by my telegram of the 11th ultimo, you may already have ordered Mr. Jewett to Bitlis to insure due protection for the missionaries there. The case seems to warrant erring on the side of abundant precaution.

I am, etc.,

W. Q. GRESHAM.

¹ Not printed.

Mr. Uhl to Mr. Terrell.

No. 409.]

DEPARTMENT OF STATE,
Washington, April 4, 1895.

SIR: I have received your No. 460, of the 13th ultimo, concerning the apprehensions of a massacre of Christians in Turkey, and the presence of a United States ship of war in those waters.

I have laid before the Secretary of the Navy a copy of your dispatch. I have inquired of him whether the *Marblehead*, now understood to be at Gibraltar, could not be ordered to visit Smyrna, Adana, Alexandretta, and Beirut, and by conference with our consuls and resident citizens ascertain what foundation exists for the alarming apprehensions expressed in that quarter, and if there be ground for anxiety to intimate to the responsible authorities that the Government of the United States will afford full protection to its citizens peaceably dwelling in that part of Turkey under the guarantees of treaties.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 8, 1895.

The United States vessels *San Francisco* and *Marblehead* ordered to visit Beirut, Smyrna, and other points, with proper instructions to commanders.

UHL,
Acting.

Mr. Uhl to Mr. Terrell.

No. 414.]

DEPARTMENT OF STATE,
Washington, April 8, 1895.

SIR: In connection with the Department's No. 409, of the 4th instant, touching the apprehended massacre of Christians in Asia Minor, I have now to acknowledge the receipt of your later dispatch, No. 462, of the 15th ultimo, upon the subject, and to inclose for your information a copy of a letter from the Acting Secretary of the Navy, of the 5th instant, concerning the instructions issued to the commanders of the U. S. S. *San Francisco* and *Marblehead*, which have been ordered to proceed at once to Turkish waters.

In this relation I confirm my telegram of the 8th instant, reading as follows:

United States vessels *San Francisco* and *Marblehead* ordered to visit Beirut, Smyrna, and other points, with proper instructions to commanders.

It is expected that this visit of our ships to the Levant, with the usual exchange of friendly courtesies, will be productive of good.

Adding for your information and files a copy of a correspondence exchanged between the Turkish minister and this Department upon the subject,¹

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

¹ See p. 1248 et seq.

[Inclosure in No. 414.]

*Admiral Ramsay to Mr. Gresham.*NAVY DEPARTMENT,
Washington, April 5, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, transmitting for the information of this Department a copy of a dispatch from the United States minister at Constantinople, dated March 13 last, concerning apprehensions of a massacre of Christians in Turkey, and requesting that United States vessels be sent to Turkish waters, and to inform you that this Department's action in the premises has been as follows:

On the 4th instant the commanding officer of the U. S. S. *Marblehead*, at Gibraltar, was directed to proceed with dispatch to Beirut, Syria, and the commander in chief of the European station was directed to proceed immediately with the *San Francisco* from Palermo to Smyrna, and to direct the vessels under his command to also touch at Alexandretta and Adana. He was also directed to ascertain, by conference with the United States consuls and resident American citizens in the places mentioned, what foundation exists for the alarming apprehensions expressed in regard to the massacre of Christians in Turkey, and he was directed, should he find sufficient grounds for such anxiety, to intimate to the responsible authorities of the Government of Turkey that it is the intention of this Government to afford full protection to its citizens who are peaceably residing in that part of the world under the guarantee of treaties.

Very respectfully, etc.,

F. M. RAMSAY,
Acting Secretary.*Mr. Terrell to Mr. Gresham.*

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, April 14, 1895.

More security for life is felt by missionaries in Asia Minor. Their letters show that my demand on the Porte to send telegraphic orders everywhere for their protection was complied with. Turkish Government expresses determination to preserve social order.

TERRELL.

Mr. Terrell to Mr. Gresham.

No. 501.]

LEGATION OF THE UNITED STATES,
Constantinople, April 15, 1895. (Received April 29.)

SIR: Your dispatch No. 402, of the 30th ultimo, has been received, and I have the honor to inform you that the result has justified my conclusion not to send Mr. Jewett to Bitlis. I chose rather to rely for security on the promise of the Porte, made on my emphatic demand for a telegram to every governor and military commander in Asia Minor to enforce respect and protection for our citizens. An increased feeling of security in the interior shows that the order was sent.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 511.]

LEGATION OF THE UNITED STATES,
Constantinople, April 21, 1895. (Received May 6.)

SIR: I have the honor to acknowledge your No. 414, of the 8th instant, regarding the visit of the *San Francisco* and *Marblehead* to Turkish waters. The arrival of the former at Sagua was attended with the usual courtesies, and must tend to promote cordial relations.

I answered the inquiry of the Porte on the subject that the visit of the *San Francisco* was a friendly one, but such vessels were designed for the protection of American interests.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 512.]

LEGATION OF THE UNITED STATES,
Constantinople, April 21, 1895. (Received May 6.)

SIR: In answer to your No. 409, of April 4, regarding an apprehended massacre of Christians in Turkey, and the proposed visit of the *Marblehead* to Smyrna, Alexandretta, and Beirut, I have to inform you that for the last three weeks tranquility seems to exist in the provinces, and I see no cause to fear present danger. The pledges given me for energetic official action, I feel sure, have been complied with.

I have, etc.,

A. W. TERRELL.

Mr. Uhl to Mr. Terrell.

No. 471.]

DEPARTMENT OF STATE,
Washington, May 16, 1895.

SIR: Referring to the Department's No. 414, of the 8th ultimo, I inclose herewith a copy of a communication addressed by the commander in chief of the United States naval force on the European station to the Secretary of the Navy, and by him communicated to this Department with a letter of the 14th instant, embodying the result of his observations during the recent visit of the U. S. S. *San Francisco* and *Marblehead* to Turkish waters.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 471.]

Mr. Herbert to Mr. Gresham.

NAVY DEPARTMENT,
Washington, May 14, 1895.

SIR: I have the honor to transmit herewith, for the information of the Department of State, a copy of a letter dated the 1st instant, addressed to this Department by the commander in chief of the United States naval force on the European station, in regard to the condition of affairs in Asia Minor and Syria.

Very respectfully, etc.,

H. A. HERBERT.

[Subinclosure in No. 471.]

*Rear-Admiral Kirkland to Mr. Herbert.*U. S. S. SAN FRANCISCO,
Naples, Italy, May 1, 1895.

SIR: I have the honor to acknowledge the receipt of letters dated March 28 and April 6, from the Department, relative to affairs in Asia Minor and Syria.

I found no outrages against American citizens in Turkey and heard of none.

There is no need to keep a vessel on that coast; a visit of one ship every six months or so is all that is required.

Very respectfully,

W. A. KIRKLAND,
Rear-Admiral, U. S. N.

Mr. Uhl to Mr. Terrell.

No. 476.]

DEPARTMENT OF STATE,
Washington, May 18, 1895.

SIR: In connection with previous correspondence upon the subject, I herewith inclose for your information a copy of a letter from the Secretary of the Navy of the 15th instant, covering a report from the commander in chief of the United States naval force on the European station, touching the recent visit of the United States ships *San Francisco* and *Marblehead* to Turkish waters.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

[Inclosure in No. 476.]

*Mr. Herbert to Mr. Gresham.*NAVY DEPARTMENT,
Washington, May 15, 1895. (Received May 16.)

SIR: I have the honor to transmit herewith copies of communications from the commander in chief of the United States naval force on the European station, dated April 17, 21, and 30, 1895, in regard to visits of the United States ships *San Francisco* and *Marblehead* to certain ports in the Levant for the purpose of ascertaining the grounds existing for the circulation of reports regarding the massacre of Christians in that portion of Asia Minor.

Very respectfully, etc.,

H. A. HERBERT.

[Subinclosure 1 in No. 476.]

*Rear-Admiral Kirkland to Mr. Herbert.*U. S. S. SAN FRANCISCO,
Smyrna, Turkey, April 17, 1895.

SIR: Having obeyed the order of the Department so far as the port of Smyrna is concerned, I sail to-day for Alexandretta, where I have ordered the *Marblehead* to meet me.

As far as apprehension of a massacre of Christians in this port is concerned, I see no reason to believe in such incident in the near future; at present the Christians outnumber the Turks largely. I have, however, communicated the intentions of the Government, as expressed by the Navy Department, to the governor of Smyrna in person. But I believe that the governor of Massachusetts is as much liable for the murder of settlers by the Apaches as is the governor of Smyrna for the murder of the Armenians by the Koords.

As the text directly of my cipher instructions was published in the Paris Herald of April 5, and was on hand when I arrived here, the governor knew beforehand what my instructions were.

On the 16th instant I was invited by the governor, with my staff and the officers of the ship, to a dinner which he had been ordered by the Sultan to offer me as a souvenir of my visit to Smyrna. The graceful manner of the invitation did not admit of a refusal.

Very respectfully,

W. A. KIRKLAND,
Rear-Admiral, U. S. N.

[Subinclosure 2 in No. 476.]

Rear-Admiral Kirkland to Mr. Herbert.

U. S. S. SAN FRANCISCO,
Alexandretta, Syria, April 21, 1895.

SIR: I have to inform the Department that I reached this place yesterday morning at 7 a. m. There is no consul, vice-consul, or other authorized representative of the United States here, but, through the kindness of Mr. Daniel Walker, I arranged an interview with the acting governor of the district, and informed him of the intention of the United States Government to afford full protection to its peaceable citizens residing in Turkey, in accordance with the terms of the American Government's treaty stipulations.

I find no citizens of the United States here, and no foundation for apprehension of a massacre of Christians; everything seems quiet. The governor returned my call this morning, and was received with usual ceremony and honors.

I have this morning received a letter from the commanding officer of the *Marblehead*, dated Beirut, Syria, April 18. He reports everything tranquil and that the American citizens at that port pursue their duties and pleasures without fear of annoyance.

I shall proceed to Mersine, 80 miles to the westward, to-morrow morning. I have telegraphed the *Marblehead* to come here, and will leave orders for her to proceed also to Mersine.

The sanitary condition of the ship is good.

Very respectfully,

W. A. KIRKLAND,
Rear-Admiral, U. S. N.

[Subinclosure 3 in No. 476.]

Rear-Admiral Kirkland to Mr. Herbert.

U. S. S. SAN FRANCISCO,
Naples, Italy, April 30, 1895.

SIR: I have the honor to report my arrival at Naples with the flag-ship, having obeyed the Department's cable order of April 5,

I visited the ports of Smyrna, Alexandretta, and Mersine in the *San Francisco*, and the *Marblehead* visited Beirut, Alexandretta, Mersine, and Smyrna. She was also ordered to touch at Athens and to report to me not later than May 6.

I have informed the governors-general of the vilayets of Smyrna and Adana, and the governor of the district of Alexandretta, also the governor-general of Beirut, that the United States Government intends to furnish full protection to its peaceable citizens dwelling in Turkey, in accordance with the terms of the American Government's treaty stipulations.

I visited in person all these officials, and they all returned my visits and were received with the customary honors.

The governor of the vilayet of Adana came down 45 miles by rail to Mersine, at my request, and remained in Mersine all night, so as to return my call. Everywhere the officials were most courteous.

It was not possible for me to ascertain whether any foundation existed for apprehension of a massacre of Christians. I issued instructions to officers visiting the shore, a copy of which is herewith inclosed. The commanding officers of the *San Francisco* and of the *Marblehead* report that neither they nor their officers have any reliable information of any contemplated or feared massacre of the Christians.

I conversed personally with the different consuls and with citizens; the air was full of rumors of murders, rapes, and crucifixions, but no one whom I met had suffered in either of these ways, nor did they have any acquaintance with persons that had.

There were no outrages on American citizens that could be established, nor were any reported to me.

* * * * *

I shall remain here until the 7th of May, and then go to Algiers, where the *Marblehead* will be ordered for her inspection; after which both ships will proceed, via Gibraltar, Lisbon, and Southampton, to Copenhagen to clean up and prepare for Kiel about the 14th of June.

Very respectfully,

W. A. KIRKLAND,
Rear-Admiral, U. S. N.

[Subinclosure 4 in No. 476.]

Instructions for officers of the United States European squadron in visiting the shore in Turkey and in Syria.

U. S. S. SAN FRANCISCO,
At Sea, April 9, 1895.

The Navy Department has been led to believe that a massacre of Christians is apprehended in certain parts of Turkey and Syria by the Turks and others, and the commander in chief has been ordered to confer with consuls and citizens on the subject, in order to ascertain if foundation for such apprehension exists.

All of the officers of the squadron visiting the shore will take notice of the above, and will assist the commander in chief in this duty, making such reports to him as their personal experiences may develop in regard to the subject, and giving their impressions as to the reliability of the parties furnishing their information.

W. A. KIRKLAND, Rear-Admiral, U. S. N.

VISIT OF UNITED STATES NAVAL VESSELS TO TURKISH WATERS.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, April 5, 1895.

MR. SECRETARY OF STATE: Although the news appearing in the papers may not always be correct, I think it my duty, nevertheless, by reason of its importance, to draw your excellency's attention to the inclosed extract from the New York Herald of to day.

It is therein said, in substance, that upon the representations of the Board of Commissioners for Foreign Missions, the Government of the United States has decided to send the *San Francisco* to Smyrna, and even that notification of this decision has been given to the Rev. Judson Smith, secretary of the Board.

Surely this news must be inexact in view of the friendly relations which unite the two countries. I therefore beg your excellency to be pleased to inform me touching the reality of the facts.

Be pleased to accept, etc.,

MAVROYENI.

[Inclosure.]

From the New York Herald, April 5, 1895.

Last year, when the U. S. S. *Chicago*, flagship of Rear-Admiral Henry Erben, was in Smyrna, western Turkey, the American residents there persuaded the admiral to report to the Navy Department in favor of making Smyrna a naval rendezvous station for the Mediterranean squadron.

Representatives of the American Board of Commissioners for Foreign Missions have now joined in the appeal, because they regard Smyrna as the most important point for a naval rendezvous in that part of the Mediterranean. Constantinople can not be approached by war vessels without a special permit, which can not be secured easily. Next to the capital, the commercial interests of Smyrna are vastly in advance of any other port in Turkey. British, French, Russian, German, and Italian men-of-war visit Smyrna frequently, but the American flag has been very seldom seen.

Orders have been issued from the Navy Department directing the U. S. S. *San Francisco* to sail from Palermo to Smyrna this week, and Secretary Gresham has so notified the Rev. Judson Smith, D. D., secretary of the American Board, in Boston.

Mr. Gresham to Mavroyeni Bey.

No. 9.]

DEPARTMENT OF STATE,
Washington, April 5, 1895.

SIR: Acknowledging the receipt of the note with which you have favored me under to-day's date, I have the pleasure to inform you that the report of the intended visit of the U. S. S. *San Francisco* to Smyrna is correct. Having recently visited Jaffa, and gone thence to the Piraeus and Palermo to await her consort, the *Marblehead*, the two ships are about to cruise in the Levant, a part of the Mediterranean which I trust may be more frequently the scene of these friendly visits than has heretofore been practicable.

Accept, etc.,

W. Q. GRESHAM.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, April 6, 1895.

MR. SECRETARY OF STATE: I have the honor to confirm my note dated yesterday touching the order issued to two American war vessels to proceed to Turkish waters, and to inform your excellency that I have not failed to telegraph to the Imperial Government the statement made to me by your excellency in the afternoon, to wit, that the said order was in no wise hostile to the Sublime Porte, and it being the same as that frequently issued by European Governments to their own war ships, it left no doubt for misinterpretation.

I infer from the foregoing that the newspaper rumors set forth in the extract sent you with my note of yesterday, as well as in the extract herewith, are without foundation and do not represent the sentiment and intentions of the American Government.

Be pleased to accept, etc.,

MAVROYENI.

[Inclosure—Press dispatch.]

A massacre threatened—United States war vessels ordered to Turkish waters immediately.

Secretary Herbert has cabled orders to Admiral Kirkland, of the flagship *San Francisco*, now at Palermo, Sicily, to sail immediately for Smyrna, Asia Minor, and to have both vessels of his squadron visit Alexandretta and Adana to confer with the United States consuls and resident American citizens, and if it is found that there are good grounds for the apprehensions expressed in those vicinities concerning a probable massacre of Christians, to intimate clearly to the responsible local authorities that the United States intends to afford full protection to American citizens in that territory under its treaty guarantees.

A cablegram has also been sent to Captain O'Neil, of the cruiser *Marblehead*, at Gibraltar, ordering him to proceed with dispatch to Beirut, Syria, and there report to the admiral. The *San Francisco* and *Marblehead* have both been coaled in the past few days, and as their commanders received the urgent orders yesterday morning, it is expected they will get under way immediately. The *San Francisco*, with her speed of 21 knots, should cover the 800 miles to her destination in less than two days, and the *Marblehead*, having frequently maintained 17 knots, should run the entire length of the Mediterranean in four days, at the rate of 400 miles per day. This display of force in Turkish waters by the United States is declared at the State Department to be due to the unsatisfactory delays that result from diplomatic negotiations at Constantinople. Although instructions have been sent to Minister Terrell to warn the Sultan of the fears of American missionaries in Smyrna and to demand that the Turkish Government shall take steps to prevent outrages, it has been deemed advisable, in view of past experience, to make assurance for the protection of Americans doubly sure.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, April 7, 1895.

MR. SECRETARY OF STATE: The American newspapers continue to assert that it has been decided to send two war ships into Turkish waters in consequence of reports which Mr. Terrell is said to have made to the effect that Christians are not safe in Turkey; and also in consequence of communications, said to be still more alarming, which, it is alleged, have

been written by American missionaries living in Ottoman territory. As these statements tend to discredit the legitimate authority of the Imperial Government, I beg your excellency, basing my action upon the friendly relations which unite the two Governments, to be pleased to inform me whether it is true, as is publicly asserted, that the American naval authorities have been instructed to confer with your diplomatic and consular authorities with a view to the examination of certain matters which come within the exclusive province of the latter.

The Sublime Porte has always given evidence of its friendship and consideration for the United States Government; I therefore trust that your excellency will be pleased to deny a report which has, unfortunately, already been interpreted by a number of newspapers and by certain American missionaries, as well as by all the Armenian revolutionists, as an act unfavorable to Turkey.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Uhl to Mavroyeni Bey.

No. 10.]

DEPARTMENT OF STATE,
Washington, April 8, 1895.

SIR: I have the honor to acknowledge the receipt of your notes of the 6th and 7th instant, in further reference to the approaching visit of the United States vessels in the Mediterranean to the Turkish ports of the Levant.

As was stated to you by Mr. Gresham on the 5th, and as I had the pleasure to say to you on the 6th instant, the intended visit of our ships is without any unfriendly purpose. Their presence at the ports of the Syrian, Aleppan, and Adanan coasts will, however, afford an opportunity to learn whether there is just ground for the apprehensions of insecurity of life and property which our citizens in that region have expressed, and which have called forth the positive assurances of the Porte that full safety will be guaranteed them, with enjoyment of all their residential and professional rights, in which sense I am informed instructions have been telegraphed by the Porte to the valis of the several Levantine provinces as well as in the interior of Asia Minor.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mavroyeni Bey to Mr. Gresham.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, April 30, 1895.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note of the 8th instant and to communicate to you the substance of a dispatch I have just received from His Excellency Said Pasha, according to which the visit of the American squadron in Ottoman waters can naturally only be considered by the Sublime Porte in the same light as those which the ships of war of the other

Powers are in the habit of making annually to Ottoman ports. His excellency adds that the fears of want of security alleged by some American citizens have no foundation in fact, and that these groundless fears are the work of those who are endeavoring, for certain subversive objects, to show to the world an abnormal situation which does not exist in reality.

Please accept, etc.,

MAVROYENI.

Mr. Uhl to Macroveni Bey.

No. 17.]

DEPARTMENT OF STATE,
Washington, June 6, 1895.

SIR: Circumstances have interfered to prevent an earlier acknowledgment of your note of April 30 last, in regard to the visit of the ships of the Mediterranean squadron to the Turkish ports of the Levant.

In that note you announce the view of His Excellency Saïd Pasha, that this visit "can naturally only be considered by the Sublime Porte in the same light as those which the ships of war of the other Powers are in the habit of making annually to Ottoman ports," and communicate his excellency's further declaration that the security of American citizens in the Turkish dominions is not threatened.

I do not understand that the position of the United States naval vessels in Turkish waters is to be defined by the especial relations or functions of ships of war of European Powers under their existing treaty obligations with regard to Turkish affairs. Abstaining from intermixture in the internal matters of other states, this Government employs its naval agencies abroad only for keeping up the usual courtesies of friendly intercourse and for the protection of American citizens and American interests in other countries. Performance of this latter function is alike the right and duty of every sovereign state. The state so acting can alone be the judge of the occasion therefor, and may not be called upon to account for the course it may consider wise or necessary.

In this relation it is proper for me to recur to that part of your prior note, of April 7 last, in which you asked to be informed whether the American naval authorities had been instructed to confer with the diplomatic and consular authorities touching matters which you deem to be "within the exclusive province of the latter."

I can not suppose you thereby intended to question the right of this Government to use its several agencies in its own discretion for the purpose of gaining information or carrying out its determined policies, and I assume you had in view merely the performance of the usual formalities of international representation. Our naval commanders, carrying neither diplomatic credentials nor consular commissions, discharge no representative duty save in conformity with the ordinary etiquette of the naval intercourse of nations. This mission, I am pleased to learn, has been fulfilled with friendly cordiality by Admiral Kirkland and his commanders, consistently with the instructions given to them as stated in my note to you, No. 10, of April 8, 1895.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,

Washington, June 8, 1895.

MR. SECRETARY OF STATE: In reply to the note which the Hon. Mr. Uhl was pleased to address to me under date of the 6th instant, I have the honor to inform your excellency that the object of my note of April 30 was simply to state that the fears of a lack of security which were expressed by certain American citizens were wholly without foundation, and that the visit of the American squadron to Ottoman waters could not, notwithstanding the malevolent insinuations of certain newspapers, be considered by the Sublime Porte otherwise than as a purely amicable visit. Mr. Uhl is perfectly right in asserting that "abstaining from intermixture in the internal matters of other states, this Government employs its naval agencies abroad only for keeping up the usual courtesies of friendly intercourse and for the protection of American citizens and American interests in other countries. Performance of this latter function is alike the right and duty of every sovereign state. The state so acting can alone be judge of the occasion therefor, and may not be called upon to account for the course it may consider wise or necessary." I consider these words of Mr. Uhl all the more just in that they apply, by logical and evident reciprocity, to the Turkish Government, as they do to every other.

This being the case, and it being granted that any Government may use such means as it chooses, consistently with its friendly relations and with public tranquillity, for the obtainment of information and for the enforcement of its policy abroad, I see a denial of the rumors hostile to Turkey, which were mentioned in my note of the 7th of April last, in the following sentence of Mr. Uhl:

Our naval commanders, carrying neither diplomatic credentials nor consular commissions, discharge no representative duty save in conformity with the ordinary etiquette of the naval intercourse of nations.

I have, moreover, for some time past been very glad to know what a favorable impression the aforesaid visit made on Admiral Kirkland

Be pleased to accept, etc.,

MAVROYENI.

VIOLATION OF THE DOMICILIARY RIGHTS OF REV. L. O. LEE.

Mr. Terrell to Mr. Gresham.

No. 376.]

LEGATION OF THE UNITED STATES,
Constantinople, January 7, 1895. (Received Jan. 21.)

SIR: I have the honor to inclose for your consideration my note to the minister of foreign affairs regarding a violation of the rights of domicile of the Rev. Mr. Lee by the Ottoman police on December 2 at Marash. This is the first case of that character. I refrain from telegraphing you in the hope that measures will be promptly taken to prevent a repetition of the offense.

If the usual policy of nonaction and delay is observed I will ask you for instructions by telegram.

A mere apology by the offending officer would afford no security for

the future. The consequences of invasions of the domicile are so far-reaching and destructive to future security that a demand for the removal of the offending officer and the payment of a money indemnity would seem most appropriate.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 376.]

Mr. Terrell to Saïd Pasha.

UNITED STATES LEGATION,
Constantinople, January 3, 1895.

EXCELLENCY: On the 2d of December, 1894, the Ottoman police, under the direction of the acting governor, entered the residence house of Mr. Lee, an American citizen, at Marash, without the formalities of the law and for none of the causes in the protocol. The police searched the house over the protest of Mr. Lee, examined the articles, which Mr. Lee showed them; that had come in a box from the United States, and then, under the orders of the acting governor, took and conveyed the empty box to the government house. No report of this invasion of domiciliary rights was communicated to the nearest American consul. The Ottoman acting governor was informed by Mr. Lee that the box had been examined at Alexandretta, and its contents distributed through the house. This invasion of domicile rights is a violation of treaty rights of so serious a nature that for the present I content myself with calling your attention to it. It will be made the subject of a future communication.

It must occur to you that telegrams promptly sent by your excellency to your officers throughout the Empire to be careful about violating the domiciles of American citizens, and to let them alone, may prevent much future embarrassment.

Please accept, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 386.]

LEGATION OF THE UNITED STATES,
Constantinople, January 10, 1895. (Received Jan. 24.)

SIR: Referring to my dispatch, No. 376, of January 7, instant, relating to the unauthorized search of the residence of Rev. Mr. Lee in Marash, I have the honor to inform you that I requested in person yesterday an answer in writing to my note to the foreign minister. He informed me that the Grand Vizier had reproved the acting governor of Marash by telegram already. This I had reason to believe to be true.

I informed the foreign minister that in matters of this importance I desired the written evidence of what was done, and that a mere reproof of the acting governor did not satisfy me; that his reckless conduct showed that he was not worthy to be trusted, and until my Government directed to the contrary his removal would alone satisfy me.

The foreign minister then in my presence dictated a note to the Grand Vizier, expressing his opinion that the acting governor should be removed, which I doubt not will be done at once.

I inclose a letter just received from Rev. Henry O. Dwight, the chief missionary here, thanking me for my action.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 386.]

Mr. Dwight to Mr. Terrell.

BIBLE HOUSE,
Constantinople, January 9, 1895.

DEAR SIR: Your action to prevent molestation of the American citizens residing at Marash, consequent upon the recent violation of their domicile, has peculiar importance in view of the isolated position of these Americans, remote from consular protection and regarded with prejudice by Ottoman officials acting at a distance from the control of the central authority.

In a period of excitement like the present, the misuse of power by capricious and ignorant petty officials toward Americans residing in the interior of the Empire can be prevented only by a rigid enforcement, such as you have insisted upon, of the letter of the treaty obligations of Turkey to the United States regarding the liberties of American citizens.

I have the honor, therefore, to beg you to accept hearty thanks, both from myself and from my colleagues of the mission of the American Board, for your energetic and effective defense of the rights of these American citizens.

Very respectfully, yours,

HENRY O. DWIGHT.

Mr. Uhl to Mr. Terrell.

No. 328.]

DEPARTMENT OF STATE,
Washington, January 26, 1895.

SIR: I have to acknowledge the receipt of your Nos. 376 and 386, of the respective dates of December 20, 1894, and January 7, 1895, relating to the unauthorized search of Rev. Mr. Lee's house in Marash, and to commend the promptness and firmness of your actions therein reported.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Gresham to Mr. Terrell.

No. 340.]

DEPARTMENT OF STATE,
Washington, January 31, 1895.

SIR: Referring to your No. 386, of the 10th instant, I inclose herewith for your legation's files copy of a letter from Rev. Judson Smith, expressing the appreciation of the American Board of Commissioners for Foreign Missions of the effective action taken by you in reference to the police molestation suffered by Rev. L. O. Lee at Marash.

I am, etc.,

W. Q. GRESHAM.

[Inclosure in No. 340.]

Mr. Judson Smith to Mr. Gresham.

AMERICAN BOARD OF COMMISSIONERS
 'FOR FOREIGN MISSIONS,
Boston, Mass., January 29, 1895. (Received Jan. 30.)

SIR: Recent letters from Constantinople have brought information of the immediate and effective action taken by Judge Terrell in reference to the police molestation suffered by Rev. L. O. Lee, one of our missionaries at Marash, Turkey. From these advices it appears that the communications which Judge Terrell made to the grand vizier, and also to his Imperial Majesty the Sultan, secured a reprimand of the officials who had violated the right of domicile, and the adoption by the Porte of immediate measures to prevent the further molestation of the Americans resident at Marash. Although no serious injury of any kind resulted from the illegal action of the Turkish officials in this case, yet it was so clear a violation of the rights of domicile as to make the action taken in regard to it of the utmost importance both for this case and for the precedent thus established.

It appears from the very full statement of the case which has come to my hand, and which was placed before the United States legation at Constantinople, that this act involved a violation of the right of domicile in at least four points: (1) The entrance of the police upon the premises of Mr. Lee without permission, they taking advantage of the outer gate being accidentally open; (2) the retention of the police in the premises for several hours and until after nightfall; (3) the act of the acting governor in response to Mr. Lee's protest in sending other officers to enter the house and examine the box; (4) the seizure of the box in Mr. Lee's house by these officers against Mr. Lee's protest. No crime was charged, no word was sent to the nearest American consul, and in other ways the illegal and extraordinary nature of the performance is very marked.

We feel very grateful that Judge Terrell has dealt with this matter so energetically and successfully, and are assured that the security of our missionaries at Marash and in all that region will be the greater because of this efficient and satisfactory action.

With highest regard, etc..

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

CONDITION OF AFFAIRS IN ASIATIC TURKEY.¹

Message of the President.

To the Senate of the United States:

In response to the resolution of the Senate of the 4th instant, requesting the President, "if in his judgment not incompatible with the public interest, to communicate to the Senate all information which has been received by him or by the State Department in regard to injuries inflicted upon the persons or property of American citizens in Turkey, and in regard to the condition of affairs there in reference to

¹ Reprinted from Senate Document No. 33, Fifty-fourth Congress, first session.

the oppression or cruelties practiced upon the Armenian subjects of the Turkish Government; also, to inform the Senate whether all the American consuls in the Turkish Empire are at their posts of duty, and if not, to state any circumstances which have interfered with the performance of the duties of such consuls," I transmit herewith a report from the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, December 19, 1895.*

Report of the Secretary of State.

DEPARTMENT OF STATE,
Washington, December 19, 1895.

The PRESIDENT:

The undersigned, Secretary of State, has had the honor to receive, by reference from the President, a resolution adopted in the Senate of the United States on December 4, 1895, as follows:

Resolved, That the President be requested, if in his judgment not incompatible with the public interest, to communicate to the Senate all information which has been received by him or by the State Department in regard to injuries inflicted upon the persons or property of American citizens in Turkey, and in regard to the condition of affairs there in reference to the oppression or cruelties practiced upon the Armenian subjects of the Turkish Government; also, to inform the Senate whether all the American consuls in the Turkish Empire are at their posts of duty, and if not, to state any circumstances which have interfered with the performance of the duties of such consuls.

In compliance with the direction of the President, the undersigned has the honor to submit the following report embracing the information possessed by the Department of State on the subjects mentioned in the resolution:

The period of time intended to be covered by the inquiry of the Senate is not stated, but it would appear to embrace the duration of the present political troubles in Armenia and Kurdistan, for which a convenient starting point exists in the massacres at Moosh in August, 1894.

Within that period, while frequent apprehension has been expressed for the safety of citizens of the United States legitimately sojourning in various parts of the country in question and in other quarters of the Turkish Empire where disturbances have occurred or have been feared, the energetic demands of the United States minister at Constantinople and the prompt response of the Imperial authorities in issuing peremptory orders to the local civil and military authorities and in furnishing armed protection in case of need have thus far averted physical injury to any American citizen through lawless outbreaks.

The number of citizens of the United States resident in the Turkish Empire is not accurately known. According to latest advices, there are 172 American missionaries, dependents of various mission boards in the United States, scattered over Asia Minor. There are also numbers of our citizens engaged in business or practicing professions in different parts of the Empire. Besides these, more or less persons, originally subjects of Turkey and since naturalized in the United States, have returned to the country of their birth and are temporarily residing there. The whole number of persons comprising these several classes can not be accurately estimated, but, the families of such citizens being considered, can hardly be less than five or six hundred, and may possibly exceed that total.

Outside of the capital and a few commercial seaport towns, the bulk of this large American element is found in the interior of Asia Minor and Syria, remote from the few consular establishments maintained by this Government in that quarter, inaccessible except by difficult journeys, and isolated from each other by the broken character of the mountain country and the absence of roads. Under these circumstances and in the midst of the alarming agitation which for more than a year past has existed in Asia Minor, it has been no slight task for the representative of the United States to follow the interests of those whose defense necessarily falls to his care, to demand and obtain the measures indispensable to their safety, and to act instantly upon every appeal for help in view of real or apprehended peril. It is, however, gratifying to bear testimony to the energy and promptness of the minister in dealing with every grievance brought to his notice, and his foresight in anticipating complaints and securing timely protection in advance of actual need. The efforts of the minister have had the moral support of the presence of naval vessels of the United States on the Syrian and Adanan coasts from time to time as occasion required, and at the present time the *San Francisco* and *Marblehead* are about to be joined by the *Minneapolis*, which has lately been ordered to the eastern waters of the Mediterranean, the squadron being under the command of Rear-Admiral Selfridge, an officer whose record indicates the necessary discretion in dealing with whatever emergencies may arise.

While the physical safety of all citizens of the United States appears up to the present date to have been secured, their property has, on at least two recent occasions, been destroyed in the course of local outbursts at Harpoot and Marash.

The details of the Harpoot destruction have so far been only meagerly reported, although it took place about the middle of November. It is stated that the buildings at that place were set on fire separately by Koords and citizens, in the presence of the Turkish soldiery, during an Armenian riot. Besides the chapel, girls' theological school, and seminary building, the ladies' house, boarding house, and residences of three American missionaries were burned, the aggregate loss on the buildings, personal property, stock, fixtures, and apparatus being estimated in the neighborhood of \$100,000. The United States minister has notified the Porte that the Turkish Government will be held responsible for the immediate and full satisfaction of all injuries on that score.

The American Missionary School of Science at Marash was burned during a sanguinary outbreak on November 19. The value of the property destroyed has not been ascertained, but after prompt investigation the minister will make like demand for adequate indemnity.

Apart from these reported instances of injury through mob violence and lawlessness, several cases of individual citizens having suffered in life and person in Turkish dominions seem to fall within the purview of the resolution.

In May, 1894, Frank Lenz, a citizen of the United States, while making a bicycle tour of Asia, disappeared shortly after crossing from Persia into Koordistan, under circumstances indicating his murder. Repeated demands for investigation, and inquiries on and near the spot with the efficient aid of the British consul at Erzerum, disclosed that the unfortunate young man, while traveling alone and unescorted, had been murdered at or near Tchelkani, not far from Alashgerd, by natives, who had appropriated his scanty belongings. Later, through private enterprise and on behalf of the family of Lenz, Mr. W. L. Sachtleben undertook an investigation with a view to the discovery

and Christian sepulture of Lenz's remains and the collection of such evidence as might further implicate his murderers. The United States minister assisted this investigation in every possible way, asking suitable escort to protect the investigator and demanding peremptory orders to bring the murderers to justice.

After characteristic delays Mr. Sachtleben was at last enabled to visit Alashgerd, in company with the local governor, Shakir Pasha, as a member of a commission of eight, which was deputed to investigate the murder and take all necessary action. The facts were established by testimony and by the circumstantial finding of fragments of the victim's bicycle and personal belongings, and at last accounts some five or six persons, Koords and Armenians, were to be put on trial for the murder.

The case of George Webber deserves attention. This unfortunate man, a naturalized citizen of the United States, of Bavarian origin, 70 years old, was capriciously arrested at Konia, taken under circumstances of great hardship, at first by railway, then on foot, and afterwards, when physically exhausted, in a rough cart, to Broussa on March 28, 1895, and thrown into prison, where he died during the night from the effects of his hard treatment, without medical attendance. The minister promptly sent his secretary of legation to Broussa to examine the matter, and found that the arrest of Webber was apparently causeless; that his possession of a United States passport was disregarded, and that his death was due to the fatigue and privations to which he had been wantonly subjected. Demand was accordingly made for a searching investigation and the punishment of any officials found in fault, the removal of the delinquent governor being specifically asked. These just demands have not so far borne fruit; and they will be further insisted upon, with the addition of a requisition for a suitable indemnity, should the facts elicited by the minister's inquiry be confirmed.

Another incident has served to attract notice: On the night of the 4th of August last the premises of Dr. Christie, principal of St. Paul's Institute at Tarsus, who was spending the summer months at the neighboring village of Namroun, were invaded by an armed mob, obviously collected in pursuance of a preconcerted plan, and an outrageous attack made on a defenseless native servant of Dr. Christie and on some students of the institute who were then at Namroun. The authors of this brutal attack were abundantly identified, and through the prompt intervention of the United States consul at Beirut and the consular agent at Mersine, the nearest port, a number of arrests were made. Notwithstanding the peremptory demands of the United States minister for simple justice, the assailants, when taken before the local judge at Tarsus, were released. So grave did this miscarriage of justice appear that an early occasion was taken to send the *Marblehead* to Mersine to investigate the incident and lend all proper moral aid to the consular representatives of the United States in pressing for due redress. Their efforts to this end were most cordially seconded by the mutessarif (prefect) of Mersine, and on October 28 last the accused, to the number of eight, were brought to trial at Tarsus and convicted upon the evidence, subsequently confessing their guilt. Having established his rights, and in view of the dismissal of the Tarsus judge who had conducted the preliminary inquest, and a promise to degrade the incompetent mudir of Namroun, Dr. Christie interceded with the court for clemency to the individual culprits, upon whom light sentences of imprisonment were passed.

The signal rebuke administered in high places where responsibility really existed and was abused, coupled with the establishment of the important principle that American domicile in Turkey may not be violated with impunity, renders the conclusion of this incident satisfactory.

Toward the end of January, 1895, an American citizen named Stupe, of German birth, was killed in the streets of Constantinople by an insane Turk, who committed a number of other murders before being captured. The assassin was tried and sentenced to death, but on appeal the court of cassation reversed the sentence and awarded fifteen years' imprisonment. Against this action the minister properly protested, the American dragoman not having been present at the appellate proceedings, as allowed by treaty. The protest was without avail, but in view of the gratifying circumstance that His Majesty the Sultan had, of his own initiative and very soon after the killing, accorded a life pension of 1,200 piasters (about \$525) to the widow of the murdered man, no occasion for further pressing this particular case was perceived. This Government will, however, insist upon its right to be represented by the presence of its dragoman at every stage of all criminal proceedings against an Ottoman subject where an American citizen has been injured.

Besides the foregoing cases of physical injury to the persons of American citizens, or invasion of domiciliary rights, the language of the Senate resolution may be construed as covering the cases of arrest of such citizens and of proceedings against them in violation of treaty rights. A number of instances of this character have occurred. As the subject is a development of the long-standing contention between the United States and Turkey touching the true intent and construction of the fourth article of the treaty of 1830, in relation to the extra-territorial jurisdiction of the United States over its citizens committing offenses in Turkey, its elaborate discussion in this place is neither practicable nor opportune. It suffices to say that, although the treaty in terms gives to the ministers and consuls authority and power to punish American offenders and absolutely excludes their imprisonment by the Turkish authorities, the Ottoman Government, while admitting to this extent the English rendering of the treaty, has on frequent occasions assumed to imprison citizens of the United States on criminal charges and denied the right of the agents of this Government to effect their punishment. A fruitful source of such assertion of authority is found in the case of persons of Armenian origin naturalized in the United States and returning within the territorial jurisdiction of Turkey under circumstances suggesting their complicity in the revolutionary schemes alleged to be rife in Asia Minor.

Holding, as it must and should, that no distinction can exist under the statutes of the United States between native and naturalized citizens, so that it is as clearly the right and duty of this Government to extend the full measure of its protection to the one as to the other, and finding neither in the treaty nor in our jurisdictional legislation any distinction as to the character of the criminal offense charged—but on the contrary seeing that by our laws our ministers and consuls have express jurisdiction over charges of insurrection and rebellion when committed in the foreign country by American citizens as well as over lesser offenses of a similar character—this Government is unable to forego its right in the premises and can not relinquish jurisdiction over any citizen, even though after naturalization he return to his native land and identify himself with its political conspirations. The right to try and punish our citizens committing offenses in Turkey has been so uniformly and ably upheld by the successive Secretaries of State since

contention on the subject was first broached in 1862, that no diminution of our claim can be considered at this important juncture. Consequently, the United States minister at Constantinople has been instructed to claim all rights under the fourth article of the treaty of 1830, and to offer to try any American citizen charged with insurrection, rebellion, sedition, or like offense, or, in the event of such offer being refused, to demand the release of the accused. Inasmuch, however, as this Government does not contest the paramount right of a sovereign state to exclude or deport for adequate cause, and in a proper manner, aliens whose resort to its territories may be pernicious to the safety of the State, the release of such persons upon condition of their leaving the country is not gainsaid.

To illustrate the treatment of this class of cases and the results, three instances of recent date are in point.

On July 1, 1895, Krekor Arakelian, son of John Arakelian, a citizen of the United States, residing in Fresno, Cal., was arrested, in company with some 150 others, at Marsovan, on the ground, as was asserted, of complicity in the assassination of one Garabet Agha Kouyoumjian by Armenian revolutionists. Krekor Arakelian was a mere youth, a student in Anatolia College at Marsovan, bearing a passport issued by the United States legation in Turkey, and his imprisonment appeared to be on the merest suspicion. The consul at Sivas intervened in his behalf, and the minister at Constantinople made energetic representations to the Porte against the detention of a citizen of the United States on a criminal charge. On the 21st of August Mr. Terrell telegraphed to the Department that he had been informed by the Porte that Arakelian had been released upon a decree dismissing the charge against him. He went to Constantinople, and, on being notified by the police that his presence in the Empire was objectionable and that the authorities viewed him with suspicion on account of compromising documents which had been found in his possession, he quitted the country early in September.

On or about September 6, 1895, Mardiros Mooradian, a native of Armenia, naturalized as a citizen of the United States at Lynn, Mass., on December 21, 1894, and bearing a State Department passport issued five days later, was arrested on landing at Constantinople, on suspicion of being a revolutionary emissary. In his possession were forty-one letters and papers in the Armenian language, indicating his representative connection with the Hentzak, or Huntchagunist Society, a secret organization of Armenians in England and the United States. After several day's confinement, Mooradian was released under surveillance, and the incriminating papers were delivered to the United States minister for translation and examination. No offense appeared chargeable against him except on account of his relation to the revolutionary Huntchaguists, and, in the absence of proof of any overt act committed in Turkish territory, the minister demanded his instant liberty on the ground that his imprisonment was unauthorized, whereupon Mooradian was surrendered to the legation, "to be kept from correspondence" until he could be sent out of the country. A disposition on the part of the minister for foreign affairs to assert jurisdiction over Mooradian on the plea that he was still an Ottoman subject, because not having obtained the Sultan's consent to his naturalization abroad, was promptly met by Mr. Terrell and was not afterwards insisted upon.

As the telegraphed conditions of Mooradian's surrender seemed to imply his deportation through the agency of the representative of the United States, the minister was instructed by telegraph that he might

send the man away with his free assent, but that otherwise forcible deportation could only be performed by Turkish authority. It was then learned that Mooradian had gladly accepted the opportunity to depart, and had been sent, in company with the cavass of the legation, on board a steamer sailing for Athens on the 9th of September. This action was construed by the Department as merely indicating that the minister thereby sought to satisfy himself of Mooradian's departure in good faith, but without constraint of any kind.

More protracted discussion than in the two foregoing instances attended the case of Melcoun Guedjian, which assumed importance as a test and precedent.

In August last 7 men were arrested in the vilayet of Haleb (Aleppo) and taken to the provincial capital charged, it appears, with belonging to a party of 23 armed revolutionists who had lately come from Cyprus, landing by stealth near the mouth of the Orontes. Among them was a young man named Melcoun Guedjian, naturalized in Boston, December 28, 1894, and a resident at the time of Lynn, Mass., who bore a United States passport, issued early in January last, and upon whose person was found a sum of £800 in money, alleged by him to be for the relief of the poor, together with compromising papers. He is said to have admitted more than three years' membership of the Huntcha-guist revolutionary society, and the circumstances under which he was arrested were, on his own showing, not entirely free from suspicion. Having clandestinely landed from a touching vessel, at Iskanderoun (Alexandretta), through bribery of a local boatman, he set out for the interior, and shortly afterwards was set upon and robbed by a large band of men. Being on horseback, he escaped to the mountains. A night or two later his horse was stolen, whereupon he made his way to Antioch and lodged a complaint against his assailants, presenting himself as an Englishman. Upon inquiry, in the presence of the British vice-consul, the facts of his case were elicited and his arrest and removal to Aleppo followed, where he was held for trial upon an indictment charging seditious acts. The United States consular agent at Aleppo was denied access to the prisoner, and his application to the vali to inspect Guedjian's passport was refused. On September 12 he was convicted by a Turkish court, no notice having been given to the consular agent, and without the presence of the dragoman of the agency. A sentence of imprisonment for one hundred and one years was imposed.

Upon learning of this proceeding, the minister demanded the facts in the case in order that he might ascertain whether by any act of armed resistance to Turkish authority Guedjian had forfeited his right to protection as an American citizen. While such a test might, perhaps, be morally applicable to the worthiness of an individual's claim to bona fide conservation of allegiance to the country of adoption and respect to its laws, it could not operate to absolve him from its lawful jurisdiction. Mr. Terrell was accordingly instructed, September 26, 1895, that under our statutes consuls have extraterritorial jurisdiction over citizens accused of insurrection or rebellion against Turkey, or of a less offense of a similar character; that Guedjian's act seemed to have been political conspiracy with enemies of Turkey in England; that his trial by a Turkish court without notice to the consul at Beirut or the consular agent at Aleppo was in violation of international right, and should be annulled; that his transfer to Constantinople should be asked; and that if accused of insurrection or rebellion committed in Turkish dominion, the minister or the consul should insist upon trying him. The minister presented these demands to the Porte on the 28th of September.

The grand vizier issued repeated orders to the vali of Aleppo to send Guedjian to Constantinople, which the local authority failed to obey, while continuing to deny the consular agents access to the prisoner. Under date of October 28 Mr. Terrell peremptorily demanded that his repeated protests should be answered, and that the offending vali should be dismissed, intimating that in case no favorable response were promptly made he would be under the necessity of reporting to this Government his inability to obtain justice from that of Turkey, and asking authority to demand his passport. A more satisfactory treatment of this and other vexatiously delayed cases ensued and assurances of Guedjian's removal to Constantinople were obtained. The minister, under the Department's reiterated instructions, continued to press for the delivery of Guedjian to him for trial. On December 3 he telegraphed that Guedjian had been delivered to him, and that the vali of Aleppo had been removed from office, thus closing the incident. The Department is not yet advised whether the Porte has consented to Guedjian's trial by our minister, or whether, as in Mooradian's case, it requires him to quit the country.

By its concluding paragraph the Senate resolution calls for information as to "whether all the American consuls in the Turkish Empire are at their posts of duty, and if not, to state any circumstances which have interfered with the performance of the duties of such consuls."

The consular establishment of the United States in the dominions of Turkey comprises, as principal officers, a consulate-general at Constantinople, an agency and consulate-general at Cairo, and seven consulates—at Bagdad, Beirut, Erzeroum, Harpoot, Jerusalem, Sivas, and Smyrna, respectively. Under these main offices are twenty-three consular agencies, of which three, at Bassorah (under Bagdad) and at Assouan and Candia (under Cairo), are vacant. The remaining agents, most of whom are business residents of their respective localities and, with one exception, foreigners, are so far as is known present at their posts of duty and officially performing their official functions. The consulate at Bagdad is vacant, through resignation of the late incumbent, its business being conducted by the vice-consul. The other principal offices at Constantinople, Cairo, Beirut, Jerusalem, Sivas, and Smyrna were, at last advices, in charge of their respective appointees.

The new consulates at Erzerum and Harpoot, for which provision was made in the diplomatic and consular appropriation act approved March 2, 1895, have not yet been established. In order that those offices might be competently inaugurated, without delaying until suitable permanent appointments could be determined upon, they were provisionally filled by issuing vice-consular commissions to two capable and experienced employees of the Department of State, Mr. Robert S. Chilton, jr., a clerk of class 4, being assigned to Erzeroum, and Mr. William Dulany Hunter, a commissioned consular clerk, to Harpoot. These gentlemen proceeded early last autumn¹ to Constantinople, where application for their exequaturs had already been made by the legation. The Porte delayed their recognition on the apparently frivolous ground that no commerce exists in either town, although consulates of Great Britain and France² are already established there despite the absence of trade with those countries.

On the 11th of September last Messrs. Chilton and Hunter were directed to go to their several posts and inaugurate the offices without

¹ In June, 1895. (See Report of Secretary of State, printed on page —.)

² No foreign consular representation of any kind at Harpoot. (See Report of Secretary of State, printed on page —.)

waiting for their exequaturs. They got as far as Trebizond, the nearest Black Sea port, where they were directed to wait in view of fresh obstacles to their making the tedious and at that juncture perilous journey to the mountainous interior. They remained there from October 5 to November 10, 1895. After the riots and massacres at Trebizond, Mr. Chilton was recalled to Washington for other employment, and Mr. Hunter, not having received his *teskeré* or travel permit and necessary escort, returned under the minister's directions to Constantinople, where he has been assigned to temporary duty in the legation. Under date of November 12 last Mr. Terrell reported that despite his persistent urgency changes in the ministry had prevented issuance of exequaturs; that the recognition of the consul at Erzerum was promised, but that travel thither had become dangerous, and that an exequatur for the consul at Harpoot was refused. No later information on the subject has been received.

Besides the foregoing points, as to which the records of the Department of State permit specific response, the resolution of the Senate requests all information received by the President or by the State Department "in regard to the condition of affairs there (in Turkey) in reference to the oppression or cruelties practiced upon the Armenian subjects of the Turkish Government."

Reference has already been made in the Annual Message of December 3 last to the failure of a movement on our part looking to an independent investigation by this Government of the occurrences at Sassoun in August, 1894. Being without right or power to insist upon an inquiry into the internal administration of affairs in Turkey either at Sassoun or elsewhere, except in their relation to the security and welfare of American citizens, this Government is not in possession of that authentic and impartial knowledge which would enable a full response to the Senate's request for information touching the condition of affairs in Turkey. The facts in regard to three recent outbreaks accompanied by much loss of life in Constantinople, Sivas, and Trebizond have been communicated by the official representatives of the State Department, and the condition of affairs at Harpoot and Marash will doubtless be elicited by the statements to be made in support of the claims of this Government for indemnity by reason of the destruction of American property at those places. But as to the remaining parts of Asia Minor and Syria where disturbances have taken place during the past year the information possessed by the Department of State is for the most part hearsay, or based on narrative statements of individuals not officially dependent upon this Government.

The political aspirations of the Armenians have, for the most part, taken shape in foreign countries, where Armenian societies have been formed, avowing as their purpose the attainment of autonomy for Armenia. The traditional racial hatred between the robber Koords and the pastoral Armenians, with resultant acts of cruelty and spoliation, has long helped this political movement, and it had attained considerable proportions even before the massacres of Sassoun contributed to its increased vitality.

Of those massacres the Department of State has little trustworthy information. As has been seen, the United States had no part in the mixed investigation conducted at Moosh, and the official results have not been made public by the Governments concerned. That the predatory Koords ravaged the Sassoun district; that numbers of villages were destroyed, and many thousands of defenseless Armenians were killed under circumstances of great atrocity, and that no serious efforts

on the part of the Turkish authority were put forth to stay the slaughter, seems to be generally conceded.¹

Since that time appalling outbreaks against the Armenians have occurred in many other parts of Asia Minor, where these unfortunate people form but a small minority of the population. At first they were scarcely more than local riots, as at Tokat, in the vilayet of Sivas, in March last, where 1 Armenian was killed outright and more than 30 wounded by the Turkish soldiery. In June last an attempted rising of Armenians in the province of Aleppo, in the mountains of Kozar-Dagh and Zeitoun, was thwarted without bloodshed by the arrest of the alleged conspirators, Malcoun Guedjian, whose case has heretofore been stated, being among those seized. In July a band of armed Armenians crossing into the vilayet of Erzeroum from Russia was dispersed, several being killed or captured. By August the Moslem feeling against Armenians had become so far aroused that rumors of intended massacres came from several independent quarters, Harpoot, Marsovan, and Bitlis among them, which led to urgent demands by the United States minister for adequate measures looking to the due protection of American citizens in those places.

On the 30th of September grave disturbances began at Constantinople itself. Several hundred Armenians, who had gathered for the purpose of going in a body to the Sultan's palace and demanding redress for the grievances of their countrymen, were dispersed by the police after a severe conflict in which a number of Turks and Armenians were killed and wounded. Mob violence followed, the Armenians resident in various quarters of the capital being assailed by an excited Turkish rabble, and over 50 were slain. The rioting continued the next day, October 1, in Constantinople and its suburbs. Some 800 or 1,000 Armenians were captured or arrested, many of them being armed with new revolvers of a uniform pattern. By the third day order was restored, and the Armenians who had sought refuge in their churches returned to their homes.

The effect of this outbreak at the national capital was most disastrous in the provinces. The danger of a general massacre of Christians in the vilayets of Adana and Aleppo seemed so imminent that renewed orders for the effective protection of American citizens in those quarters were demanded and obtained. Fears for their safety at Hadjin, Mersine, and Marash were especially felt, and the cruiser *Marblehead* was promptly ordered to Iskanderoun (Alexandretta), the nearest seaport.

On October 8 a Turkish uprising occurred at Trebizond, due, it is reported, to an attempt to assassinate the late vali of Van as he was about to leave for Constantinople, the Turks claiming that the act was done by an Armenian and that they were in danger of a general Armenian attack. On the 9th the disturbance was renewed, many Armenians being killed and their homes and shops looted by the mob. The authorities attempted to quell the riot, but, having only some 400 soldiers and policemen at command, were powerless, and murder and pillage ran their course as long as an Armenian was in sight. The official Turkish reports give the number of Armenians slain as 182, of Turks 11, but the general estimate places the total number at some 500. Reinforcements of troops soon arrived, and quiet was restored. No injury to American citizens or property occurred.

¹ The investigation at Moush, conducted in the presence of European consuls, and which appears in the British Blue Book recently published, shows that the press reports of atrocities at Sassoun were much exaggerated.

From this time the reports of conflicts between Turks and Armenians, with great loss of life, become frequent and confused. At Akhissar, some 60 miles from Smyrna, 50 Armenians were killed October 9. Koordish raids terrorized many parts of the Armenian provinces. At Bitlis over 500 were reported killed, the Turkish accounts alleging that the Armenians attacked the Moslem mosques during the hour of prayer. At Diarbekir 5,000 are said to have lost their lives, of which 2,300 were Mussulmans—but the Turkish authorities pronounce this estimate exaggerated. From Malatia comes the report of a "great massacre" early in November, when every adult male Christian is said to have perished. Another sanguinary outbreak, with great slaughter, is reported from Sivas on November 12; some 800 Armenians and 10 Koords are said to have been killed. At Ourfa loss of life is reported, the American missionaries at that place being protected by Turkish guards under orders from the Porte.

The Kaimakam of Hadjin is credibly said to have announced that he would destroy the town and sow barley on its site. There being an American school at that place, directed by American teachers, the United States minister thereupon notified the Porte that if one of those American ladies received injury from the riotous conduct of the populace, he would demand, in the name of the United States, "the head of that Kaimakam." That officer has since been removed. Later reports allege massacres at Marsovan and Amasia. The consular agent at Aleppo telegraphs that a severe conflict had occurred at Aintab, and that great fear prevailed at Aleppo. The burning of the American buildings at Harpoot took place during a bloody riot, and many persons are said to have perished in the province of that name. At Kurun 400 deaths are reported. Particulars of the recent outbreak at Marash, on November 19, in which American missionary property was destroyed, have not yet been received.

These scattered notices, for the most part received by telegraph, are given, not as official averment of the facts stated, but as showing the alarming degree to which racial prejudices and fanatical passions have been roused throughout Asia Minor. As above said, the Department of State has and can have official knowledge regarding but few of these reported massacres, and though up to the early part of December the United States minister estimated the number of the killed as exceeding 30,000, it is more than likely that the figures are greatly exaggerated.

At latest advices mob violence and slaughter appear to have been checked, or at least to have partially subsided. The Turkish Government has been emphatic in assurances of its purpose and ability to restore order in the affected localities; new governors have been appointed in many of the provinces, troops have been sent to the scene of recent or apprehended disorders, and forces have been massed to subdue the Armenians who had gained the ascendant in Zeitoun.

The efforts of the European powers to secure governmental reforms and good administration in Armenia proper, and security for Armenian Christians in general, have borne some fruit in an Imperial irade, announced on October 20, imposing certain restrictions on the armament and military organization of the Koords; admitting Christians to the gendarmerie and the police "according to their respective number in each province," and reaffirming ancient laws exempting homesteads, tools of trade, and family necessities from forced sale; but as regards the correction of administrative abuses, and the enforcement of practical security for life and property among the non-Mussulman races of

the Empire, little would seem to have been accomplished by the profound agitation which followed the massacres of Sassoun sixteen months ago.

And at the present moment the temporary lull in the turbulence is believed to be more apparent than real. A telegram just received from the minister, under date of the 16th, expresses the gravest apprehensions concerning the ultimate fate of American citizens in the disturbed region, unless the appalling massacres can be stopped by the united efforts of the Christian powers. He sees no hope, however, of a European concert to that end. He says that if the missionaries wish to leave Turkey he can procure their transportation to Christian ports. If the men wish to remain, he can get escort for all to the seacoast, whereupon the men can return; but he adds that the women and children should quit Turkey.

Respectfully submitted.

RICHARD OLNEY.

DEATH IN PRISON OF GEORGE WEBBER.

Mr. Terrell to Mr. Gresham.

No. 530.]

LEGATION OF THE UNITED STATES,
Constantinople, May 3, 1895. (Received May 16.)

SIR: I have the honor to inform you that one George Webber, a naturalized American citizen, 70 years old, who was arrested on suspicion and who recently died in prison at Brusa, was entitled to protection under passport issued December 3, 1894. There is strong ground for believing that he was virtually murdered by barbarous treatment while in custody. He was arrested at Konia, placed on a railway train that would have brought him to this city, but was taken from it, and was next seen by Christians, after a three days' journey, at Brusa, where he was taken from a rough wagon, and was unable to stand. There he was placed in jail without medical aid, and was taken from it dead next morning, delivered to missionaries, and by them buried.

I strongly suspect a capricious arrest and brutal treatment on his journey. He was a German by birth, and I am having a cautious and quiet investigation made by the German embassy with the Germans along the railway, which is a German enterprise.

A call upon the Porte for a report of facts would result in nothing except the version afforded by the men whose conduct perhaps murdered the old man. Mr. Riddle has therefore been sent to Brusa under written instructions to report such facts as are known there. A full investigation elsewhere will require time, and will not, perhaps, be concluded before I return from visiting the consulates on the Mediterranean. It is reported by missionaries that Mr. Webber was compelled to walk until exhausted, when he was hauled in a wagon to Brusa.

Mr. Stupe, a naturalized American, was recently murdered here. The result of the trial of his murderer, which has been reported to you, is not satisfactory to me. Assuming that the facts will develop as above stated, please instruct me by telegram or dispatch as to the measure of redress.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Gresham.

No. 546.]

LEGATION OF THE UNITED STATES,
Constantinople, May 8, 1895. (Received May 24.)

SIR: I have the honor to inform you that Mr. Riddle has returned from Brusa and reported the result of his investigations there regarding the death of George Webber. I hope for more certain information regarding the treatment to which Webber was subjected. Moving further in the matter, I inclose for your information my instructions (copy) and copy of Mr. Riddle's report.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 546.]

Mr. Terrell to Mr. Riddle.

LEGATION OF THE UNITED STATES,
Constantinople, April 30, 1895.

SIR: You will proceed at once to Brusa and ascertain from the Americans residing there and from every other known source of information all facts connected with the imprisonment and death of George Webber, who is reported as having been a naturalized citizen of the United States.

Mr. Webber is reported as having died in prison at Brusa during the past winter. His passport was, according to admission of officers in this city, sent by the governor at Brusa to Constantinople, but has not been produced as yet, though requested.

You will confer with the American missionaries who have reported Mr. Webber as a naturalized American citizen, and ascertain how they know that fact.

You will especially seek to ascertain from the local authorities (if you have good reason to believe that Webber was entitled to the protection of this legation) what specific charges caused the arrest of Webber, and where he was arrested. You will also seek to ascertain why he was not brought to Constantinople, when placed on the railway terminating here, and whether his treatment was humane or otherwise while in custody. If his passport was seen by Americans, obtain a statement of the date thereof and its contents.

If on investigation you have reason to believe that Webber was a naturalized American citizen, whose death was caused by inhuman treatment while in custody, you will reduce to writing all important facts known to Americans or Christians, and cause the statements to be verified by oath before the consular agent of Great Britain.

You will, when practicable, take vouchers for your necessary expenses, which will be paid by me.

I am, etc.,

A. W. TERRELL.

[Inclosure 2 in No. 546.]

Mr. Riddle to Mr. Terrell.

LEGATION OF THE UNITED STATES,
Constantinople, May 5, 1895.

SIR: In accordance with your instructions, I have the honor to report herewith the facts I was able to ascertain in Brusa concerning the nationality, imprisonment, and death of George Webber.

Mr. Webber arrived at Brusa prison on the evening of March 28 and died there on the following morning. He was not seen alive by any American in Brusa or by Mr. Scholer, the British vice-consul; but the latter gentleman and Mr. Baldwin, an American missionary, were at once notified of his death by the Turkish authorities and took charge of his body. Mr. Webber was bearer of three documents—an American passport, a certificate of naturalization, and a Bavarian certificate of baptism. Mr. Scholer testifies to have seen all three, but he is unable to recall any of the details of the description in the passport. Mr. Baldwin says he saw only the certificate of naturalization, but that he is ready to swear it was issued at Bay City, Mich., in 1889. However, Mr. Webber's nationality is not disputed by the Turkish authorities, as it was the vali of Brusa himself who gave me most information, and he admitted that Webber had a passport issued by the American legation in Constantinople, and that all the documents had been sent on to the ministry of police in Stamboul.

Of the place of Webber's arrest and the earlier stages of his journey, the vali said he knew nothing beyond the fact that the arrest took place in the province of Koniah. When I asked whether any specific accusation had been made against Webber, the vali replied that there had been none; that he had been arrested as a suspicious person, because he had no ostensible reason for being in Asia Minor and could not satisfactorily explain his presence there. The only reason given for the interruption of Webber's railway journey (his being taken on foot and in a wagon to Brusa, instead of continuing by railway to Scutari, opposite Constantinople) was the fact that Webber's money had by that time been exhausted.

As to the character of the treatment which Webber received at the hands of the Turks, both Mr. Scholer and Mr. Baldwin state that no bruises or marks of violence of any sort were to be seen on his body, although they seem convinced that his death was due to his long and fatiguing journey, accompanied by we know not what privations.

I have, etc.,

J. W. RIDDLE.

Mr. Uhl to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 20, 1895.

Five thirty received. Webber's case, Brusa, should be searchingly investigated. If death proves to have resulted from cruelty or neglect, delinquent officials should be sternly dealt with. Report result of investigation.

UHL, Acting.

Mr. Uhl to Mr. Terrell.

No. 486.]

DEPARTMENT OF STATE,
Washington, May 27, 1895.

SIR: Your No. 546, of the 8th instant, giving the result of Mr. Riddle's visit to Brusa to investigate the death of the American citizen George Webber has been received.

The circumstances as disclosed by your secretary's report justify the apprehensions which led me to send you my cable instruction of the 20th instant, directing a searching inquiry in the case. An American citizen, whose identity and nationality were fully established by the papers he carried, appears to have been arrested on no charge save mere suspicion and for no other cause than that he happened to be in Asia Minor, where any peaceable and law-abiding American citizen (not a returning Armenian) quietly pursuing his own affairs had a perfect treaty right to be at will. He was, it seems, forced to pay his own and probably his guards' transportation by rail until his money gave out; and thereupon was conducted on foot, until exhaustion compelled the employment of a wagon, to Brusa, where he died in his cell the following night, alone and unattended. In view of all this, it is obviously incumbent upon the Ottoman Government to establish very clearly that the death of this unfortunate man was not due to the hardship, privation, and neglect he needlessly suffered at the hands of the Turkish officials. And it is expected that steps will be taken and adequate assurance given that American citizens, in the enjoyment of their treaty right of travel and sojourn in the Ottoman dominions, shall not be deprived of liberty in violation of existing treaty stipulations at the whim of suspicious provincial officials.

It is presumed that you will, before this, have presented the matter to the Porte in obedience to my telegram of May 20. The President hopes for your further promised report at an early day, with a view of such additional instructions as the developed facts will warrant.

I am, etc.,

EDWIN F. UHL, *Acting Secretary.*

Mr. Terrell to Mr. Uhl.

No. 552.]

LEGATION OF THE UNITED STATES,
Constantinople, June 11, 1895. (Received June 27.)

SIR: Your No. 486, of the 27th ultimo, has been received, and I have the honor to inform you that your telegram of May 20, of which a copy is inclosed, reached the legation before my return. The festivities of Bairam, during which no work is done at the Porte, and recent changes in the ministry have prevented earlier attention to the case of George Webber.

The only fact not already reported, and which is deemed reliable, is that Webber when arrested was making his way on foot to Jerusalem.

The two men who were confined with him in prison when first arrested were, it is believed, Germans. They went to Smyrna when released, and Consul Madden, who was instructed to ascertain their names and residences, reports that they have left Smyrna and that he can ascertain neither.

The small number of European or American Christians residing where Webber was arrested and along the route over which he was taken renders it probable that no further facts regarding Webber's treatment will be received, except from Turkish sources.

The essential (and I fear the only) facts to be obtained are that Webber, a naturalized American citizen of German origin, was arrested in the interior of Asia Minor, while going on foot to Jerusalem; that he was confined in a dungeon without being charged with any specific offense; that he was taken from it and conveyed in a railway (going on

foot part of the way chained to two suspected Europeans); that had he continued on the railway he would have reached protection in Constantinople; that he was taken from the train and was next seen in Brusa, where we have no diplomatic agent; that he was lifted at Brusa from a wagon, and died the night after his arrival in jail and without medical attendance.

I preferred not to address the Porte on the subject until satisfied that no further facts could be obtained from impartial sources. A copy of my note of this day to the Porte is inclosed.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 552.]

Mr. Terrell to Turkhan Pasha.

No. 65.]

LEGATION OF THE UNITED STATES,
Constantinople, June 11, 1895.

SIR: During the past winter an American citizen named George Webber was taken under a Turkish guard to Brusa. On his arrival there he was unable to stand up without assistance, and fell when taken from a wagon. That night he died, without medical attendance, and the next day was buried by Christians. It is known that he was imprisoned at Konia with two European Christians, and it was stated by Turkish officials that he was arrested on suspicion alone. It is also known that when arrested he was walking as a pilgrim to Jerusalem, and after leaving Konia he was marched on foot for a time chained to the two Europeans who were imprisoned with him.

The long delay in addressing your excellency on this subject has been caused by my efforts to procure first every attainable fact relating to Webber's imprisonment and death.

I now ask that your excellency will be pleased to direct that an inquiry be made by some trustworthy official into the causes for the arrest of that American citizen; the way in which he was treated during his confinement, and the particulars of his illness and death, and that you will at an early day advise me of the result, for the information of the President.

I now also request that your excellency will take immediate measures to prevent the future arrest of American citizens peacefully traveling in the Ottoman Empire. When treaty rights are violated by ignorant and suspicious officials, their punishment becomes a necessity when their Government disapproves their act. In this opinion I feel sure your excellency will concur.

Receive, etc.,

A. W. TERRELL.

Mr. Adce to Mr. Terrell.

No. 522.]

DEPARTMENT OF STATE,
Washington, July 5, 1895.

SIR: I have to acknowledge the receipt of your No. 552, of the 11th ultimo, in relation to the case of George Webber, a naturalized American citizen who died in prison at Brusa, and to approve your note upon the subject to the Porte.

The meagerness of the information procured is regretted, although it makes out a *prima facie* case of cruelty, neglect, and violation of the treaty rights of an American citizen. It is desired that an effort be made through the German embassy at Constantinople to obtain the names and addresses of the two Germans said to have been arrested and put in chains with Webber.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

ATTACK ON THE PREMISES OF DR. CHRISTIE, AT TARSUS.

Mr. Terrell to Mr. Olney.

No. 588.]

LEGATION OF THE UNITED STATES,
Constantinople, August 7, 1895. (Received Aug. 22.)

SIR: I have the honor to inclose copy of a telegram received yesterday from Consul Gibson, and also copy of my telegram in response thereto. Whether the reported outrage was committed by Moslems or Christians is uncertain. A copy of my dispatch to Consul-General Short is also inclosed, and it is hoped that the instruction for Consul Gibson to go in person if necessary to find out facts will be approved.

Since writing the dispatch, I am informed that a cholera quarantine still exists at Tarsus.

Tarsus is not in the jurisdiction of the vali of Beirut, who has been instructed to investigate and prosecute the guilty. I met him while on my tour of inspection, and was favorably impressed with his intelligence and apparent impartiality. This gives me reason to hope that the incident referred to in Mr. Gibson's telegram may receive prompt attention.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 588.—Telegram.]

Mr. Gibson to Mr. Short.

BEIRUT.

Christie's house, Tarsus, attacked 4th instant by natives; his students and servants severely beaten; his life threatened. Please secure protection and prosecution.

GIBSON.

[Inclosure 2 in No. 588.]

Mr. Terrell to Mr. Gibson.

Christie matter attended to. Porte sent instructions to vali at Beirut to investigate and prosecute guilty parties. Investigate yourself all the facts. Were the natives Moslems or Christians? Report cause of the attack and whether the parties beaten were Christians or Moslems.

TERRELL.

[Inclosure 3 in No. 588.]

Mr. Terrell to Mr. Short.

No. 112.]

UNITED STATES LEGATION,
Constantinople, August 6, 1895.

SIR: Referring to the telegram just received, which announces an attack on the premises of Mr. Christie and the beating of his servants by natives, you are informed that the Porte has instructed the vali of Beirut to investigate and prosecute the guilty parties. Instruct Consul Gibson to investigate at once and report upon the causes for the attack, its results as to injury to anyone, and who was injured. Also, who were the natives who made the attack—were they Moslems incited by fanaticism, or to what religious sect do they belong? It is important that the exact facts should be known, and Mr. Gibson will report Mr. Christie's statement of the entire affair, as also that of the local civil functionary of the Turkish Government. If Mr. Gibson is not shut off by quarantine he should go in person to the spot. His necessary traveling expenses will be paid by the Government on his check on the Department of State, accompanied by itemized account, approved by me. The facts necessary to a perfect understanding of the incident are needed, and not ex parte reports. If these can be known without Mr. Gibson's visit to the spot the visit should not be made.

If the attack or the beating of the Rev. Mr. Christie's servants was wanton and unprovoked, it is important that I know the facts which will enable me to say so.

* * * * *

I am, etc.,

A. W. TERRELL.

Mr. Adee to Mr. Terrell.

No. 556.]

DEPARTMENT OF STATE,
Washington, August 13, 1895.

SIR: On the 10th instant, in view of press telegrams announcing that a mob had attacked St. Paul's Institute at Tarsus, and that immediate measures for the protection of that American educational enterprise were needed, I telegraphed to you as follows:

If reported attack on St. Paul's Institute, Tarsus, confirmed, make instant demand for protection and chastisement.

I had the pleasure to receive from you yesterday your telegraphic reply, presumed to bear date August 11, reading as follows:

Turkish Government on the 7th promised investigation and punishment in Tarsus matter. I have instructed Gibson to investigate in person. Fear that cholera quarantine will prevent.

The Department commends the promptitude with which you anticipated the instructions sent you. It was not doubted that you would act at once upon information received. It appears from a letter received from Prof. Alexander S. Christie, brother of Dr. Christie, of St. Paul's Institute, that your action in the premises was taken in advance of the news of the attack on St. Paul's Institute becoming known in Constantinople on the 9th, and that your intervention had been so timely that you had in fact secured an answer from the Porte two days before the

news was public. I inclose, for your files, copy of Professor Christie's letter and of my reply.¹

At the same time I inclose for a like object copy of a letter from the Rev. Henry MacCracken, president of the trustees of St. Paul's Institute, University of New York, dated New York, the 12th instant, and of my reply of the 13th,¹ upon this subject.

Although without sufficient information to indicate the gravity of the reported attack at Tarsus, the incident seems so forcibly to illustrate the prevalence of a feeling in the coast provinces of Adana and Syria hostile to American educational and missionary interests in that quarter and suggestive of further assaults that it has been deemed proper to request the Navy Department to have a vessel within call in case of emergency, and I am to-day informed that the *Marblehead*, now in English waters, will be immediately dispatched to some convenient point in the eastern Mediterranean, probably Cyprus, there to await further orders.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Olney.

No. 592.]

LEGATION OF THE UNITED STATES,
Constantinople, August 13, 1895. (Received Aug. 29.)

SIR: I have the honor to inclose a copy of Consul Gibson's No. 79, of August 6, to Consul-General Short, and of my response thereto, which relate to the alleged outrage at the domicile of Rev. Mr. Christie, near Tarsus.

The statement made by Consul Gibson, that the men were tried, convicted, and punished for possessing a copy of *The Revolt of Islam*, by Shelley, and a hymn book containing the hymn "Onward Christian soldiers," is not surprising. There has been much of that sort of censorship here, resulting from the ignorance of officials.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 592.]

Mr. Gibson to Mr. Short.

No. 79.]

UNITED STATES CONSULATE,
Beirut, Syria, August 6, 1895.

SIR: I have now to bring to your attention a matter which I hope will engage the earnest and prompt action of our honorable legation, and I beg that you will refer this complaint to his excellency.

I was informed by letter last week from Dr. Thomas D. Christie, an American citizen and president of St. Paul's Institute in Tarsus, that his assistant teacher, Minassian, who was imprisoned for several months in the spring and released at the time of the arrival of our American war ships, has again been arrested and sentenced to imprisonment for a year. His offense, or the only charge preferred against him, is his having in his possession a copy of Shelley's *Poems*, one of which is entitled "The revolt of Islam." The teacher's father was also imprisoned a year for the ostensible reason that a song book was found in his

¹Inclosures not printed.

house whose objectionable feature was the hymn "Onward, Christian soldiers!" I wrote to the vali of Adana, explaining the case, the entire absence of intention on the teacher's part to offend, etc., hoping that he would do as his predecessor and liberate the teacher, whose absence greatly crippled the American school. I did this unofficially and in a friendly way, recognizing the right of Turkish officials to deal with Turkish subjects. But now the case has been severely aggravated by an unexplainable invasion and violation of American domicile, and I appeal for the promptest and best efforts of yourself and his excellency Minister Terrell for the protection of American citizens and the punishment of Turkish citizens who have made a grave assault and actually threatened the life of a man who has always before lived in peace among this people and who is an honorable example for all his fellow-citizens at home and abroad. I need not further allude to the position or prominence of Rev. Dr. Christie, but I beg to remind you that he not only was a soldier under the late lamented Secretary of State, but enjoyed the personal friendship of our late and honored chief.

Late last night I received a telegram from Dr. Christie, and I immediately forwarded the following to you:

Christie's house, Tarsus, attacked 4th instant by natives; his students and servants severely beaten; his life threatened. Please secure protection and prosecution.

The assault occurred either at Tarsus or at Dr. Christie's summer house in Namron, a village near by, where I think he has moved his college for the present on account of the cholera epidemic in Tarsus. I find also that the date of the attack may be confused or misstated on account of the delay in transmission from Tarsus and Mersine. The incident occurred either on the 1st or 4th instant.

I am, etc.,

THOMAS R. GIBSON,
United States Consul.

[Inclosure 2 in No. 592.]

Mr. Terrell to Mr. Short.

No. 114.]

LEGATION OF THE UNITED STATES,
Constantinople, August 13, 1895.

SIR: I have to acknowledge the receipt of your 147, of the 12th instant, inclosing an extract from Consul Gibson's 79, of the 6th, which relates to the reported attack on Mr. Christie's premises.

The punishment of the Turkish subject, Minassian, for the alleged offense of possessing a copy of Shelley's poem, "The revolt of Islam," will be brought to the attention of the foreign minister here, and if that be the only cause for punishment his release may be expected.

The more serious complaints of outrages in the violation of the domicile of the Rev. Mr. Christie, which I find contained in the same dispatch, has already received attention, and the promise has been made at the Porte for an immediate inquiry and for the punishment of the guilty.

The appeal for the prompt and best efforts of this legation contained in Consul Gibson's dispatch was not needed. A statement of the facts showing need for the protection of American interests is alone needed to secure immediate action by me and such relief as I can afford.

I have, etc.,

A. W. TERRELL.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, August 17, 1895.

MR. SECRETARY OF STATE: Confirming my note of the 15th instant, I have the honor to inform your excellency that, according to a telegram which I have just received from the Sublime Porte, the Tarsus incident was nothing more than a quarrel between a cook named Christie, the bearer of American papers, and a certain Zéibek Ali. The latter and his companions were arrested and turned over to the judicial authorities. Neither the cook nor the house where he was employed was attacked in any way. A preliminary investigation of the case is now being conducted in the manner required by law.

The foregoing clearly shows that the incident in question is by no means one of exceptional gravity, and that it is embraced in the category of common-law offenses.

Be pleased to accept, etc.,

MAVROYENI.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, August 18, 1895.

MR. SECRETARY OF STATE: I have the honor to confirm my note of yesterday's date relative to the Tarsus incident.

Owing to an error in the transmission of the Sublime Porte's telegram, I told your excellency that the quarrel had taken place between a cook named Christi, who was the bearer of American papers, and a certain Zéibek Ali. I should have said, "The quarrel took place between the cook of Mr. Christie, an American citizen, and a certain Zéibek Ali."

I beg your excellency to take note of this correction.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Adee to Mavroyeni Bey.

No. 31.]

DEPARTMENT OF STATE,
Washington, August 22, 1895.

SIR: I have the honor to acknowledge the receipt of your two notes of the 17th and 18th instant, special Nos. 40 and 41, reporting the substance of a telegram which you have received from the Sublime Porte in regard to the recent occurrences at Tarsus, of which mention has been made in the press. Upon calling the attention of the United States minister at Constantinople to the published reports, Mr. Terrell answered that he had already obtained from the Imperial Government, on the 7th instant, a promise to investigate the incident, and I presume that I shall in due course receive from the legation the report of which your notes communicate to me the substance.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, August 26, 1895.

The Porte gives emphatic assurances of security for American citizens at Tarsus.

TERRELL.

Mr. Adee to Mr. Terrell.

No. 577.]

DEPARTMENT OF STATE,

Washington, August 27, 1895.

SIR: I have received your No. 588, of the 7th instant, accompanied by copies of telegraphic and written correspondence between the United States consul at Beirut, the consul-general at Constantinople, and yourself concerning the recent attack by natives upon Professor Christie's house at Tarsus, his students and servants, who were severely beaten, and his life threatened.

Your prompt action in this matter merits the Department's hearty approval, and it is sincerely hoped that through the investigations you have set on foot the facts may be fully and clearly ascertained and the matter speedily and satisfactorily disposed of.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Terrell to Mr. Olney.

No. 605.]

LEGATION OF THE UNITED STATES,

Constantinople, August 28, 1895. (Received Sept. 12.)

SIR: I have the honor to inclose for your information a copy of my letter to Mr. Christie at Tarsus, which refers to his application to you for protection and to my inability to keep up a correspondence with all missionaries. Rev. Mr. Dwight, of the Bible House, informs me that the steps promptly taken by me, from time to time, in the interest of missionaries at Van were by him as promptly reported to them. Please inform Mr. Barton of this fact. Mr. Dwight has been requested to inform all American missionary school-teachers in Asia Minor of the contents of the inclosed letter.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 605.]

Mr. Terrell to Mr. Christie.

UNITED STATES LEGATION,

Constantinople, August 26, 1895.

DEAR SIR: I have the honor to inform you that the request for the protection of your school made to the State Department by your brother on the 12th instant had been anticipated by me on the 7th instant at the Sublime Porte. The minister of foreign affairs promised me on that date that he should act at once—telegraph orders that would

insure protection to the school and the arrest and punishment of the perpetrators of the attack.

I have directed Mr. Gibson, consul at Beirut, to examine and make me a report in the matter, but as I fear he may be prevented by quarantine, I should be very glad if you would send me a detailed statement of the whole occurrence.

The absence of sufficient clerical force here (which for five months last winter consisted of only a messenger) makes it impossible for me always to reply to every communication I receive, but I can assure you that every request, complaint, or grievance which reaches me receives my careful attention.

In Egypt a very practical system exists for the presenting of educational and missionary business to the legation, as in that country all missionaries present their requests to one of their number resident in Cairo, who in turn lays the matter personally before the diplomatic agent.

I would therefore suggest that in future business from the interior should be presented to the legation through the Bible House, whose large staff of assistants renders general correspondence more feasible.

Very truly, yours,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 615.]

LEGATION OF THE UNITED STATES,
Constantinople, September 5, 1895. (Received Sept. 19.)

SIR: I have the honor to transmit herewith for your information copy of a dispatch from Consul Gibson to Consul-General Short, with copy of Dr. Christie's report and translated copy of the report of the moutessarif of Mersine, all relating to the Tarsus affair.

In this connection, I would call the attention of the Department to the gratifying fact that the grand vizier has kept the promise he made me on August 7, viz, that he would take prompt action in the matter. This action, looking to the protection of the Americans in Tarsus and the arrest of the guilty parties, seems to have been taken some days before the receipt, in America, of the telegrams which so greatly excited our Christian press. I shall now spare no efforts at the Porte to secure the punishment of the guilty parties.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 615.]

Mr. Gibson to Mr. Short.

No. 81.]

BEIRUT, SYRIA, *August 27, 1895.*

SIR: I have the honor to inclose herewith for transmission to our honorable legation copies of reports in regard to the Tarsus trouble, sent at my request to Acting Consular Agent Daras and by him forwarded to me. Pardon the haste shown in making these copies, which have just to-day been received through Mr. Daras from Dr. Christie and also from the moutessarif of Mersine.

They show that his excellency the moutessarif, who has direct charge of affairs in Tarsus and Namroun, has taken the necessary steps in the

affair, but unfortunately it also appears that the mudir of Namroun and the acting kaimakam of Tarsus, in their sympathy for the attacking party, are permitting the persons arrested to go free in the streets of Tarsus and even to return to Namroun, greatly to the prejudice of the case and to American interests in that fanatical section.

I am, etc.,

THOMAS R. GIBSON,
United States Consul.

P. S.—I also have the honor to inclose for your inspection and for the information of Minister Terrell the copy of a letter just this afternoon received from the governor-general of Adana containing the gratifying news of the release of Dr. Christie's teacher, under the general amnesty allowed by His Imperial Majesty the Sultan to Armenian political prisoners. This case was referred to in the opening clauses of my dispatch No. 79 of August 6.

T. R. G.

[Subinclosure 1 in No. 615.]

Mr. Christie to Mr. Darras.

NAMROUN, August 10, 1895.

DEAR SIR: In reply to your favor of the 8th, asking for the particulars of the recent outrage, I beg leave to report as follows:

I rent and occupy here three houses for family and students. One of them is a three-minutes' walk from the other two. At 9 o'clock, à la Franqua, in the evening of August 1, my servant Stepan and two of my pupils (Misak and Solomon) had just gone to this house and were preparing to go to bed, when some one called to them from the gate of the yard. Misak, thinking a passer-by wanted a drink of water, went down to the gate. A Moslem neighbor was there, outside; his name is Zeybek Ali. He accused Misak of throwing stones at his house. On the boy's denying it he struck at him with a heavy club which he had held concealed. The gate and hedge are very slight affairs. He then threw a heavy stone, which struck the lad on the side of the leg and knocked him to the ground, where he lay crying and unable to rise. Ali then opened the gate and came into the yard and began to beat the poor boy, shouting out curses with a loud voice.

My servant Stepan ran to save Misak, when Ali began to beat him. At this instant a crowd of Moslems, their skirts tucked up and with clubs and stones in their hands, rushed into the yard shouting and cursing and helped Ali to beat the three Christians. In five minutes this crowd increased to 30 men. On hearing the tumult, one of our Christian neighbors (Boghos) and a dozen students ran to the scene; they were without weapons of any kind, and were too much terrified even to strike a blow in self-defense. These also were beaten without mercy. Boghos would have been stabbed with a dagger in the hands of a Moslem youth named Loutfi, had not his mother rescued him.

About this time I came up from the other house, having been summoned from evening worship with my children by the news of the tumult. It was a scene of indescribable confusion and shouting. Parties of from 4 to 8 Moslems were around each young lad, beating him with fists and sticks and yelling out curses upon the "giaours, the kyaffirs, the pigs, the dogs," etc., threatening them with instant death and reviling their religion, their mothers, their sisters, and other rela-

tives in the filthiest language. At least one revolver and one dagger were freely brandished. I am confident that these would have been used if the poor sufferers or their friends had shown the least resistance.

I went into the midst of the throng addressing gentle words of remonstrance to the rioters and especially to Zeybek Ali, the oldest among them. He and several others had my servant down and were beating him. On my trying to pull them off, the most shameful language was used against me. There were cries of, "This is the head of the *giaours*; beat him, stone him, kill him!" But Zeybek Ali protected me. Another old man (Hadji Mehmed Agha or Kara Zeber) also began now to assist in quieting the tumult. I got Stepan upon his feet, when instantly the mob surged upon him again, threw him down, and dragged him by the feet down the stony slope in the most cruel and abusive fashion. I followed, trying to save him, for I had good reason to fear for his life. A shout arose, "To the *mudir* with him!" and the crowd rushed down the hill. By this time the beating of the other boys had ceased. I shouted to Stepan to make no resistance, but go to the *mudir's* house, and that I would go with him. He and his assailants disappeared in the darkness. I followed as fast as I could, fearing what they would do to him on the way; but first I turned to my boys and bade them go back at once. They started to do this when a *zabtich* named Ali appeared and with abusive language and aiming his gun at them ordered them to come to the *mudir's*. This I did not see; but after I had reached the *mudir's* house, a mile away, this Ali brought in the boys and a teacher, saying, "Here are the pigs I have brought." About ten of the rioters were around me as I went down through the gardens and vineyards to the *mudir's*. These continued their wordy abuse of me and all my relations. My hat also came in for a share of the cursing. I don't wonder at that, for it is really a shocking bad one. Several times a fellow named Hafuz Nalban Ogblon and others rushed in front of me and lifted their big clubs to strike me on the head. I kept laughing at them and talking with Zeybek Ali pleasantly. He always interposed to protect me. I should otherwise have been badly beaten and perhaps killed. In this way we got over the mile or more of the road to the house of the *mudir*. There I found poor Stepan and the crowd around him. When I appeared they abused me to the *mudir* as a foreigner, having no right to be here at all; the head of all the *giaours*; and said I had lifted up here the American flag, a statement wholly untrue.

The *mudir* took part with the rioters, Zeybek Ali being his uncle. He made no effort to stop their abusive talk. He charged Stepan and the students with drinking *raki* all night, singing vile songs, and stoning the houses of their neighbors. He then promised the rioters that our boys should be punished, and sent the former away to their homes.

I came home with Stepan and a decent *zabtich*, who stayed at our house that night; he is a personal friend. I made a thorough investigation before going to bed and soon saw that the charge of stone throwing was wholly false.

1. A stone of the weight Ali shows as having been thrown could not be hurled, even by a giant, from where our boys were to his house.

2. The boys had not been at the house for more than three or four minutes when the attack took place. Ali's story makes out that the stone was thrown at least ten minutes before.

3. Our boys are not at all of the sort that throw stones at people's houses, as their Moslem neighbors agree.

4. There are many facts that show the attack to have been a pre-

meditated one, well planned and prepared for. Some of them are these: (a) A great crowd came; (b) some of the assailants were from the east side of the valley, a mile away; (c) they all came well prepared with weapons; (d) they all rushed in at once, at the signal of Ali's loud shout; (e) they beat our boys and the neighbor Boghos without mercy, although the latter were very few in number, wholly unarmed, and making no resistance even with their fists; (f) the language used and the extreme violence displayed are ample proofs that the real ground of it all was religious and race prejudice—a most dangerous spirit, that, if not checked by prompt and vigorous action, will surely lead to most deplorable outbreaks.

5. I may add that the bim bashi sent here by his excellency the montessarif has made a careful examination of the premises, and tells me that nothing could be more absurd than the charge made by Ali.

On Friday morning I made a formal complaint to the mudir. That day he took our depositions, but in a very unsatisfactory manner. On the next day (Saturday noon) I sent word of the affair to Guzueh, having waited that long with the sincere desire to do everything possible here for peace and wishing to let the mudir have time, according to his request, to settle the affair on the ground. It was only when I saw plainly that he was working to hide the truth and to defeat justice that I decided to appeal to higher authorities.

In accordance with your complaint to the montessarif, and his prompt action, the head of the police (bim bashi) came two days ago. He and Hibmy Effendi, the yenz bashi, have been working hard on the case, but the temporary kaimakam in Tarsus is releasing the prisoners and sending some of them back to Namroun as fast as the officers here send them down to go to prison. I desire that complaint on this head be made to the montessarif.

We were able to secure the names of the following as having taken chief parts in the outrage; they are now in Tarsus but still at large: Zeybek Ali, Hafuz (Nalban), two sons of Hanna (one of them is named Zebbar Effendi), Loutfi, and Zabtieh Ali—six in all.

In addition, the officers have arrested 11 men whom the bim bashi is to take to Tarsus on Monday. He promises, also, that all shall be put in prison.

The action taken against the transgressors has produced a most excellent effect. I have talked with most of the prominent Moslems, and they all approve of the punishment of these ill-doers. Some of the latter are well-known criminals, whose imprisonment will be for the good of all honest people in Namroun.

I have to thank you and your dragoman, Mr. Demosthenes, for all your kindness in this matter. I hope by the punishment of the guilty persons our security for the future, both here and in Tarsus, will be effectually maintained and that we shall have to trouble you with no more such cases.

Kindly present my thanks to his excellency the montessarif for what he and his officers have already done, and at the same time show him the necessity for seeing that the case is thoroughly prosecuted.

I inclose a telegram for Consul Gibson in answer to one of inquiry from him received this evening. It is possible I shall visit you on Monday. I shall be glad if a copy of this letter be sent to Consul Gibson.

With great respect, etc.,

THOMAS D. CHRISTIE,
President of Institute.

[Subinclosure 2 in No. 615.—Translation.]

The Moutessarif of Mersine to the United States consular agent at Mersine.

AUGUST 27, 1895.

ESTEEMED SIR: We have taken cognizance of your letter of July 28, 311 (August 9, 1895), in which you ask to know the steps taken against the offenders who violated the domicile of Mr. Christie, an American citizen residing at Namroun.

Upon the receipt of your first letter of July 23 (August 4, 1895), and that of Mr. Christie sent to his wife, the mudir of Namroun was requested to report the facts of this case, and an answer was received from him on July 24 (August 5, 1895) to the effect that no violation of Mr. Christie's domicile had taken place, but that a quarrel occurred between Mr. Christie's cook and the companions of the latter (who are living in a house situated at a distance of about 150 feet from Mr. Christie's domicile), and their neighbor Zeybek Ali, on account of their casting stones on him, and that the whole quarrel resulted in Zeybek Ali giving a box on the face of each of Mr. Christie's cook and companions, and that the offender was sent under escort to the caimakamate of Tarsus.

Furthermore, as the letter of Mr. Christie to his wife contained certain intimations respecting his desire to come to town and his demand for protection, the kolaghasi of Mersine was therefore sent to Namroun in order to procure him full tranquillity.

The report received from the said kolaghasi, under date of July 28, 311 (August 9, 1895), relates that perfect tranquillity is pervading at Namroun under the auspices of His Imperial Majesty the Sultan, that the dispute had taken place between the cook and his companions and Zeybek Ali, and that the latter has been arrested and sent to Tarsus. On the other hand, as Mr. Christie has reported in a petition that other persons had also taken part with Zeybek Ali at the time of the quarrel, namely, Khanli Zada Jabbar and his brother Hemmet, and Kefteker Osman and Khillo Oghlon Hafez Mohammed, the same have been dispatched to Tarsus under escort, and the evidence of those who were present that night during the quarrel is being taken from them.

From the foregoing details it plainly appears that the true facts in the case consist in the storming of Zeybek Ali's house by the cook and his companions, which action gave rise to a dispute between them and him and his giving them blows on the face. That Zeybek Ali was arrested, together with his accomplices, and delivered to the authorities to be tried in a legal way. As to Mr. Christie, he was not ill-treated nor was his domicile violated, but is living in a perfect condition of rest and security under the auspices of His Imperial Majesty the Sultan.

With the view of bringing the true facts of the case to your notice, we transmit you this responsive communication, seizing this opportunity to assure you of our high esteem.

THE MOUTESSARIF OF MERSINE.

Mr. Adec to Mr. Terrell.

No. 586.]

DEPARTMENT OF STATE,

Washington, September 6, 1895.

SIR: I have received your No. 592, of the 13th ultimo, in relation to the attack upon servants of Rev. Mr. Christie, of St. Paul's Institute,

at Tarsus. I note the incidental reference contained in your dispatch and its inclosure to the conviction of a native teacher in the school, named Minassian, on the charge of possessing a copy of Shelley's Poems, containing the well known "Revolt of Islam." Such a conviction on such grounds can only be regarded as a frivolous and vexatious interference with a native teacher of an American school, and therefore covered by your instructions in that regard heretofore given. Apart from the grave character of such molestation of a legitimate American enterprise in the person of its dependents, it is for the Porte to measure the degree of ridicule which must inevitably attach to such ignorant perversion of the course of justice. Probably no epic poem in the English language is more widely known or more universally recognized as transcendental and inapplicable to any historical or existing condition of facts in the East, even at the time it was written, nearly eighty years ago, and certainly not now, when it has for half a century passed into the domain of the world's classic literature.

The case of Minassian's father, who suffered a year's imprisonment for possessing a hymn book containing the popular and innocent Sunday-school hymn, "Onward Christian Soldiers," is scarcely less preposterous, and may be used in supporting your appeal for justice toward the younger Minassian and his release from the iniquitous penalty imposed upon him; but as his father is not a citizen of the United States, and apparently not employed in the American school, direct intervention in his behalf is not practicable.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mavroyeni Bey to Mr. Olney.

[Translation.]

TURKISH LEGATION,
Washington, September 13, 1895.

MR. SECRETARY OF STATE: I have the honor to confirm my note of August 18, 1895, relative to the Tarsus incident, and to send inclosed a translation of a telegram addressed by the governor-general of the vilayet of Adana to the Sublime Porte, on the 14th of August last, informing it that the United States consul had written his excellency a letter thanking him for the satisfactory settlement of the Tarsus incident, and that Mr. Christie, accompanied by the dragoman of the consulate, had gone to express, on his own part, his thanks for the efforts made to that end by the Imperial authorities.

Accept, etc.,

MAVROYENI.

[Inclosure.—Translation of telegram.]

Vali of Adana to Sublime Porte.

AUGUST 14, 1895.

The moutessarif of Mersine informs me that the American consulate has addressed a letter expressing its thanks for the satisfactory settlement of the Christie affair. Mr. Christie, accompanied by the dragoman, called upon the Imperial authorities to express, on his own part, his thanks for the efforts made by them to settle this matter.

FAİK.

Mr. Olney to Mavroyeni Bey.

No. 33.]

DEPARTMENT OF STATE,
September 17, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which, confirming your note of August 18 last in relation to the incident of the reported attack upon the St. Paul Institute at Tarsus, you inclose a translation of a telegram addressed by the governor-general of the vilayet of Adana to the Sublime Porte on the 14th of August last, stating that a letter had been received from the United States consul thanking him for the satisfactory settlement of the incident in question, and that Mr. Christie, accompanied by the dragoman of the consulate, had expressed, for his own part, thanks for the efforts made by the Imperial authorities.

The expected report of the United States consul at Beirut, who had been requested by Mr. Terrell to investigate the occurrence at Tarsus, has not yet reached the Department; but I am pleased to receive your intimation that the incident has reached a satisfactory conclusion.

Accept, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, September 19, 1895.

Have secured imprisonment of 11 Mohammedan rioters at Christie's house in Tarsus. No further trouble there apprehended by me.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 626.]

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1895. (Received Oct. 3.)

SIR: I have the honor to inclose herewith translation of a note from the Porte, the long-delayed answer to my request for an explanation in regard to the Tarsus affair.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 626.—Verbal note.—Translation.]

The Sublime Porte to the United States Legation.

MINISTRY OF FOREIGN AFFAIRS, September 16, 1895.

In consequence of the verbal steps made by the legation of the United States of America, the Imperial minister hastened to appeal by telegraph to the governor-general of the vilayet of Adana with regard to the assault of which Mr. Christie apparently was the object at Tarsus.

It turns out from the reply of His Excellency Faik Pasha that, according to the investigations made on the spot, neither Mr. Christie nor his house has been the object of any assault. Everything was reduced to a mere quarrel between his cook and two of his pupils with Ali Zeybek

and his companions. In consequence of these facts, these last ones having been arrested and indicted, the examination is going on.

The consul of the United States at the seat of the vilayet addressed to the local authority a communication to thank it for the satisfactory solution given to this matter, and Mr. Christie on his side personally called on the governor-general in order to express to him his thanks for the efforts shown on this occasion by the Imperial authorities.

Mr. Olney to Mavroyeni Bey.

No. 34.]

DEPARTMENT OF STATE,
Washington, September 21, 1895.

SIR: Referring to your note of the 13th instant, communicating to me translation of a telegram from the vali of Adana in relation to the thanks expressed to him by Mr. Christie and the dragoman of the consulate at Beirut for the efforts made by the Imperial authorities toward the settlement of the Tarsus incident, I have the honor to say that a dispatch received from Mr. Terrell, under date of September 5, informs me of the renewal of such thanks under date of August 27, by Mr. Christie, who, however, couples the expression of his appreciation of the action of the moutessarif of Mersine with the request that the case be thoroughly prosecuted. The request of Mr. Christie's seems not to have been without good ground in view of the reported action of the kaimakam of Tarsus in releasing the accused and sending them back to Namroun as fast as the authorities of Mersine sent them to Tarsus for trial.

I sincerely trust that the good endeavors of the moutessarif of Mersine to see justice done in this case will be seconded by the superior authorities of Tarsus and of the province of Adana so that the Department may soon be advised of the satisfactory conclusion of this incident, and I have expressed this hope in a further instruction on the subject to Mr. Terrell.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 610.]

DEPARTMENT OF STATE,
Washington, September 21, 1895.

SIR: I have received your No. 615, of the 5th instant, inclosing copy of a dispatch from Consul Gibson to Consul-General Short, with copy of Dr. Christie's report and translation of the report of the moutessarif of Mersine, all relating to the Tarsus affair.

The thanks conveyed by Dr. Christie and the consul to the moutessarif of Mersine, of which Mavroyeni Bey informed the Department in his note of the 13th instant (inclosed in my No. 602), are now seen to relate, not to the effective termination of the incident, as the minister's note led the Department to infer, but to the efforts of the moutessarif and his officers up to that time, August 27. Mr. Christie's further request that the case be thoroughly prosecuted seems not to have been without good ground, in view of the reported action of the kaimakam of Tarsus in releasing the accused and sending them back to Namroun

as fast as the authorities of Mersine sent them to Tarsus. If the assailants are not tried and punished according to their deserts, the continuance of your efforts to secure simple justice in the premises will be necessary.

For your information and files, I inclose copy of a note this day addressed to Mavroyeni Bey in further reply to his of September 13.

I am, etc.,

RICHARD OLNEY.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, October 14, 1895.

MR. SECRETARY OF STATE: I have the honor to confirm my note of the 30th ultimo relative to the Tarsus incident, and herewith to inclose to your excellency a translation of two documents which I have received from the Sublime Porte, one of which is from Mr. D. Keshish Oglon, acting consular agent of the United States at Mersine, and the other from his excellency the vali of Adana. The former of these documents contains the thanks of Mr. Christie, together with those of the acting consular agent of the United States at Mersine, to the moutessarif of Mersine, and the latter contains the details which were telegraphed on the 26th of August, 1895, concerning the incident at Tarsus, by the moutessarif of Mersine.

Be pleased to accept, etc.,

MAVROYENI.

[Inclosure 1.—Translation.]

Mr. Oglon to the Moutessarif of Mersine.

AUGUST 13, 1895.

HONORABLE SIR: Mr. Christie, a citizen of the United States, has requested me to express to you his thanks for the strenuous efforts made by your department for the settlement of the Namroun affair, and for the arrest and punishment of the accused persons, which affair formed the subject of my previous letter. Consequently, in bringing the foregoing to your notice, I beg you to accept the sincere thanks of my consulate for the zeal and energy manifested by your department in this matter.

Be pleased, etc.,

D. KESHISH OGLON,
Acting U. S. Consular Agent at Mersine.

[Inclosure 2.—Translation.]

The Vali of Adana to Imperial Minister of Foreign Affairs at Constantinople.

AUGUST 29, 1895.

I have the honor herewith to transmit to your excellency the following telegram, bearing date of August 15, 1895, which was received from the moutessarif of Mersine, in reply to the request for information relative to the Christie affair.

FAİK, Vali of Adana.

[Telegram.]

As has been previously reported, the American consulate at Mersine was informed twenty days ago that the country seat of Mr. Christie, at Namroun, had been attacked. The captain of the gendarmerie was consequently sent to the spot with a sufficient force of gendarmes, and an investigation was held. It appears from the inquiry that no harm was done either to the house or to the person of Mr. Christie. The facts are as follows: About 350 paces from Mr. Christie's house is a tent which is inhabited by his cook and two apprentices. Mr. Christie's cook and his companions threw stones at the neighboring tent, which is inhabited by one Zeybeck Ali. A quarrel arose between the last-named person and the cook. Zeybeck Ali and his companions slapped the faces of the cook and the two apprentices. The aggressor was at once arrested, together with his companions; he was then turned over to the judicial authorities, and justice took its course. The American consul, in writing, and Mr. Christie, who called upon me in person, expressed their thanks for and their satisfaction with the measures adopted on that occasion. They also expressed their gratitude for the energy displayed by the Imperial authorities.

Mr. Uhl to Mavroyeni Bey.

No. 43.]

DEPARTMENT OF STATE,
Washington, October 23, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant in further reference to the matter of the attack on St. Paul's Institute at Tarsus, in which you inclose copy of a letter of the United States acting consular agent at Mersine tendering Mr. and Mrs. Christie's thanks to the moutessarif of Mersine for his action in endeavoring to search out and punish the lawless assailants of the students and servants of the institute, and a report by the vali of Adana.

The letter of the provisional consular agent above referred to conveying Mr. and Mrs. Christie's thanks to the moutessarif of Mersine is dated August 13, very soon after the attack. As intimated in Mr. Olney's note of the 21st ultimo, subsequent reports from the United States legation at Constantinople and the consul at Beirut, who had been sent to Mersine to investigate the matter, show that the proceedings of the authorities of Adana were not equally laudable, and their indifference, with their evident partiality toward the assailants, has led the Secretary of State to send stringent instructions to the minister to the end that due justice be done. In the face of a threatened miscarriage or perversion of justice, such as now appears possible, if not probable, it does not, I submit, materially affect the real issues to show, as your note agreeably does for the second time, that Mr. Christie and the consul appreciated the protestations of zeal and justice made at the outset by the moutessarif of Mersine. Had the higher provincial officials shown a like disposition and acted up to their professions, I doubt not they would have equally earned the gratitude of the aggrieved American citizens.

Only by prompt punishment of lawless aggressors upon the property and persons of peaceable American citizens lawfully sojourning in Turkey can the protection of these citizens be assured and the international duties of your Government in the premises be fulfilled.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Olney to Mr. Terrell.

No. 646.]

DEPARTMENT OF STATE,
Washington, October 26, 1895.

SIR: I have received your No. 641,¹ of the 9th instant, in further relation to the Tarsus affair.

* * * * *

Steering a just, middle course between the perhaps excited remonstrance of the injured party and the obvious efforts of the Turkish Government to belittle the incident and decry the appeal of this Government for redress, the facts so far as they appear seem to establish a wrong against an American interest of a grave character. Taking into account the hour when the attack was made, the sudden appearance of a body of similarly armed Mussulmans, the savage treatment, not only of the menial whose alleged misconduct was supposed to have originated the fray, but of the other students and dependents of the institute who came within reach of the mob, the affair necessarily assumes graver proportions than those of a casual broil, and shows premeditation and prearrangement to a degree calculated to excite apprehension and demanding prompt and effective measures of chastisement. There should have been, and yet should be, no difficulty in seeing justice done against the aggressors. They are known, and their attack is amply proved. The Turkish Government professes a desire to make a rigid investigation and administer unsparing punishment. It has not done so. Delay and apathy characterize the proceedings at every stage, if indeed there be not a graver indication of a disposition to shield the perpetrators of the outrage. The professed endeavors of the moutes-sarif of Mersine to bring all the identified actors to justice have been neutralized by the higher provincial authorities, and your last telegrams report the release of four and indicate the probable enlargement of the others.

While the incident directly affected only Turkish subjects, and did not involve attack upon the actual building of the college or demonstrations against its teachings, it is difficult in view of all the reported facts to attribute the origin of the trouble to a mere broil between a menial and an unduly incensed Turk, who fancied himself aggrieved by the supposed act of Mr. Christie's servant. Had he not been a servant of a Christian, closely identified with a Christian enterprise in a Mussulman community, it is wholly improbable that the affair would have passed beyond the bounds of a personal rencounter, and the indications of an antiforeign and anti-Christian spirit are sufficiently obvious to portend danger and beget apprehension so far as our peaceable citizens in Turkey are concerned. The hostile disposition of the Turkish populations and the apprehensions of American residents will certainly not be curbed or allayed by the partial treatment of the offenders disclosed in your and Mr. Gibson's reports.

The recent correspondence of this Department with Mavroyeni Bey, copies of which have been sent you, show the Department's expectation that nothing will be left undone to promote the administration of simple justice in this matter, and to insure the safety of American citizens from the hostile antipathies of the natives. Your efforts will continue to be directed to the same end.

I am, etc.,

RICHARD OLNEY.

¹ Not printed.

Mr. Terrell to Mr. Olney.

No. 664.]

LEGATION OF THE UNITED STATES,
Constantinople, November 8, 1895. (Received Nov. 25.)

SIR: I have the honor to inclose herewith the report of Consul Gibson of November 1 on the satisfactory termination of trial of certain Turkish subjects on charges made by the Rev. Mr. Christie. * * *
I have, etc.,

A. W. TERRELL.

[Inclosure in No. 664.]

Mr. Gibson to Mr. Short.

No. 88.]

UNITED STATES CONSULATE,
Beirut, Syria, November 1, 1895.

SIR: I have the honor to report that I left Beirut on the 18th of October by the Khedevial steamer *Dakahieh* for Mersine and Tarsus, and that I have to-day returned to my post in Beirut by the French steamer *Suidh*. I arrived in Mersine the morning of the 20th of October in time to meet Capt. Charles O'Neil, of the U. S. frigate *Marblehead*, which anchored off the coast the same day.

On the 21st of October Captain O'Neil and I called on the montessarif or governor of Mersine, who had charge of the investigation for the Turkish officials into the Tarsus trouble on the attack on Dr. Christie's domicile and pupils at Namroun. We received assurance of a speedy trial of the case, and the next day, the 22d, we proceeded to Tarsus, where we were received in most friendly manner and publicly entertained by order of the governor of Mersine. We conferred with Dr. Christie, and found him ready and anxious for the trial. The following day Captain O'Neil and I visited Adana and called on the governor-general of the vilayet having general control of affairs in Mersine, Tarsus, and Namroun. In the absence of his excellency we were met by his substitute official, who assured us of a speedy trial under the supervision of the governor of Mersine and the courts in Tarsus. On the return to Mersine on the 24th of October the court summonses were sent to Dr. Christie, through the United States consular agency, but the charge stated was a simple misdemeanor—the beating of the pupils. I returned these papers, and called on the 25th to explain to the governor that under the court summonses the United States would have no standing in the court, as I would not feel justified in official interference if the case was simply a fight between Turkish subjects. I demanded a trial on the charge made in Dr. Christie's original complaint, viz, violation of domicile, threats against himself, cursing him and his religion, a prearranged attack, and finally, and least important of all, the beating of his cook and pupils.

After considerable discussion, the authorities allowed us the opportunity of setting up the original charges, and on the 28th day of October, in Tarsus, I appeared in the court myself, accompanied by United States Consular Agent Coidon, his dragoman, and Dr. Christie. The trial proceeded and Dr. Christie and his witnesses established his case to the satisfaction of the judges, and finally, after previous denials, the eight prisoners arose and confessed in open court to the truth of every

charge made by Dr. Christie. Dr. Christie then arose and expressed his gratification on thus doubly establishing his case and begged the judges' clemency for the prisoners, as he had no thought of vengeance in the matter and no desire to be harsh with the people among whom he had lived for eighteen years and among whom he hoped always to live in the most friendly relations. I applauded Dr. Christie's sentiments, but insisted that some example must be given to the people and also some warning against a repetition of attack against American homes and citizens. I therefore begged the judges to defer their sentence until I could confer with Captain O'Neil and the governor of Mersine. Returning to Mersine for this purpose I found that both officials agreed with me. The governor declared that he had already ordered the dismissal of the mustantick or Tarsus judge, who had conducted the preliminary investigation and reported the affair as a simple misdemeanor, and he expressed his willingness to guarantee the dismissal of the mudir of Namroun by the governor-general of the vilayet. This had been originally asked by Dr. Christie as the mudir's conduct had not only encouraged the attacking party but he had aided them greatly by releasing them after the outrage had been reported and was being investigated by officials from Tarsus and Mersine. I agreed that these dismissals would serve as conspicuous examples, and consented therefore to any clemency which the court might desire to show.

I returned with United States Consular Agent Coidon to the court in Tarsus the following day to hear the sentences pronounced. Dr. Christie again repeated his satisfaction, and urged in friendly spirit the lightest sentence possible, arguing that the confession of the prisoners and the establishment of his case was ample vindication of himself and the efforts made in his behalf. The judges thereupon sentenced the eight offenders with terms varying from sixty to [blank] days in prison; and also pronounced sentence of ten to fifteen days' imprisonment upon four other parties implicated in the attack, and who had been released upon the preliminary investigation. I thereupon expressed to the court the satisfaction I felt in the conclusion of the case in a manner gratifying to the complainant and the representatives of my Government. Captain O'Neil and I both agreed that the ends of justice had been served, and we all felt that Americans and American interests were fixed upon a firmer and more friendly basis in that section. We both stated as much to the authorities, and trust that our superior officers will agree in this conclusion.

In concluding this report I must first acknowledge the obligation I owe to Commander Charles O'Neil of the U. S. S. *Marblehead* for his firm but courteous course in dealing with the Turkish officials, and for the aid extended by him to the United States consular officials in the happy conclusion of this incident. Such a man is not only an honor to the United States Navy, but he makes friends for himself and his country wherever he goes.

I must also report with pleasure the capable and courteous assistance rendered by United States Consular Agent Coidon, of Mersine. Taking charge of his post in the middle of this investigation, I felt that my presence was necessary at this critical time in Mersine and Tarsus, but I can congratulate the Department on at least securing for this important post an agent of previous experience, of varied linguistic accomplishments, and of such courteous bearing as will insure respect from Turkish officials and the full confidence of our fellow-countrymen.

I beg that you will bring this report to the attention of His Excellency Minister Terrell, and request him please, in reporting to his high-

ness the Grand Vizier or the proper officials the satisfactory conclusion of this incident, to join the United States consular officials concerned in their expression of thanks to Mehmed Nazim Bey, governor of Mersine, for his courtesy and energy in this case, and for his official and personal attentions to American officials and citizens. A word of thanks or approval for the Tarsus judges, Hussein Husin Effendi, Abdul Gharfir Effendi, and Hffuz Effendi, for their prompt and just disposal of the case would be appreciated; and special commendation to the proper authorities of Helmi Effendi, chief of zabtiehs in Tarsus, would aid him in promotion and also our interests in Tarsus. He has aided us all along, and has been most vigilant in this case, and most courteous in his attentions to Dr. Christie and all Americans. In the absence of a consular agent he has been a special protector to Dr. Christie and St. Paul's Institute, and his friendly efforts are well worth this commendation.

I am, etc.,

THOMAS R. GIBSON,
United States Consul.

Mr. Olney to Mr. Terrell.

No. 680.]

DEPARTMENT OF STATE,
November 26, 1895.

SIR: I have received your No. 664, of the 8th instant, reporting the trial, in the presence of Consul Gibson, and conviction of the Turkish subjects who committed a violent trespass upon the premises of Dr. Christie, president of the St. Paul's Institute at Tarsus, and maltreated his servant and pupils.

The signal rebuke administered to the local authorities who have heretofore been concerned in the apparent miscarriage of justice, as shown in the dismissal of the Tarsus judge who conducted the preliminary investigation, and the offer to dismiss the mudir of Namroun, is of more exemplary significance than any merely prolonged imprisonment of the individual aggressors; and Dr. Christie's moderation in asking that the lightest possible sentences be imposed after the confession and conviction of the culprits may be regarded as appropriate as well as generous.

Consul Gibson's action in this matter appears to have been commendable.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 698.]

DEPARTMENT OF STATE,
Washington, December 1, 1895.

SIR: I inclose for the completion of your files copy of a letter from the Secretary of the Navy, transmitting one from the commanding officer of the U. S. S. *Marblehead*, reporting further particulars concerning the attack on Dr. Christie and the conviction of the offenders.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 698.]

*Mr. Herbert to the Secretary of State.*NAVY DEPARTMENT,
Washington, November 30, 1895.

SIR: I have the honor to inclose herewith for your information a copy of a letter from Rear-Admiral T. O. Selfridge, commanding United States naval force on the European station, transmitting a copy of one received from the commanding officer of the U. S. S. *Marblehead*, reporting further particulars concerning the affair at Adana, and the trial of the offenders.

I have, etc.,

H. A. HERBERT, *Secretary.*

[Subinclosure 1 in No. 698.]

*Admiral Selfridge to Secretary Herbert.*U. S. S. SAN FRANCISCO,
Marseilles, France, November 15, 1895.

SIR: I have the honor to inclose a copy of an interesting letter from Commander O'Neil, which seems to finish the affair in Adana.

I have directed the *Marblehead* to proceed to Jaffa, and then to meet this ship at Alexandretta, December 5, 1895, visiting the several intermediate points where there are missionaries or American interests.

Very respectfully,

THOS. O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Subinclosure 2 in No. 698.]

*Commander O'Neil to Admiral Selfridge.*U. S. S. MARBLEHEAD (OFF MERSINE, ASIA MINOR),
October 27, 1895.

SIR: In my last letter I inclosed a copy of a letter addressed by me to the montessarif of Mersine, and inclose herewith a copy of the translation of his reply.

Having heard Dr. Christie's version of the affair, in which he asserts that his premises were violated, his servants and some of his students maltreated, and he himself insulted and his life threatened, I went again to see the montessarif, accompanied by the United States consul from Beirut, and we told him that his account of the circumstances differed very much from that given by Dr. Christie, and, while we had no desire to magnify the case, we objected to its being belittled; that no one was vindictive in the matter, but that we wished to establish the fact alleged by Dr. Christie and then have the Turkish officials award a suitable punishment.

The students and servants being Ottoman subjects, we confined ourselves particularly to the individual case of Dr. Christie and his domicile.

Dr. Christie and his witnesses having been summoned to appear early next week at the trial, which was characterized as a misdemeanor only, we objected, as it looked as if there was a disposition to make light of the matter, and insisted that the charges made by Dr. Christie should be the ones considered, he being prepared to substantiate them by competent witnesses; and after a long discussion they finally conceded the point and gave us every assurance that the case should be tried the day after to-morrow.

There is no doubt but that our presence and efforts, coupled with the visit of the consul from Beirut at the same time, has hastened the final settlement of the Nambourou matter, though it would in all probability have been disposed of by the authorities after their own fashion and in their own time.

It is due to the montessarif of Mersine, Seyd Mahomed Nazim, to say that he has not only shown a most friendly and accommodating spirit and a desire to promote harmony and remove all causes of discord, but it is owing to him that the matter referred to is now brought up for final settlement, and there is every reason to believe that ample justice will be done and satisfaction given to the aggrieved parties.

The Americans and other foreign residents of Mersine have nothing to fear, and are, in fact, perfectly tranquil; they have an excellent moutessarif, who is popular with all classes, and we have a good representative in Mr. Coidon, the United States consular agent, who speaks several languages and who is much esteemed by the officials and in the community.

Tarsus is but an hour's distance by rail, and Adana but three hours, so that American interests are well looked out for in this vicinity, and there is nothing amiss here now.

The visit of a man-of-war to this port is of such rare occurrence that it attracts considerable attention, and the general opinion is that the comparatively recent visit of the flagship and this vessel, and our present visit, will be productive of much good to our interests in this quarter.

Consul Gibson was in Alexandretta a week ago and says that everything that concerns us is serene there, but, in accordance with my instructions, I intend going there when matters are all settled here.

Beyond the general influence of our presence in the vicinity and the feeling of security it affords, there is really nothing to require our presence at or near Mersine.

OCTOBER 29, 1895.

Since writing the foregoing, the trial of the 12 men implicated in the Namroun affair has taken place at Tarsus.

When the men were arraigned they all pleaded not guilty, and some asserted that they were not present, and others that they were merely spectators. Dr. Christie appeared with his witnesses and the trial proceeded, and at its close the mufti declared that the men were guilty as charged by Dr. Christie, whereupon they all stood up and acknowledged that they were guilty and admitted that they had done exactly as Dr. Christie had stated, and that they had lied about it, and, as they expressed it, "they were beaten" in the trial.

Sentence was postponed until the following day, when Dr. Christie, being present, interceded for the prisoners and requested that the sentences should be made as light as possible. The mufti read from a book the punishments prescribed for the offenses proved, and then gave the lightest in each case. Six men were sentenced to imprisonment for eighty days, 3 for sixty days, and 3 to shorter periods, and to pay the costs of the trial, and the moutessarif of Mersine promised that the police official at Namroun who had failed to make the proper arrests should be dismissed.

Dr. Christie expressed himself as quite satisfied with the result, and the incident being closed I wrote a note of thanks to the moutessarif (copy inclosed); for it is owing to the steps taken by him that the men were promptly brought to trial at the request of the United States consul and myself.

I purposely kept away from the court lest it should have the appearance of trying to coerce matters, but the consul attended.

The missionaries consider the conviction of the men as a remarkable triumph of justice, as it has hardly been regarded as an offense heretofore to beat a Christian, and the general sentiment among the foreign residents is that it will be a long time before any Americans are troubled about here.

As there is nothing special to keep us at Mersine, I intend going in a few days to Alexandretta, and being so near Syria and Palestine, at some of the ports of which there are American missionaries and mission schools, it would be convenient to visit them before the bad weather sets in, as most of the ports are but open anchorages off the coast, and a visit from us would no doubt be productive of some benefit to them. I mention this in explanation of a telegram I have thought of sending you shortly, asking permission to go as far as Jaffa, as all the coast ports are connected by telegraph and are but a short distance from each other and from here.

Very respectfully,

CHARLES O'NEIL, *Commander, U. S. N.*

MURDER OF MR. STUPE.

Mr. Terrell to Mr. Olney.

No. 479.]

LEGATION OF THE UNITED STATES,
Constantinople, March 29, 1895. (Received April 18.)

SIR: I have the honor to inform you that several weeks ago a man of German birth named Stupe was killed by a drunken or insane Turk. A few evenings previous my cavass, while unarmed, was robbed. Stupe

had a certificate of naturalization as a citizen of the United States, but had been in Europe continuously for twenty-five years.

While they were burying Stupe, I was at the Porte demanding a more efficient protection by the police for the Christian population here, and for the arrest and punishment of the Turk. Both were promised; the police force was increased, and the assailant of Stupe arrested. Being assured that Stupe retained the intention to return to the United States, I directed the consul-general to send his dragoman to attend the trial, and the man was sentenced to death.

All this was before any European diplomat took action regarding better security.

A knowledge of my demand soon reached the palace, and a messenger from the Sultan informed me that he had granted a life pension of 12 pounds (Turkish) monthly to be paid to Mrs. Stupe and her children. This was published next day as official.

The incident might well have been made the subject of a dispatch with full particulars, but was not.

After assurance from the Porte, confirmed by messenger from the palace, that Mrs. Stupe was pensioned, and that the police force would be increased, the Greek minister called on me (as the oldest in service) to inform me that the ambassadors would demand a more efficient police. I requested him to return to them my compliments, and inform them that I had made the same demand, which was promised. Such are the facts.

Inclosed I send a copy of a note from the Porte.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 479.—Verbal note.]

SUBLIME PORTE, *April 2, 1895.*

A pension of 1,200 piastres a month having been granted by irade of His Imperial Majesty the Sultan to the widow and to the three children of the late Mr. Stupe, American citizen, the ministry of foreign affairs begs of the legation of the United States of America to let the ministry have the name of each one of the children, and to inform it at the same time whether any one among the girls is married already.

Mr. Gresham to Mr. Terrell.

No. 435.]

DEPARTMENT OF STATE,
Washington, April 19, 1895.

SIR: I have received your No. 479, dated the 29th ultimo, in relation to the killing of Mr. Stupe, an American citizen, by a drunken or insane Turk and the bestowal of an Imperial pension upon his widow and children.

It seems that the killing, which occurred toward the end of January last, attracted considerable attention, and, although on February 11 you telegraphed the fact of the granting of the pension, your present dispatch is the first report this Department has received from you showing that you had taken steps to secure justice against the assassin. It seems that he was tried and sentenced to death, the dragoman of the

consulate-general being present, by your direction, at the trial. The execution of the sentence is not reported, and your dispatch mentions no date for its execution.

Your action in demanding the arrest and punishment of the murderer and more efficient police protection in the Turkish capital is approved. You should, however, have promptly reported the incident. With the exception of your telegram announcing the Sultan's generous act, the Department had no information on the subject until your present dispatch.

I am, etc.,

W. Q. GRESHAM.

Mr. Terrell to Mr. Gresham.

No. 529.]

LEGATION OF THE UNITED STATES,
Constantinople, May 3, 1895. (Received May 16.)

SIR: I have the honor to inclose a copy of my protest to the Porte on the 25th ultimo, against the manner in which the case of Mustapha, who was prosecuted for killing one Stupe, a naturalized American citizen, was conducted. The right to have a dragoman present in such cases is a farce, if he can not be present when the case is reexamined in the appellate court.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 529.]

Mr. Terrell to Saïd Pasha.

No. 60.]

UNITED STATES LEGATION, *April 25, 1895.*

SIR: I am informed that after judgment of the Turkish court, which decided that the man Mustapha, who murdered the American citizen Stupe, should suffer the death penalty, the court of cassation reversed the judgment for some supposed error, and that Mustapha was finally condemned to a punishment of fifteen years imprisonment.

The dragoman of the consul-general was present at the first trial, which sentenced Mustapha to death. He was not present when the case was considered in the court of cassation, and was not informed that his presence before that court was desired or would be permitted.

Your excellency is assured that I have sought to avoid giving cause for embarrassment to the Ottoman Government in its administration of justice, and have observed the disposition which you have been pleased to manifest in the correction of wrongs; but I can not pass without a protest the manner in which the trial of Mustapha was conducted.

Your excellency will, therefore, note the protest which I now respectfully make against the action of the court of cassation in deciding the case of Mustapha without the presence of an American dragoman, the same being in disregard of treaty stipulation.

Receive, etc.,

A. W. TERRELL.

NOTE.—Mustapha on a new trial was sentenced to fifteen years imprisonment.

Mr. Terrell to Mr. Gresham.

No. 537.]

LEGATION OF THE UNITED STATES,
Constantinople, May 5, 1895. (Received May 20.)

SIR: I have just received your 435, of the 19th ultimo, regarding the killing of the naturalized American, Mr. Stupe. He had been in Europe, away from the United States, twenty-five years, and I had no evidence of his intention to return. But his violent death by a Mohammedan occurred at a time of unusual general apprehension, and as he was recognized here as an American citizen I procured a pension for his widow and minor children and sent the dragoman of the consul-general to attend the trial of his murderer. He was sentenced to death; appealed to the court of cassation, which reversed the judgment (no American dragoman being present there), and was condemned on the new trial to fifteen years' imprisonment. My protest against the action of the court of cassation was inclosed in my 529, of May 3.

The pension and the assurance from the palace of efficient police protection followed so quickly upon my demand for the arrest and punishment of the murderer that I did not deem it necessary to report the incident until I could inform you of the punishment of the murderer.

Had Stupe, before his murder, applied for a passport he might not have received it; but as he was known to have regarded himself as an American I acted in the interest of civilization and Christian security here, at a time of excitement and apprehension, and acted as I have stated.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 603.]

LEGATION OF THE UNITED STATES,
Constantinople, August 26, 1895. (Received, Sept. 7.)

SIR: I have the honor to inform you that the murderer of Mr. Stupe, of whose first trial you were informed in my No. 537, of May 5, 1895, has been sentenced on retrial to fifteen years' imprisonment.

The reversal of the first judgment by the court of cassation without the presence of the consular dragoman caused my protest to the Porte, copy of which was sent you in my dispatch No. 529, of May 3, 1895. The result of retrial was as gratifying as it was unexpected.

I have, etc.,

A. W. TERRELL.

IMPRISONMENT OF CREECOR, OR KREKOR, ARAKELIAN.

Mr. Terrell to Mr. Olney.

No. 574.]

LEGATION OF THE UNITED STATES,
Constantinople, July 19, 1895. (Received Aug. 1.)

SIR: I have the honor to inclose for your information the copy of a letter received on the 15th instant from Creecor Arakelian, to whom a passport was given by me. No foreign consul is at Marsovan, and I have no means of verifying his statement. It was, however, deemed proper to demand the release of the man, which was done by a written note to the Porte. No answer has been received as yet.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 574.]

Mr. Arakelian to Mr. Terrell.

PRISON OF MARZIFOUN (MARSOVAN), July 1, 1895.

SIR: For a case of murder, with 150 other Armenians and Protestants, I have been imprisoned at Marsovan Prison. I have no part at all with revolutionary affairs, but all the foreigners are suspected. Many of my prison fellows have been tortured, and I fear much that the turn may come to me also, though there is nothing to be found, as the murderer is known.

I beg the precious protection of my Government. I telegraphed four times to my consul at Sivas, Mr. Jewett, and once also to your excellency, but no answer reached me; so I suspect my telegram has not been dispatched. Please to demand me from Turkish Government and release me from here, where we do not see the sun of God, and which is full of every kind of insects. Please remember me as soon as may be for the sake of our Lord Jesus Christ.

I am, etc.,

CREECOR ARAKELIAN.

Mr. Terrell to Mr. Olney.

No. 585.]

LEGATION OF THE UNITED STATES,
Constantinople, August 4, 1895. (Received Aug. 19.)

SIR: I have the honor to inclose for your information the copy of dispatch No. 118, of the 20th ultimo, from Consul Jewett in regard to the imprisonment of Krekor Arakelian at Marsovan, and in which Mr. Jewett expresses his fear that a massacre of Christians may occur. I also inclose my response to Mr. Jewett's dispatch. Missionaries, and Mr. Jewett as well, have been so often mistaken about an impending massacre as to justify the hope that Consul Jewett's apprehensions may be groundless.

I will, however, renew my demand at the Porte for the adoption of all proper precautionary measures.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 585.]

Mr. Jewett to Mr. Short.

No. 118.]

CONSULATE OF THE UNITED STATES,
Sivas, July 20, 1895.

SIR: I have not yet received the telegram and letter which Krekor Arakelian sent me about July 3 and 7 in regard to his imprisonment. I suppose he is still in prison. The Government has not yet reported to me in regard to the matter.

I feel that my position is a very weak one in regard to this affair, as I made no protest to the Government in regard to the imprisonment and reported ill-treatment of an American citizen. I am awaiting instructions.

I am told that Arakelian went to America with his parents when a small boy, and that his parents are citizens of the United States and still reside there.

I regard the present situation as a very critical one for Christians in

the provinces. I think an outbreak of hostilities between Mohammedans and Armenians may be apprehended. The Armenians are getting more bold and desperate; the Turks are getting more morose. Everything is quiet here, but there is a feeling of extreme tension on all sides. The Turks are carrying arms more than ever. Sivas, Karahissan, and Zarra have recently received powder from the military depot at Erzinghan, and it is being sold freely to the Koords and Turks, but none to the Christians.

At Marsovan July 13 an extensive fire occurred, burning, it is reported, a new Government school building, the house of the kaimakam, 30 houses, 20 shops, and 3 khans. The fire originated in the school building, and was discovered an hour or two after the kaimakam and other officials had left the building. The son of the watchman was burned to death in the school building.

An Armenian, regarded as a "traitor," was assassinated at Marsovan on the morning following the fire. Numerous Armenians have been arrested. The Turks say the Armenians set the fire. It is reported that they have met in the mosques and discussed the advisability of a general massacre of the Christians. There is a great feeling of insecurity both at Marsovan and Amasia.

I am, etc.,

M. A. JEWETT.

[Inclosure 2 in No. 585.]

Mr. Terrell to Mr. Short.

No. 109.]

UNITED STATES LEGATION,
Constantinople, August 4, 1895.

SIR: I have to acknowledge the receipt of Mr. Jewett's 118, of the 20th ultimo, inclosed in your 143, of the 29th ultimo, which relates to the imprisonment of Krekor Arakelian, and in which he expresses the opinion that his position "is a very weak one," since he has made no protest against the imprisonment and ill treatment of an American citizen.

Mr. Jewett's conduct in not demanding to know the charges against Arakelian and demanding his release (if not arrested for conspiracy against the Government) can only be explained on the theory that he has failed to understand his instructions. He may have been misled by your predecessor. You will renew the call upon Mr. Jewett, which you were formerly instructed to make, for the instructions which restrain him from extending his protection to naturalized citizens of the United States of Armenian origin. Inform him that no citizen of that class is ever permitted to remain in prison here; that the release of all such men is promptly demanded and as promptly made, though Turkey, under the authority of the President's message, is permitted to exclude or deport those recently naturalized without the consent of the Sultan.

Mr. Jewett should also be instructed that Turkey can not treat the naturalization of a native of Turkey as an offense, and either imprison him for that cause or on mere suspicion that he has committed an offense. The threatening condition of affairs at Marsovan and in other provinces, to which Mr. Jewett refers, only emphasizes the necessity for caution and prudence on the part of Americans. The unjust suspicion pervades all classes that missionaries are responsible for the spirit of sedition, and that the popular prejudice against Turkey in England and America is due to missionary influence.

While this opinion prevails there will be always danger of a fanatical outbreak. Against violence to our people from any cause the Turkish Government has repeatedly assured me that it had abundantly provided.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, August 21, 1895.

Porte informs me Creekor Arakelian has been released.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 623 B.]

LEGATION OF THE UNITED STATES,
Constantinople, September 15, 1895. (Received Oct. 3.)

SIR: I have the honor to inclose a copy of a note from the Porte, written after repeated requests for information in writing regarding the long imprisonment and final release of Krekor Arakelian at Marsovan.

Kircor Garabet was one of the men who were assassinated by Armenian revolutionists. He, I am informed, received notice that he would be assassinated more than a year ago, when Mr. Tracy and the other missionaries were marked for destruction. Arakelian was long detained in prison, confessedly on suspicion alone.

My protest and demands for his release remained for several weeks disregarded.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 623 B.]

Turkhan Pasha to Mr. Terrell.

SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
September 14, 1895.

Mr. ENVOY: In reply to the note that your excellency kindly addressed to me under the date of the 15th of July last, No. 72, I have the honor to inform you that the man, Krekor Arakelian, who had been arrested at Sivas as implicated in the murder of Kircor Garabet, has already been released in consequence of a decree dismissing the charge issued in his favor.

Please accept, etc.,

TURKHAN.

Mr. Terrell to Mr. Olney.

No. 644.]

LEGATION OF THE UNITED STATES,
Constantinople, October 14, 1895. (Received Oct. 28.)

SIR: Referring to my No. 623, of September 15, I have the honor to inform you that Creecor Arakelian last week finally departed from the

Ottoman Empire. He manifested great reluctance to leave, although he had been imprisoned for seven weeks at Marsovan, and was told by the minister of police, through the consul-general, on his arrival here, that his presence in the Empire was objectionable, and that the authorities viewed him with suspicion on account of the compromising documents which had been found in his possession. He declared that he had no money, and that he would not leave unless the passage was paid for him, although at the time he wore a handsome gold watch. It was only after repeated warnings of the danger he incurred of assassination at the hands of fanatical Moslems, and by informing him that I could not oppose his expulsion by the Turkish authorities, if he persisted in his refusal, that he was prevailed upon to produce the money for his journey and set out on his voyage. A cavass from the legation saw him safely on board his steamer.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 669.]

LEGATION OF THE UNITED STATES,
Constantinople, November 12, 1895. (Received Nov. 25.)

SIR: I have the honor to inclose a statement of the case of Creecor Arakelian, with a memorandum furnished in July last by the Rev. H. O. Dwight.

The release of the man being accomplished, I did not forward it, but do so now that you may be in possession of this paper, should a demand for indemnity be contemplated.

The pressure upon my time at this juncture of affairs here will, I hope, excuse me from copying.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 669.]

The case of Creecor Arakelian, imprisoned at Marsovan, District of Amasia, Province of Sivas.

Creecor Arakelian is a naturalized citizen of the United States, domiciled at Fresno, Cal., where his father resides. He went to Marsovan in August, 1892, at the wish of his father, to study Armenian literature in Anatolia College, and has been a student in the college since that date. On his arrival at the college he was quite illiterate, being hardly able to write his own name. His progress in study was very slow, owing to a lack of natural aptitude, and in April, 1895, it was decided that he should leave the college this year and return to his home in California. Since that time he has been waiting for a money remittance from his father to pay his traveling expenses.

In June, having received the remittance for which he was waiting, Arakelian prepared to leave for the United States, and took out a Turkish traveling permit for the purpose.

On the 1st of July a prominent man of Marsovan, Garabed Agha Kouyoumijou, was assassinated by members of the Armenian revolutionary party (see accompanying note for details). Upon this the Ottoman authorities arrested all persons living near the scene of the murder and all young men whose antecedents were not well known to the Government. Among the persons thus arrested was Creecor Arakelian. It is denied that his American citizenship has anything to do with the arrest, which is merely a precautionary measure, there being no charge and no ground of suspicion against him save that he is a young man.

There is no taint of seditious connection or conspiracy in this man and no reason why he should not be allowed to carry out his plan of returning to his home in California.

The above statement was orally made to me by Professor Hagofrian, of Marsovan.

H. O. DWIGHT.

JULY 19, 1895.

[Inclosure 2 in No. 669.]

The recent murder at Marsovan.

Garabed Agha Kouyoumijou is a leading member of the Protestant community at Marsovan. He has rendered himself obnoxious to the Armenian revolutionary party by throwing his influence against their efforts to stir the people to sedition. For this he has been warned that he would be killed, but he has been inclined to make light of the warning. On the 1st of July Garabed Agha went to the Protestant church about 5 o'clock in the morning to attend early morning service. The door was not yet open, and Garabed Agha was waiting in the street by the door when two men came up and engaged him in conversation. While one of these men was talking with him, the other moved around behind him and suddenly struck him in the back with a dirk. Garabed Agha cried out and turned upon his assailant, when the other man plunged a dirk into his abdomen. This blow brought him to the ground, and the assassins continued to stab him until his body was pierced with 15 terrible wounds. The assassins then fled. They had done their work so quickly that no one had come up the street, while the people of the neighboring houses who heard the cries of the victim and looked out of their windows did not realize what was taking place until the men had run away.

The police at once arrested all the people in the neighboring houses, and all young men whom they met in the streets. About eighty men and forty women were thus arrested and lodged in prison. Among those arrested were the Protestant pastor, Kirmajian, and the sexton of the Protestant church, and a naturalized American citizen named Arakelian.

The montessarif of Amasia, Bekir Pasha, at once came to Marsovan on learning of this crime. He summoned the leading Armenians before him and addressed them, urging them to aid him in finding the real criminals—that is to say, those who procured the murder. The Pasha at first spoke kindly, then menacingly, warning the Armenians that by such crimes they could obtain nothing from the Government, would alienate the sympathies of Europe, and could not secure their object of creating another Sassoun massacre, since the Mohammedan population has been warned of their design and of the necessity to thwart it by patient endurance of wrong. Finding that the Armenians remained deaf to all entreaty and argument, persistently replying that they knew nothing, the Pasha threatened them with extermination, reading what appeared to be a telegram of His Highness Said Pasha, in which the montessarif was ordered to “take any measures deemed necessary,” leaving the responsibility of his acts upon the grand vizier.

The situation at Marsovan is extremely critical, owing to the sudden reappearance there of the revolutionist party. The revolutionists have been encouraged to do their work by the apparent abandonment of the reform scheme by England. This has discouraged the people, has led evil-disposed Ottoman officials to threaten to make it worse for the Armenians than if England had not acted, and has thus left the people an easy prey to the revolutionist propaganda.

The headquarters of the revolutionists in that district are at or near Amasia. The notorious Shemavan, a Russian Armenian, already twice arrested for crimes of violence in connection with the revolutionary movement and twice released through the Russian embassy at Constantinople has again appeared at Amasia and is directing the movements of the revolutionists.

A number of persons have been marked for destruction by the revolutionists, among them two American and two Armenian professors of Anatolia College.

The governor of Amasia, Bekir Pasha, has shown great energy and the will to protect the college and the men whose lives are threatened; but the ability of any Government official to cope with this secret and unprincipled organization is somewhat doubtful.

JULY 19, 1895.

ARREST OF MARDIROS MOORADIAN.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, September 6, 1895.

Mardiros Mooradian, bearing naturalization certificate from Lynn, Mass., dated December 21, 1895, and passport five days later, was arrested here on landing. Many letters and documents were found on

him, some with seal of the Revolutionary Society, which Turkish Government regards as compromising. Minister of police has declined to release on demand of consul-general of the United States, claiming him as revolutionist. I have obtained possession of the letters and am having them translated; unless they show him guilty of some overt act, committed in Turkey, of revolution, will demand of the Sublime Porte his prompt release and permit his expulsion. Have secured humane treatment while I investigate. He also bore naturalization certificate of one Simpat Boyayian, at Lynn, dated December 20, 1894. If papers found in his possession show that his offense consists alone in being a member of a society in a foreign country for armed revolution in Turkey, shall I claim jurisdiction according to Article IV, treaty of 1830, for any charge the Turkish Government may prefer for being such member?

TERRELL.

Mr. Terrell to Mr. Olney.

No. 617.]

LEGATION OF THE UNITED STATES,
Constantinople, September 6, 1895. (Received Sept. 20.)

SIR: I have the honor to inclose a copy of my telegram of this date regarding the arrest of one Mardiros Mooradian, a native of Asia Minor, who bears an American passport.

In his possession were 41 letters and paper writings in various hand-writings and in the Armenian language, two six-shooters, and a certificate of naturalization for another Armenian. Some of the written papers bear the red seal of the Armenian Revolutionary Society.

Unless instructed to the contrary, I can not regard the fact that this man belonged to a revolutionary society outside of Turkey organized to promote a revolution here as an offense which I can either punish or permit to be punished. He is restrained of his freedom by the minister of police, but on my demand is kept out of prison until I see whether the papers to be translated will subject him to Turkish jurisdiction for aiding, on Turkish soil, in attacks against the Turkish Government.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, September 9, 1895.

Translated letters found on Mooradian mark him as a revolutionary emissary. No evidence of his armed resistance to the Turkish Government on Turkish soil. I demanded his instant release on the ground that his imprisonment was unauthorized. He is surrendered to me to be kept from correspondence until I can send him out of Turkey.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 619.]

LEGATION OF THE UNITED STATES,
Constantinople, September 9, 1895. (Received Sept. 26.)

SIR: I have the honor to inform you that on Saturday, the 7th instant, I presented to the foreign minister in person the original of

the inclosed note relating to the imprisonment of Mardiros K. Mooradian, the naturalized American citizen of Armenian origin about whose imprisonment I wired you on the 7th instant.

The imprisonment of this class of citizens on mere suspicion has become so frequent and protracted, and is in such plain violation of my agreement regarding them, that a firm and emphatic protest was a necessity. The release of Mooradian was demanded at once, but in view of what was known to be the minister's want of power to act without instructions, I agreed to wait until to-day for a final answer.

The foreign minister informed me this morning that he had instructed the minister of police to surrender Mooradian on condition that I would see executed the order requiring his immediate departure from Turkish soil, and would not permit him to go at large while here. He has been surrendered to me, and I have sent him with my cavass to a steamer which leaves this afternoon for Athens.

Extracts from various letters found in Mooradian's possession are inclosed, three of which are in red ink with the red seal of the Revolutionary Society attached. They leave no doubt of his character as a member of a revolutionary society—a fact which he virtually admitted in stating to me that he came to this city under orders which he was compelled to obey.

I inclose copy of my telegram sent on his release.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 619.]

Mr. Terrell to Turkhan Pasha.

No. 82.]

LEGATION OF THE UNITED STATES,
Constantinople, September 7, 1895.

SIR: A dispatch from the consul-general of the United States here has informed me of the arrest in this city of Mardiros K. Mooradian, which he learned from the minister of police, who doubted the genuineness of the American passport of Mooradian, and in whose possession he claimed to have found compromising letters. He is an American citizen.

I find nothing in those letters, as translated from the Armenian language in which they were written, to show that the bearer was engaged in armed resistance in Turkey to the authority of the Turkish Government. The mere fact that the letters create a suspicion of the man's connection with a revolutionary society which has been founded in a foreign land to aid revolution in Turkey can not subject him to punishment in a Turkish court on his peaceful return to Turkey. Such a suspicion may furnish a sufficient reason to exclude him from the Ottoman Empire as an undesirable person, to which, under general instructions from my Government, I will interpose no objection; but it does not afford a sufficient reason for his imprisonment, against which I now formally protest and demand his immediate release.

If Mooradian has violated any law of Turkey, except that of doing some act on Turkish soil in aid of a revolution against the authority of His Imperial Majesty, I claim, under Article IV of the treaty of 1830, and the laws of the United States made in accordance therewith, the right to try him myself.

If he has been arrested while engaged in armed resistance to the

authority of Turkey, I would concede jurisdiction of the offense to a Turkish court, and content myself with demanding an impartial trial.

It is hoped that your excellency will, in this matter, conform your action to the agreement made between your predecessor and myself regarding such cases, and order the prompt release of Mr. Mooradian.

Receive, etc.,

A. W. TERRELL.

Mr. Adee to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 10, 1895.

Your telegrams 6th and 9th received. Mooradian's surrender to you obviates judicial question. If he assents you may send him away as indicated, otherwise forcible deportation could only be performed by Turkish authority.

ADEE, Acting.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, September 12, 1895.

Mooradian departed joyfully without any compulsion.

TERRELL.

Mr. Olney to Mr. Terrell.

No. 607.]

DEPARTMENT OF STATE,
Washington, September 21, 1895.

SIR: I have received your No. 614, of the 4th instant, concerning the case of Mardiros K. Mooradian.

As your telegrams of September 9 and 12 report Mooradian's release and "joyful" departure, it is presumed the incident is closed.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 625.]

DEPARTMENT OF STATE,
Washington, October 8, 1895.

SIR: Your No. 619, of September 9, in regard to the case of Mardiros Mooradian has been received.

The telegram sent to you on the 10th ultimo will have suggested the doubt here entertained as to the extent to which the Imperial Government invited you to go in deporting Mooradian, and it is not at all clear how the foreign minister could have expected your compliance with his imposed condition that you should see to the execution of the order requiring the immediate departure of Mooradian from Turkish soil and not permit him to go at large while in Constantinople. Forci-

ble detention by you with a view to the execution of the Turkish sentence of deportation would have been, of course, entirely inadmissible, inasmuch as it can be no part of your official functions to execute the internal decrees of Turkey. Your telegraphic statement that Mooradian departed "joyfully" indicates that in sending him with your cavass to the steamer leaving Constantinople on the 9th for Athens you merely sought to satisfy yourself of his actual voluntary departure, and applied no constraint to him.

One other point deserves attention. In your note to Turkhan Pasha, of September 7, you say:

If he (Mooradian) had been arrested while engaged in armed resistance to the authority of Turkey, I would concede jurisdiction of defense to a Turkish court and content myself with demanding an impartial trial.

This concession on your part does not seem warranted by the statutes of the United States in regard to consular jurisdiction, for they authorize the consuls of the United States in Turkey to take cognizance of insurrection or rebellion against the Government (secs. 4102, 4109, 4125, Rev. Stat.); and the claim of this Government to exercise through its ministers and consuls extraterritorial jurisdiction over citizens of the United States in the Turkish dominions, under article 4 of the treaty of 1830, is not to be lost sight of. The offense of armed resistance to the authority of Turkey is plainly comprised in the terms "insurrection or rebellion" used in the statute. As was said in my telegram of the 26th ultimo, you should offer to try any cases of such offenses committed in Turkey. If the Turkish Government refuses to permit such trial, that is another question.

I am, etc.,

RICHARD OLNEY.

ARREST OF MELCOUN GUEDJIAN.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *September 23, 1895.*

Melcoun Guedjian claims American citizenship; naturalized December, 1894; passport State Department January, 1895. Landed secretly in Turkey, unarmed, as the agent of Huntchagui Revolutionay Society of London; was furnished with £800 by the revolutionists, which he said was for the poor. Was arrested and sentenced to long imprisonment at Aleppo, without notice to our consular agent. I have protested against enforcement of sentence until I could examine. Does the fact of his return to Turkey as the agent of a society organized against the Government of Turkey forfeit American protection?

TERRELL.

Mr. Terrell to Mr. Olney.

No. 630.]

LEGATION OF THE UNITED STATES,

Constantinople, September 21, 1895. (Received Oct. 11.)

SIR: Referring to my No. 627,¹ of the 18th instant, relative to the case of Melcoun Guedjian, I have the honor to supplement my report

¹ Not printed.

by the following summary of facts reported to me by Mr. Poche, consular agent at Aleppo.

Melcoun Guedjian, now confined in the Central Prison of Aleppo, claims to have spent eight years in the United States, to have been naturalized in Boston in December, 1894, and to be part owner of a house situated at No. 36 Wheeler street, Lynn, Mass., where he says he pays taxes to the amount of \$40 or \$50 annually.

It would seem that Guedjian left the United States in the early part of the present year, as he claims to bear a passport dated January 1, 1895. On his way from America to Asia Minor he stopped in London for five months, which he spent with the Huntchagui Society. The object of this society (of which Guedjian has been a member for three years) is stated by him to be the obtaining of "complete reforms; economic reforms; freedom of the press; universal suffrage; suppression of local passports, as in Europe." On his leaving London the society intrusted him with the sum of £760, which he states was for distribution among the Armenian poor in certain districts of northern Syria.

This holy mission, he says, was undertaken by him in the interest of the Government, in order to prevent an uprising among the Armenians made desperate by misery, for the Huntchagui Society hearing that the Sultan had proclaimed a general amnesty and that reforms would soon follow were desirous above all things to prevent any acts of a revolutionary nature. On his arrival at Alexandretta at the end of July, Guedjian bribed a boatman for £4 to land him at a distant point of the town, thereby evading custom-house and police inspection. Soon afterwards, as he was journeying into the interior, he was set upon by a large band of men and his baggage all taken from him; he himself, having a horse, escaped to the mountains. A night or two afterwards his horse was stolen, and he thereupon decided to go to Antioch and lay complaint before the authorities. On entering Antioch he went at once to the residence of the subgovernor and presented himself as an Englishman ("Je me suis rendu au Conak et me suis présenté comme anglais"). The kaimacam accordingly took him before the English consul, to whom Guedjian stated his grievance, viz, that his effects had been taken from him. On hearing this the kaimacam reassured him by saying, "My son, your effects are here. I have put them under seal. We were looking for you." Guedjian was then interrogated at length and the facts stated above were elicited from him.

After this he was moved to Aleppo, the capital of the province, where he underwent a second examination. A translation of the indictment against him is inclosed herewith. The result of this trial was a sentence of imprisonment for the term of one hundred and one years. Notwithstanding the numerous protests and demands of Consular Agent Poche, he was never allowed to see Guedjian or to communicate with him. The passport which he claimed to possess was never shown by the authorities, notwithstanding Mr. Poche's repeated requests to be permitted to inspect it. The information concerning the man's movements and intentions which is contained in this dispatch was all comprised in two communications from Guedjian, which he succeeded in having smuggled out of his prison and conveyed to Mr. Poche by an Armenian friend.

On receipt of Mr. Poche's telegram, a copy of which is inclosed, and of his dispatches containing a detailed statement of facts which is embodied in this dispatch, I addressed a telegram to you and also forwarded a note on the subject to the grand vizier, copies of which are herewith inclosed. It is important that I should receive an instruction in regard to the inquiry contained in the last sentence of my telegram

to you, for with the example of protection I have already set in the case of Mardiros Mooradian, I fear a fresh inundation of Armenian revolutionary emissaries in the guise of American citizens.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 630.—Translation.]

Indictment marked "e."

The council of accusations, consisting of the second president of the Aleppo criminal court of first instance, Hassan Sami Effendi, and of the members Mehmed Murad and Habid Effendis, the public prosecutor of appeals, Husni Bey, being also present, met in the room set apart for deliberations.

The record clerk was caused to read the documents of the investigation, including the investigations of the examining magistrate of the court of the first instance of the capital of the province, and also the requisition (No. 219, August 26, 1311) of the said public prosecutor in the case of Melcon of Harpout [this is the American citizen, Melcoun Guedjian], son of Tashji Hhohannes; Kevork of Haji Jilis, son of Tujjar Mamas; Muleteer Garabed of Beilan, son of Apraham, who were arrested near the village of Haji Jilis, in the commune of Suedieh; Gunsmith Garabed, son of Babik of Aintab; Serkis, son of Avedis of Aintab and brother-in-law to the above; Muleteer Apraham, son of Boghos of Antioch; and Muleteer Manouk, son of Hhohannes, who were captured at the place called Hajii Getchen, near Antioch, while crossing in a boat.

These men having been arrested while going to aid and abet in the extension of the seditious undertaking of the person named Aghasi, who is now engaged in seditious undertakings and efforts to seduce the inhabitants of Suedieh, Antioch, and of the Armenian villages of that vicinity with the purpose of separating from the control of the Government a portion of the territories of the Ottoman Empire.

The following are the contents of the said requisition [of the public prosecutor]:

As to the man named Melcon, he has confessed that he was carrying 700 and more liras, together with a number of letters and treasonable instructions given by the central authority at London of Huntchaghuist revolutionary committee, for aiding and abetting the extension of the seditious operations of the person named Aghasi, who is engaged in seditious undertakings and in seducing and corrupting the inhabitants of Suedieh and of the adjacent Armenian villages; that he came from London to Cyprus; that having received from certain seditious persons there pernicious documents and letters, he was arrested when about to reach the presence of Aghasy. These facts were fully exposed and proved by the 700 and more gold pieces found upon him and by the contents of a number of pernicious documents and letters also found upon him.

As to the said Kevork and the Muleteer Garabed, it is evident that they were leading men of the revolutionists who had entered into the seditious plans of Aghasy, from the fact that they were taken with the man Melcon, whom they had clandestinely met at Alexandretta, and whom they were taking from village to village to bring him to the presence of Aghasi. This is confirmed by their manner of expression and by the contents of pernicious documents which came to light on searching the house of Kevork.

As to the others, it has been learned partially from their evasive excuses and answers and fully and directly from the letters and papers found upon them, that they were intending to do service, by learning the use of arms, acts of brigandage, and other evil practices from the rebel who, under the assumed name of Ohan, is engaged in extending sedition and in carrying seditious correspondence between Aintab, Aleppo, and Antioch, and that when captured they were going to the presence of the said Aghasi. When they were captured, there were found upon them two bags of Winchester and Martini cartridges, various tools for the manufacture of arms, two double-barreled shotguns, and three revolvers.

Sufficient evidence having been found to require the indictment of all of them in this way, it is requested that it be decided by the court to indict them for felony under the first clause of the appendix to the fifty-fourth article of the Criminal Code, with which their acts and conduct are in conformity.

Having heard the argument orally delivered upon this point by the public prosecutor, action was taken as required by the two hundred and sixth article of the law of procedure for criminal courts.

The court then, on the 26th of August, 1311, unanimously decided that the papers show that the accused, Melcon, Muleteer Garabed, Gunsmith Garabed, and his brother-in-law Serkis, Apraham, and Manouk, were captured while going to aid and abet the

extension of the seditious operations of the person named Aghasi, who is engaged in seditious undertakings near Suedieh with a view of taking out from the control of the Government a portion of the dominions of the Ottoman Empire; and that the indications and circumstances set forth in the requisition of the public prosecutor are found to be sufficient for this indictment.

That their actions being felonious acts, which require the application of the first clause of the appendix of the fifty-fourth article of the Criminal Code, they be indicted for felony, their trial to be conducted before the criminal court of appeal at Aleppo, and that they being already in custody there is no need for an order for their arrest, and it is simply ordered that they be transferred to the jail for felons of the said court.

[Seal of the council of accusation.]

[Inclosure 2 in No. 630.—Telegram.]

Mr. Poche to Mr. Terrell.

(Received Sept. 20.)

My insistence with vali remains without effect. The vali declared that without an order from the minister he would give neither paper nor passport belonging to Guedjian. It is consequently impossible to examine into his right to American protection. According to my information Guedjian owns part of a house in Lynn, Mass., 36 Wheeler street. Naturalization paper from Boston also, dated 28th December, 1894. Passport from Boston also, dated 1st January, 1895. Against arrest, sentence, detention of passport and money, and against all consequences, I have protested afresh.

POCHE.

[Inclosure 3 in No. 630.]

Mr. Terrell to the Grand Vizier.

LEGATION OF THE UNITED STATES,
Constantinople, September 23, 1895.

YOUR HIGHNESS: Melcoun Guedjian, a naturalized citizen of the United States, has, I am informed, been sentenced at Aleppo to a long period of imprisonment without notice to the consular agent at that city, and against his protest. * * * I demand to know the facts, that I may know whether he has forfeited my protection. A refusal by the Turkish Government to permit a consular agent of the United States to see and converse with a man in prison who bears an American passport, as was done in the case of Guedjian, is not calculated to strengthen the cordial relations which have always happily existed between the two Governments, and I now formally protest against the execution of the sentence and demand that it be suspended until I can examine the facts.

Please accept, etc.,

A. W. TERRELL.

[Inclosure 4 in No. 630.—Telegram.]

Mr. Terrell to Mr. Poche.

SEPTEMBER 24, 1895.

Porte has sent instructions vali demanding again inspection passport and permission to have an interview with Guedjian.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 26, 1895.

Under Revised Statutes, consuls have extraterritorial jurisdiction over citizens accused of insurrection or rebellion against Turkey, or of less offense of similar character. Guedjian's act seems to have been political conspiracy with enemies of Turkey in England. Trial by Turkish court without notice to consul at Beirut or consular agent at Aleppo was in violation of international right, and should be annulled. You should ask that he be brought to Constantinople. If accused of insurrection or rebellion committed in Turkish dominion, you or consul should insist upon trying him.

OLNEY.

Mr. Terrell to Turkhan Pasha.

[Inclosed with Mr. Terrell's No. 640, of October 9, 1895. Dispatch not printed.]

LEGATION OF THE UNITED STATES,
Constantinople, September 28, 1895.

SIR: I have the honor to inform you that since my note of the 23d instant to his highness the grand vizier, information has been received at this legation, deemed reliable, that Melcoun Guedjian, who was confined in prison at Aleppo, has not been accused of engaging in armed resistance to the Government of Turkey, but rather of acting as the political agent of an obnoxious society. I am informed that he is charged with violating the law contained in the first clause of the fifty-fourth article of the criminal law.

A dispatch from the American consular agent at Aleppo informs me that his repeated efforts to obtain the passport of Mr. Guedjian have been without effect, and that the application of the agent to converse with him has been again refused.

Your excellency need not be informed that such conduct on the part of local officials at Aleppo is in plain violation of treaty rights, against which it is my duty to protest.

If judgment of conviction has been rendered in a Turkish court against Mr. Guedjian, I request that your highness will be pleased to order that it be annulled, since it was rendered without jurisdiction.

I also demand that Guedjian be brought to this city with his passport and other property, and that he be here delivered to the United States consul-general, who will examine the facts regarding the accusation against him.

It is impossible for my Government to admit that the rights of Guedjian as a naturalized American citizen are in the slightest degree affected by the fact that he was once a subject of His Imperial Majesty.

Whether he has violated the laws of Turkey or forfeited American protection must, under Article IV of the treaty of 1830, and the laws of the United States passed in pursuance thereof, be first determined by myself or the consul-general according to the grade of his offense; if found guilty he will be dealt with as justice may require.

Permit me, excellency, to express the hope that my efforts to promote and continue cordial relations between the Government of the United

States and that of His Imperial Majesty, which have been always exerted, will cause you to order the inferior officers of the Ottoman Empire to observe greater respect for the rights of American citizens. Receive, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

No. 632.]

DEPARTMENT OF STATE,
Washington, October 14, 1895.

SIR: I have received your Nos. 627 and 630, of the 18th and 24th ultimo, respectively, in relation to the case of Melcoun Guedjian.

The Department's cablegram [of September 26] seems to cover all the essential points in regard to which you ask instructions.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 643.]

LEGATION OF THE UNITED STATES,
Constantinople, October 14, 1895. (Received Oct. 28.)

SIR: I have the honor to inclose a copy of your telegram of the 26th ultimo, relating to the case of Guedjian, who was convicted at Aleppo as a revolutionary emissary, without notice to the United States consular agent, and who desired American protection. Your dispatch, No. 619, of the 28th ultimo contains a correct copy of my telegram of the 23d ultimo.

No response has been made to my demand that the judgment against Guedjian should be annulled and that he should be brought here for trial before me or the United States consul-general.

While the construction of the treaty of 1830 insisted on by former ministers at this post has been adhered to by me, it has resulted heretofore in the release of American citizens accused of crime, who have thus escaped being punished by either Government. Turkey has never, even as to ordinary offenses, abandoned her claim to jurisdiction.

* * * * *

The treaty of 1830, when construed in connection with sections 4090 and 4125, United States Revised Statutes, left me in doubt as to the propriety of finally trying and punishing one accused of engaging in armed revolution here. The words "if allowed jurisdiction," in section 4090, might, it occurs to me, be given such a construction as would allow me to yield to the Ottoman authorities the jurisdiction in such cases, after I had first judicially examined the charge and ascertained the guilt of the person accused, and that he had, under the international rule, forfeited the protection of our Government.

If in the case of Guedjian, or any like case, my jurisdiction to try shall be assented to, the accused will be finally tried in accordance with what I understand to be your telegraphic instruction.

If all naturalized Americans of Turkish origin who are subject to

punishment for conspiring against the Ottoman Empire shall be arrested instead of being killed, there is much reason to believe that the criminal docket at this post will be crowded.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 652.]

LEGATION OF THE UNITED STATES,
Constantinople, October 24, 1895. (Received Nov. 11.)

SIR: I have the honor to inform you that the grand vizier has renewed emphatic orders for bringing the man Guedjian to this city. I feel confident that he will be delivered to me with orders for him to leave Turkey. I inclose extract from a letter from Consular Agent Poche regarding the action of the governor, and also a copy of my note of the 23d to the foreign office suggesting the removal from office of the governor, unless the Ottoman Government was prepared to assume responsibility for his conduct.

The grand vizier had personally assured me of his renewed order to bring Guedjian to this city, and of him I had verbally demanded the removal of the governor, whose conduct has become obnoxious to Americans.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 652.]

Mr. Poche to Mr. Terrell.

ALEPPO, October 3, 1895.

MR. MINISTER: Yesterday I had the honor to address your excellency the following telegram:

Having demanded inspection passport, permission interview Guedjian, in conformity with telegram of 24th, vali informs me grand vizier telegraphs he has given instructions by letter, which has not yet arrived.

In explanation of this dispatch I should say to your excellency that the reason for the vali, Hassan Pasha, refraining from answering mein writing, and his telling me that the telegraphic order of the grand vizier refers to instructions sent by letter, is only to gain time while he puts himself in communication with the grand vizier in order to induce him to reconsider his decision, as this is really a reprimand for his refusal to accede to my first demands, and constitutes a satisfaction to our Government, ever jealous of the rights of its citizens, a thing the vali wishes to avoid at any cost. He also desires to prevent the prisoner from reporting what took place during their interviews. Yesterday 16 of the 23 Armenian prisoners who had not shared in the amnesty were set free, as their terms had expired.

The Government continues to mass troops at Suedieh, and seems to fear that grave events will take place in that region. The situation is once more troubled; fanaticism excites and safety seems compromised.

Of the 2,000 recruits who were collected at Alexandretta to be embarked several hundred mutinied and escaped to the mountains,

where they fought among themselves and several were wounded. Troops have left here in great haste for Alexandretta to restore order.

* * * * *

F. POCHE.

[Inclosure 2 in No. 652.]

Mr. Terrell to Saïd Pasha.

No. 91.]

UNITED STATES LEGATION,
Constantinople, October 23, 1895.

SIR: I have the honor to call your excellency's attention to the unwarranted violation of treaty rights in the case of Melcoun Guedjian, an American citizen, who has been for some months confined at Aleppo. Guedjian was tried by a Turkish tribunal and sentenced to a long term of imprisonment on a charge of sedition, but the American consular agent at Aleppo was not informed of his arrest nor of the charges against him. When he accidentally learned of the man's imprisonment, and tried to see him in order to investigate whether he was still entitled to American protection, they informed him that he could not be permitted even to see Guedjian. Although subsequently His Highness Saïd Pasha, grand vizier, at my request and in my presence dispatched orders to the vali, instructing him to allow the consular agent an opportunity of conversing with Guedjian and examining into his claim of American protection, the vali still refused and asserted that he would take the responsibility for his action upon himself. As such action is contrary to the assurances given me at the Sublime Porte, I would suggest that unless the Ottoman Government is willing to assume the responsibility for such illegal action the conduct of its disobedient official should be disavowed, and I therefore demand of your excellency the removal from office of the vali of Aleppo.

Be pleased, excellency, to observe that the responsibility for this illegal action must rest either with the Ottoman Government or with its faithless official.

In connection with this case, I beg leave to call your excellency's attention to my notes No. 83, of September 21; No. 84, of September 23, and No. 86, of September 28, 1895.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 654.]

LEGATION OF THE UNITED STATES,
Constantinople, October 28, 1895. (Received Nov. 11.)

SIR: I have the honor to inform you that the Porte has for weeks failed to answer in writing my repeated demands that Consular Agent Poche at Aleppo might have access to Melcoun Guedjian, who has for two months been confined in a Turkish dungeon in that city.

Though verbally assured by the late grand vizier that telegraphic orders would be sent to comply with my demands, I am informed by a telegram from Consular Agent Poche, on the 26th instant, that those repeated promises have been disregarded and that Guedjian is still confined in prison at Aleppo, though his passport as an American citizen is in due form and of recent date.

A similar disregard of treaty rights, accompanied with the same failure to answer my emphatic demands for relief, was practiced by the Porte in the case of Krekor Arakelian, who was imprisoned at Marsovan for seven weeks before his release, and no satisfactory answer has yet been made to my demands.

The same disregard of my notes has been observed in the case of George Webber, who, I am convinced, was murdered by harsh imprisonment, and whose passport was in due form.

In this condition of affairs, a proper regard for treaty rights and the lives of our citizens, induced my note No. 93 of this date to the minister of foreign affairs, in which my demands were repeated and a written answer at once demanded.

I trust you will approve my action in stating that unless my demands were complied with at once, I would ask instructions to demand my passports.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 654.]

Mr. Terrell to Saïd Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, October 28, 1895.

SIR: A telegram from the consular agent of the United States at Aleppo, sent yesterday, informs me that the governor of that province still refuses to permit that officer to converse with Melcoun Guedjian, whose passport as an American citizen is in due form, and who has been confined in Aleppo for many weeks in prison.

In a conversation with His Highness Saïd Pasha, grand vizier, on September 19, I called his attention to the case of Guedjian. In my note, No. 83, of September 21, addressed to the grand vizier, I protested against the action of the vali in refusing the American consular agent opportunity to examine into Guedjian's right, either by conversing with him or by examining his papers, and reminded the grand vizier of the verbal promise he made me on the 19th ultimo, that he would send telegraphic orders to correct this.

On September 23, by my note, No. 84, addressed to the grand vizier, his attention was called to the fact that reliable information had reached me that Guedjian had been sentenced to a long term of imprisonment by a Turkish tribunal, without the knowledge of the consular agent, who had again asked in vain to see the prisoner.

I have a copy of the written accusation on which he was tried and of his examination, and have absolute knowledge that he was not arrested when in armed resistance to the Government of His Imperial Majesty.

Against the execution of the sentence I formally protested, and demanded its suspension until I could investigate the nature of the crime charged and the facts proved.

In my note, No. 86, of September 28, to His Excellency Turkhan Pasha, your predecessor, I informed the Porte that the application of the American consular agent at Aleppo to see Guedjian and examine his passport had been again refused. In that note I demanded that the judgment rendered against Guedjian should be annulled, as rendered without jurisdiction, and I also demanded that he should be brought to Constantinople, with his passport and other property, and be delivered

to the consul-general of the United States, who would examine the accusation against him.

In my note, No. 91, of October 23, to His Excellency Saïd Pasha, minister of foreign affairs, I stated to him the facts that the vali still refused all access to Guedjian, though telegraphic orders requiring access to the prisoner had before that date been verbally promised me by his excellency the present grand vizier. In that note I demanded the removal from office of the vali of Aleppo, unless the Ottoman Government was willing to assume responsibility for his illegal action. This demand was also made by me verbally in person.

In addition to the notes referred to, oral representations have been repeatedly made at the Porte on the subject to His Highness Saïd Pasha, the late grand vizier, to Turkhan Pasha, the predecessor of your excellency, and to His Highness Kamil Pasha, the present grand vizier.

I regret to remind your excellency that I have not yet been favored with a single line of writing acknowledging or responding to any of my written notes, although the illegal detention of an American citizen was the subject, and three of those notes were sent by a trusted cavass and delivered at the Porte more than a month ago.

The unusual difficulties which have recently embarrassed the administration of public affairs in the Ottoman Empire appealed to my forbearance, when assured by the predecessor of your excellency of kind treatment to Guedjian while in prison. Longer forbearance is not consistent with the dignity of my Government.

The United States demands the same protection in the Ottoman Empire for every American citizen bearing its passport, whether native born or naturalized, that is accorded to any titled prince of any power in Europe.

The long imprisonment and illegal trial of Guedjian, without written explanation from the Porte when requested, is unfortunately not the only case of that character. Krekor Arakelian was confined in prison at Marsovan on suspicion alone for seven weeks, though he bore an American passport regular in form.

Your excellency need not be informed that the only solid foundation for cordial relations between Governments are an observance of justice, a strict observance of treaty rights, and mutual forbearance and courtesy between those who represent them.

Treaty rights have been flagrantly violated by the vali at Aleppo, and my courteous request for a correction of the wrong has met with no written answer.

I therefore demand an immediate written statement from your excellency that the insulting conduct of the vali of Aleppo is not approved, and that he will be at once removed from his office, or that the Ottoman Government assumes the responsibility for his conduct.

I also demand a written statement that Guedjian will be brought at once to this city, that I may examine the nature of his crime, if he has violated law, and direct his punishment, or permit his deportation from the country if his presence is not desirable.

If these reasonable demands are not complied with before Tuesday, I will realize that all my efforts to secure the protection of American citizens and to preserve cordial relations between our respective Governments have been in vain, and of which I will inform my Government and request authority to demand my passport.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *October 30, 1895.*

Passport of Guedjian is quite regular. He was not taken in armed rebellion nor charged with it, but convicted of less offense, over his protest against jurisdiction, in violation of treaty stipulations and the presence of our consular agent at the trial forbidden. Repeated applications of consular agent to see him during two months' imprisonment were refused. All my notes during two months for his relief remain unanswered. Repeated verbal promises of the Porte that he might be visited and brought here disregarded by governor of Aleppo. Monday I informed minister for foreign affairs by note that my longer forbearance was not consistent with the dignity of my Government, and unless I received a statement in writing by Tuesday, 29th, that Porte disavowed responsibility for flagrant conduct of governor and would perform its verbal promises to bring Guedjian here I would inform you and ask permission to demand my passport. My demands for the release of Arakelian, naturalized citizen of the United States, imprisoned for seven weeks before release, received no answer, nor have I received any reply to my repeated demands made for six months for facts connected with the death of George Webber, who, I am convinced, was murdered by his harsh imprisonment. Both these men were imprisoned on suspicion alone. Longer forbearance will render life more insecure. This is Wednesday. No answer has been received. Full details in my dispatch last Monday.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 657.]

LEGATION OF THE UNITED STATES,
Constantinople, October 30, 1895. (Received Nov. 18.)

SIR: I have the honor to inclose my telegram (copy) of this date, informing you of my demand for a written answer from the Porte regarding the flagrant action of the vali of Aleppo in imprisoning and refusing access to Melcoun Guedjian, an American citizen.

The full text of my note to the Porte was inclosed in my No. 654, of the 28th instant. An answer was demanded before Tuesday, the 29th. No answer being received, I sent my dragoman to-day with a note to the foreign minister, Saïd Pasha, to obtain from him a statement that the note of the 28th instant, which contained my demands, had been received. A copy of that note and also a copy of Mr. Gargiulo's report in relation thereto are inclosed.

In such cases the custom is to direct diplomacy through the Turkish minister at Washington.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 657.]

No. 94.]

Mr. Terrell to Saïd Pasha.

SIR: Will your excellency be pleased to inform Mr. Gargiulo, the dragoman for the United States legation, whether you received and have answered in writing my note, No. 93, of October 28 instant, which

was sent to you by the same trusted messenger who conveyed to the Porte my former notes, in regard to Guedjian, an American citizen.

The information is desired before I communicate with my Government.

Receive, etc.,

A. W. TERRELL.

[Inclosure 2 in No. 657.]

Mr. Gargiulo to Mr. Terrell.

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1895.

SIR: I have the honor to report to you that this evening I called on His Excellency Saïd Pasha, minister for foreign affairs, and delivered him your note in which you requested him to inform me if he had received your note, No. 93, of the 28th instant, and if he had replied to it.

Saïd Pasha acknowledges the receipt of that note, and says that as it referred to two previous notes which were addressed to the grand vizier and the matter being important he could not make a reply before finding out what steps the grand vizier had taken on the subject, but anyhow, he said, you will receive his answer by to-morrow.

I am, etc.,

A. A. GARGIULO.

[Telegram.]

Mr. Olney to Mr. Terrell.

DEPARTMENT OF STATE,
Washington, October 31, 1895.

Your telegram¹ received last night regarding Lenz and missionary protection indicates a better spirit on the part of the Turkish Government than your preceding telegram showed, and suggests that good management may avert proposed formal demand for passports. Firmly impress upon Turkish Government our right to be promptly answered as to just demands, and our confidence that the answers will be satisfactory.

OLNEY.

Mr. Terrell to Mr. Olney.

No. 660.] LEGATION OF THE UNITED STATES,
Constantinople, November 3, 1895. (Received Nov. 18.)

SIR: I have the honor to inclose a copy of the cipher telegram from you received November 1, and which was in response to my telegram of the 30th ultimo, relating to the flagrant outrage perpetrated and persisted in by the vali at Aleppo in his treatment of our consular agent at that city in the case of Guedjian.

I also inclose my note (copy) of this date to His Excellency Saïd Pasha, minister of foreign affairs, which I trust you may approve.

In this era of revolution and carnage some boldness in demanding not only protection but respect is the only road for future security.

¹Printed on page 1332.

I feel confident that in a few days proper satisfaction will be given by the Porte, which will result in rendering future diplomatic action less embarrassing.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 660.]

Mr. Terrell to Said Pasha.

No. 95.]

LEGATION OF THE UNITED STATES,
Constantinople, November 2, 1895.

SIR: I telegraphed to my Government the contents of my notes, Nos. 93 and 94, of the 28th and 29th of October, and also of your note, general No. 16178, special No. 28, of October 30. I afterwards informed my Government that the Turkish authorities had arrested the supposed murderers of Lenz, the American cyclist, and that his highness the grand vizier had given to the British embassy and to Mr. Gargiulo assurances for the protection of Americans who are engaged in distributing relief to the poor in Sassoun, which has been furnished from Great Britain.

These acts are regarded by the United States as manifesting so friendly a spirit on the part of the Turkish Government as to render unnecessary at present a demand for my passports.

I am, however, instructed to inform the Government of Turkey that the United States has a right to expect prompt answers to my complaints, and at the same time to express its confidence that your answers will be prompted by a spirit of justice and will be satisfactory.

I therefore again invite the attention of your excellency to my various notes regarding the flagrant conduct of the vali at Aleppo in the case of Guedjian, one of which was addressed to your excellency on the 23d of October, and a copy of which is inclosed for your convenience.

I also inclose copies of my unanswered notes regarding the sad death of George Webber, an American citizen, who was arrested on suspicion while journeying as a pilgrim to Jerusalem, taken in chains to Brusa, and who died from brutal treatment while under arrest.

A former answer, that Webber went to Brusa and there died, is not satisfactory. I can not doubt that the uniform and friendly policy of my Government, which so carefully avoids all interference with the administration of the internal affairs of the Ottoman Government, except when it may become necessary to protect American citizens and their interests, is appreciated by your excellency.

I therefore indulge the hope that your excellency will be pleased to furnish such an answer to my demands before made in the cases of Webber and Guedjian as will satisfy my Government.

Receive, etc.,

TERRELL.

[Inclosure 2 in No. 660.—Translation.]

Said Pasha to Mr. Terrell.

SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
October 30, 1895.

MR. ENVOY: I have had the honor to receive the two notes, numbered 93 and 94, respectively, dated day before yesterday and yesterday, concerning the case of Melcoun Guedjian.

As the different previous communications of your excellency on this subject had been addressed to the grand vizierate,¹ I could only take cognizance of the last, consequently I was obliged to refer to the grand vizier, who told me that, in conformity with what had then been agreed upon in the interview which he had had on the subject with you, the governor-general of the Vilayet of Aleppo had been directed by telegraph to send the above-mentioned individual to Constantinople.

Having the honor to inform you of what precedes,
I take, etc.,

SAÏD.

Mr. Olney to Mr. Terrell.

No. 663.]

DEPARTMENT OF STATE,

Washington, November 12, 1895.

SIR: In acknowledging the receipt of your No. 652, of the 24th ultimo, I have to approve your demand that the grand vizier's orders for bringing Guedjian to Constantinople be carried out.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 674.]

DEPARTMENT OF STATE,

Washington, November 22, 1895.

SIR: Your No. 654, of October 28 last, in relation to the case of Melcoun Guedjian, is accompanied by a copy of your note to the Porte of October 28, 1895, written before the receipt of my telegram of November 1, in which note you intimate that upon refusal of your just demands in Guedjian's regard you would be constrained to inform your Government and request authority to demand your passports.

Your later advices reporting the promise of the Turkish Government that Guedjian should be at once brought to Constantinople indicate that your earnest demands have borne fruit, and as you have intimated to the Porte in a later communication remove the necessity for immediately considering the propriety of your proposed action in regard to demanding your passports.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 27, 1895.

Press for delivery of Guedjian to you for trial by you.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, December 3, 1895.

Guedjian delivered. Governor of Aleppo removed. Incident closed. Will inform Guedjian if no trial before me is consented to that he is required to depart from Ottoman Empire.

TERRELL.

¹ This, as shown by my correspondence, is not true.—TERRELL.

RIOTS AND PROTECTION OF AMERICANS.

Mr. Terrell to Mr. Olney.

[Telegram.]

UNITED STATES LEGATION,
Pera, October 2, 1895.

Monday several hundred Armenians marched on the Porte profess-
edly to ask redress of grievances. The patriarch tried to prevent it.
A conflict occurred between Armenians and police. Probably about
60 Turks and Armenians killed—among others Turkish major—and
many wounded. Armenians carried pistols. Yesterday several more
were killed. Last night 80 killed. Several hundred imprisoned. Porte
had notice of the demonstration, which they say was organized by
leaders of Hunchagui revolutionists, whom they have captured.
Much terror exists. I think Porte will be able to restrain fanaticism.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 635.]

LEGATION OF THE UNITED STATES,
Constantinople, October 3, 1895. (Received Oct. 18.)

SIR: I have the honor to inform you that a reign of terror has
existed here for three days among the Armenian population, and fears
are yet entertained that all Christian races here are in danger from
Moslem fanaticism.

Some days ago an anonymous letter was sent to the grand vizier,
informing him that on Monday, the 30th of September, a large number
of Armenians would walk to the Sublime Porte to petition for redress
of grievances, unless they met with resistance. I am informed that the
Porte notified the Armenian patriarch of the incident, and that he was
expected to prevent the assemblage of Armenians at the Porte, failing
in which he would be held responsible for consequences. To this the
patriarch is reported to have returned answer that he would attempt to
prevent the assemblage, but that he, who had in vain attempted to
present the grievances of his race, should not be held responsible, but
rather the Turkish officials who refused them justice.

On the morning of the 30th ultimo, during divine service at the
patriarchate, the patriarch advised the people to exercise patience and
prudence. A young man present rose and rebuked the prelate, when,
during much excitement, the patriarch entered his residence and shut
himself up against the intrusion of the crowd.

The men of the assembly there, numbering several hundred, moved
in the direction of the Porte, which was perhaps 1 mile distant, the
palace of the patriarch being in the Armenian quarter.

At about the same time two other large bodies of Armenians moved
from other portions of the Armenian quarter on the Porte.

Uniting not far from the burnt column of Constantine, the Armeni-
ans had reached a point within a few hundred paces of the Porte when
the police attempted to stop their progress. A conflict ensued, in which
pistols were freely used by the Armenians. Here a Turkish officer with

the rank of major was killed, and several of the police were slain. Which side did the first killing is involved in doubt, but the prevailing belief is that it was the Armenian. Opinions vary also as to the number slain, which is variously estimated at from 15 to 50. The exact number will never be known.

Tuesday, October 1, passed without tumult save in two localities, at each of which an Armenian was killed with sticks and stones by the Turkish rabble.

Tuesday night violence was renewed, and about 25 Armenian laborers who occupied a khan were butchered by the Turkish rabble in their quarters with sticks and knives. After entering they closed the door and excluded the police. About 50 were slain also in a klan in Stamboul. In both instances their bodies were carted away during the night. Two others were killed near a Protestant school in Stamboul, and 7 Armenians were killed in Scutari, opposite Stamboul.

It is estimated that from 800 to 1,000 Armenian prisoners were taken on Monday and Tuesday, who were armed with new six-shooters of a uniform pattern. An attaché of the embassy reports that 4 Armenian prisoners were killed at the police headquarters with bayonets while he was there.

On Wednesday morning I learned that Mrs. Newell, an American lady, and Mrs. Shishmanyman, also an American, who teach school in the midst of the Armenian quarter of Stamboul, were in great fear. I crossed the Golden Horn and drove at once to their houses. After entering the Armenian quarter every house was found closed during a drive of a mile, and no one was seen on the streets except the turbaned ulemas or priests and squads of soldiers. No wheeled vehicle was seen anywhere, but at every window I saw the faces of Armenian men and women anxiously looking as I passed.

After assuring the American ladies of such protection as I could offer, I went at once to the minister of police and demanded efficient protection for these ladies and the Americans with them, and for all Americans in the city and in Scutari, which was promised.

To-day I renewed my demand on the foreign minister for telegraphic orders to all provinces in the Empire for the protection of Americans, a copy of which is inclosed.

To-morrow may see a renewal of trouble on a larger scale, since the revolutionary leaders who are known to have planned the movement on the Porte have provided for another demonstration to-morrow on the palace. I am informed by an intelligent Armenian that 500 revolutionists armed with pistols are confined in an Armenian church in Stamboul, and have been two days without food. Several hundred of this race have taken refuge in other churches.

I am also informed that on Sunday last 5,000 Armenian men partook of the sacrament in the various churches here, preparatory to the events of Monday.

The ambassadors have sent a note to the palace, which was shown me by the British ambassador last night, urging the necessity for immediate action to prevent further bloodshed, and that former demands should be granted.

The outlook is not encouraging for peaceful times, but if the troops (of which there are 20,000 or 30,000 at hand) can be prevented from fraternizing with the priests and mob order may be preserved.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 635.]

*Mr. Terrell to Turkhan Pasha.*UNITED STATES LEGATION,
Constantinople, October 3, 1895.

SIR: I have the honor to inform you that there is reason to fear that the unfortunate acts of violence which have occurred in this city during the last few days may not be understood in distant provinces and may cause bloodshed there. I therefore respectfully demand that your excellency will cause telegraphic orders to be sent requiring a continuance of respect and protection of all American citizens.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

THERAPIA, *October 4, 1895.*

Tranquillity for last forty-eight hours. Kiamil Pasha was yesterday appointed grand vizier. Dreading influence in distant provinces of recent events, have renewed demand for efficient protection of missionaries.

TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *October 8, 1895.*

Saïd Pasha, former foreign minister, reappointed. Consul of the United States at Beirut reports activity of revolutionary leaders in interior, and that missionaries dread being assassinated by revolutionists, who hope thus to bring odium on the Turks. They also fear massacre by the Turks. My demand for orders to all civil and military chiefs in all provinces for protection of Americans has been renewed. Still dread the effect of recent events here on remote provinces. * * * The Armenian churches have been filled for a week by Armenians who refuse to leave, whether from apprehension or because revolutionary leaders require it as an object lesson to influence Christian powers, opinions differ. Order seems restored, but all Armenian business houses are closed under instructions from Armenian committee.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 638.]

LEGATION OF THE UNITED STATES,
Constantinople, October 8, 1895. (Received Oct. 19.)

SIR: I have the honor to inform you that for the last two days over a thousand Armenians have remained shut up in their churches in Pera and Stamboul, and nearly all their business houses remain closed. They

remain in churches under orders from the revolutionary leaders, whose vengeance they dread if they disobey. The discipline of the Turkish troops is well preserved, and I believe that security for life would exist if the populace could be relieved from fear of the secret revolutionary committees.

The attitude of the Armenians, however, in persisting in their refuge at their churches tends to exasperate the populace among the Turks, who pretend to see in it a demonstration to arouse sympathy among Christian nations.

It is said that the most dangerous among the leaders of the revolutionary committees remain here known and not arrested only because the Government fears that their arrest would cause a more violent Armenian demonstration and that it would end in a worse massacre, by way of retaliation. No carriages are seen in Stamboul after night, and a general feeling of apprehension exists. The newly appointed grand vizier and Saïd Pasha, whose reappointment as minister of foreign affairs I have this day informed you of, were neither of them at their posts to-day, but are reported to have been closeted with the Sultan.

The fanatical Moslem priests, who are said to have been active with their clubs in killing Armenians on the 30th and on the night of the 2d instant, are still seen in unusual force on the street, though about 60 of them have been arrested. It must be supposed that an article of the 5th instant in the *Sabah* (a Turkish newspaper), a translation of which is inclosed, was designed to soothe the feelings of those not arrested. * * *

The resident Greeks, numbering several hundred thousand, openly denounce the conduct of the Armenians in their demonstration of the 30th ultimo.

* * * * *

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 638.]

Translation from the Sabah of October 5.

The kindness and gracious treatment shown the students (*softas*) by his imperial majesty the caliph is approved by the universe, and is seen by the eyes of gratitude and of praise to be every moment covered with glory. As a part of the great and beautiful sum of these kindnesses and upon the firman of His Majesty (the shadow of God) the chief carpet spreader of His Imperial Majesty, His Excellency Izzet Bey, went yesterday to the region of Sultan Beyezid and distributed to certain medrepes (theological schools) in that region 11 sheep for sacrifice and a sufficient amount of the Imperial bounty.

It has also come to the ears of our thanksgiving that prayers from all for the well being of His Majesty, the builder of the world, ascended to the throne of the Almighty Supplier of Needs.

Mr. Terrell to Mr. Olney.

No. 639.]

LEGATION OF THE UNITED STATES,
Constantinople, October 8, 1895. (Received Oct. 25.)

SIR: Referring to my telegram of this date, I have the honor to call your attention to the inclosed dispatch, No. 84, from Consul Gibson to Consul-General Short of the 1st instant, calling his attention to missionary apprehensions of a massacre in the interior.

* * * * *

The danger now seems so serious in the vilayets of Aleppo and Adana that I would advise the removal of missionaries to the seacoast and ask refuge on the war vessel of some friendly power whose boats are near, but believe that now the danger would be greater for our people while in transitu than if they remained calmly at their posts.

* * * * *

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 629.]

Mr. Gibson to Mr. Short.

No. 84.]

UNITED STATES CONSULATE,
Beirut, Syria, October 1, 1895.

SIR: I deem it my duty to notify you and to beg that you will bring to the attention of His Excellency Minister Terrell the following reports which come to me from Aleppo, Alexandretta, Marash, Hadjin, Tarsus, and Mersine, places in the vilayets of Aleppo and Adana, and from sources which seem to be perfectly trustworthy. I would add the names of my informants, but they request that names be not given because the men in the movement alluded to would have no scruples as to taking the life of anyone who informed against them.

I make this report also because one English consul, if not more than one, in the disturbed district has already brought this matter to the attention of the British embassy at Constantinople, and because our American missionaries in the vilayets named hope that Minister Terrell will cooperate with the British authorities. My own desire in the matter is to insure the protection of American citizens; and if these reports shall impress his excellency sufficiently to again insist on the presence of the *Marblehead* or some one of our men-of-war, I shall be glad to go up in person and aid the officer in charge in the protection of our citizens and in the closing up of other complaints in that section.

Briefly, then, I am informed that extensive plans are being made in the Adana and Aleppo provinces with a view to effect a revolution. Certain members of an Armenian revolutionary society now located in the most populous towns and cities mentioned are said to carry arms and bombs and to be inciting the people to rebellion, having won large numbers over to their side. I understand that they are arming and drilling for an uprising or some emergency. Our missionary says he has done all in his power to get the leading men of his town to compel those insurrectionists to leave, but in vain. In spite of their attitude for law and order, both sides seem to be against the missionaries, and some of the leaders of the insurrectionists have threatened to murder the missionaries, because, in the first place, they hate them, and second, because it may bring odium on the Turks.

It is also stated that within three or four weeks these leaders will have their preparations or plans ready to seize Government buildings and such military equipments and weapons as can be found in the two provinces, the real purpose of the men being to lead the ignorant throng into the commission of such acts as will bring about a massacre of Christians similar to that of Sassoun last year. The leader of the revolutionists has now gone over to Cyprus in order to cable to Paris for instructions as to the date of the prepared rising.

Now, the Turkish Government may already be in possession of these reports, and the reports may be only the fears of the people expressed in wild rumors, but as there are three American ladies in Hadjin and several American families in Marash who are very anxious for advice about remaining or coming to the coast I would like to have either your advice or any information you may be able to get from headquarters as to any real danger in their present positions.

The United States consular agent at Alexandretta, Mr. Walker, writes me by to-day's mail that Alexandretta has been overrun for the past three weeks with about two thousand Turkish recruits or troops from the interior, totally without discipline. No means are at hand to prevent mischief, and the city is described as in danger from this cause, for fights among the soldiers occur daily. People are insulted in the streets, and merchants have been compelled to close their shops the past week. The inhabitants are frightened, and all the consuls have informed their superiors of the condition of affairs.

I am, etc.,

THOMAS R. GIBSON,
United States Consul.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1895.

* * * What advice, if any, is given to British missionaries, or missionaries of other nations, as to leaving their posts?

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, October 10, 1895.

Apprehension of massacre of missionaries alike at Aleppo, Hadjin, Mersine, and Marash. Missionaries here agree that danger would be greater in transit than to stay calmly at their posts. * * * British ambassador will apply for use of British vessels if needed to take refuge before ours can arrive. British missions all located on the coast. The situation here is still precarious. Orders have issued for all provinces to protect Americans.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 11, 1895.

Marblehead ordered to the Gulf of Alexandretta.

OLNEY.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, October 12, 1895.

MR. SECRETARY OF STATE: The Imperial authorities have sufficiently proved, I think, with what pleasure they welcome the American ships of war in all their visits to the Turkish ports. These visits are, in fact, natural, and they are always friendly. My aim, consequently, in writing this note to your excellency, is simply to contradict, with respect to the sending of the *Marblehead*, the rumors of the journals of this morning, according to which the security of American citizens in the Turkish provinces is endangered in consequence of the troubles provoked at Constantinople by the revolutionary Armenian committees in pursuance of a plan arranged in advance and fully set forth a short time before these troubles occurred in the journals of the revolutionary Armenian party published in foreign countries.

I can place at your excellency's disposition whenever you wish the number of the 1st of September, 1895, of the Armenian journal, the *Haik*, which is published at New York, and which affirmed in advance the troubles at Constantinople just as they did in fact occur one month later.

I think it my duty meanwhile to assure you that in spite of the realization, not only in the provinces but even at Constantinople, of the Armenian revolutionary plan arranged after the mature deliberation of its leaders, the American citizens in Turkey being mindful of the public peace of the country where they reside incur absolutely no danger.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Olney to Mavroyeni Bey.

No. 40.]

DEPARTMENT OF STATE,
Washington, October 15, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant in regard to the announced visit of the U. S. S. *Marblehead* to Turkish waters, and I notice with gratification your voluntary assurance that notwithstanding the Armenian disturbances which have taken place, not only in the provinces, but even at Constantinople, the American citizens in Turkey who are mindful of the public peace of the country where they reside incur no danger.

The visit of the *Marblehead* to Turkish waters at this juncture is in pursuance of a long-established usage of this Government to send its vessels, in its discretion, to the ports of any country which may for the time being suffer perturbation of public order and where its countrymen are known to possess interests. This course is very general with all other Governments, and the circumstance that a transient occasion for such visits may exist does not detract from their essentially friendly character.

Accept, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE (PERA), *October 16, 1895.*

At Akhissar fifty Armenians killed 9th instant. Massacre Trebizond last week; over five hundred killed. Hunter and Chilton, now there, telegraph safe. Situation here still precarious. British fleet is still at Lemno.

TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, *October 18, 1895.*

Armenian question settled last night. Iradé of the Sultan securing reforms satisfactory to the three powers.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 650.]

LEGATION OF THE UNITED STATES,
Constantinople, October 22, 1895. (Received Nov. 7.)

SIR: I have the honor to inclose copy of my note sent last night to the minister of foreign affairs requesting prompt orders for the security of three American missionary ladies at Adabazar. I learned yesterday of their danger on account of a disturbance among the Moslems at Hendek, which is near Adabazar.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 650.]

Mr. Terrell to Said Pasha.

No. 90.]

UNITED STATES LEGATION,
Constantinople, October 21, 1895.

SIR: I have the honor to inform your excellency that I learn from a reliable source that a disturbance has taken place at Hendek, in the district of Adabazar. As there are three American ladies residing in the town of Adabazar, in the same district, I request that your excellency will send telegraphic orders at once to the competent authorities in order to insure the safety of these ladies.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 651.]

LEGATION OF THE UNITED STATES,
Constantinople, October 24, 1895. (Received Nov. 11.)

SIR: I have the honor to submit my views of the character and political tendency of the reforms in the Ottoman Empire which were announced on the 21st instant, and a copy of which I inclose.

These reforms are not heralded by a hatt or public proclamation at the Porte, which the Sultan was urged by the powers to issue; nor do they embrace the radical measures so emphatically demanded by Lord Salisbury on his accession to power.

It will be observed that the iradé which announces the regulations refers to them not as innovations on former customs, but as the orders to enforce existing laws, or as regulations in harmony with them. Nor are these regulations to be general; they are to be enforced only in those vilayets "where their application would be consonant with the spirit of the Imperial hatt of Gulhane and the firman of reforms published in 1272" (February 18, 1856).

The Kurds are not to be disarmed (as demanded by England), but only an application is to be made to them of the general law which regulates the bearing of arms, and a requirement to escort them with an armed force "during their periodical migrations." The Kurdish troops called "hamidieh" still remain in regiments of cavalry, but shall "wear uniforms or arms only when mustered in camp for their drill." There is no prohibition against their being continually mustered for drill.

The regular army will still be composed of Turks, and Christian races will be admitted to the gendarmerie and police "according to their respective number in each province." This will perhaps give one Christian to five Turks at most in the provinces to which the regulations will apply. As to what shall be the race or religion of the officers who command them nothing is said.

Under existing laws forced labor can only be exacted on roads; under the new regulations it may be claimed for "all matters of public utility."

The homestead, the implements of one's trade, and necessary family supplies have been exempted from forced sale in Turkey for centuries; the regulation affecting them contains nothing new. The laws formerly existing for the protection of life and property were ample; the vice was in their administration, and for the correction of this no new guaranty is given.

This "project," as it is called in the iradé, "to make some necessary reforms" contains absolutely nothing new of practical value for the future security of life or property, and yet its immediate effect upon the fears of all classes has thus far been wonderful, for all hail it as a harbinger of future peace. The Armenian populace here seem delighted; troops have ceased to patrol the street in such force as formerly; the British ambassador and the Servian minister depart to-morrow for their respective capitals; the French ambassador leaves in a few days, and thus this "project," which satisfies the powers, has restored confidence.

It is worthy of note that though four months were consumed by the delegates of the three Powers who examined the evidence on which charges of atrocity were based, and five months more have elapsed since they closed their labor, neither of those Governments has given to the world the facts discovered by them. The demand for reforms assumed the truth of alleged atrocities before the evidence was taken. The present grand vizier, who speaks English well, said to me yesterday that no atrocities, such as murdering women, desecrating churches, women being compelled to cast themselves from precipices to escape dishonor, pits filled with murdered prisoners, etc., ever occurred or were ever proved. He insists that the terrible stories which have filled the Christian press were invented by Armenian anarchists and circulated by the Christian press to arouse Europe in the work of establish-

ing state autonomy for the Armenian race. He deliberately asserts that the entire population in the revolutionary locality involved did not exceed 4,000, and that of those not more than 500 were slain. He avers that the revolution was planned by the Armenians and precipitated by a conflict with some Kurds over cattle, in which a Kurdish chief was killed, whose body was cut up and fed by the Armenians to dogs.

It is proper to inform you that Howard, the reporter of the New York World, who claims to have visited the scene of the massacre, was never nearer there than Van. This fact I obtain from a well-informed missionary here, and from Mr. Werndel, the general agent of Reuter's Telegraph Company. Regarding the statement furnished by the grand vizier, I express no opinion. The Turkish press, unlike that of any other Power, refrains from all defenses of its Government, and remains silent under every accusation.

Well-informed persons among our countrymen here express their conviction that the late demonstration in this city was planned and conducted by Russo-Armenian emissaries. Certain it is that it was conducted with a skill and coolness not consistent with revolutionary fervor. Churches were filled and emptied and all Armenian business houses closed and again opened by the Armenian population of nearly 200,000 without noise and with clock-like system. Strange men walked undisguised to visit those who were tardy in closing their houses; they imposed and collected fines and enforced their orders to close by the terror of consequences which they inspired. This was done without secrecy, and the orders were obeyed. It is known that the poor who depended on their daily work were supplied with alms for bread by the same mysterious agencies. The British fleet during these trying days remained inactive at Lemnos, and the Turkish army here, though inspired by race hatred and over 25,000 strong, remained under perfect discipline and furnished patrols for the city. The Turkish "ulema," or priests, whose fanaticism was aroused by the bloodshed on the night of the 1st instant, and for that cause were much to be feared, were imprisoned in large numbers, and after the night massacre by the populace and priests absolute order was preserved. During this period Turkish troops under Fuad Pasha were engaged in torpedo practice in The Dardanelles. The apprehension among well-informed classes of a general massacre lasted from time to time from the 1st until the 20th instant, when the iradé proclaiming the "project" was published.

I am assured by the Porte that an era of tranquillity will now be restored everywhere. My own conviction is that it will be only temporary. Permanent security and order in the Ottoman Empire are made impossible by the rancor of race and religious hatred, now more bitter than ever, but above all by the schemes of the Armenian anarchists, who will never rest while certain of the sympathy of the Christian world. These people will watch for a few months the effect of the "project" in securing substantial reforms, and the secret societies, whose strength will grow on the terror they inspire and who, it is known, will not disband, though disappointed for the present, will continue to foment strife and excite the Christian world.

While the present truce between opposing forces endures it would seem prudent for our Government to secure, if possible, a treaty regarding naturalization, and thereby lessen the danger of being involved in the future conflict.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 651.—From the *Levant Herald*, October 21, 1895.]

The new charter of reforms.

The Turkish papers published yesterday morning the following official communication:

"According to the hatt of Gulhané promulgated in 1255 [Turkish calendar], in the reign of His Imperial Majesty Sultan Abdul Medjid, and to the firman of reforms published in 1272, all the subjects of His Imperial Majesty the Sultan who, without distinction of race or religion, have the necessary qualifications, are eligible for employment in the public service of the Empire; and the children of all Ottoman subjects, without distinction of race or religion, have equal facility of access to all Governmental schools. Those same laws assured the well-being and the tranquillity of all the inhabitants of the Empire.

"His Imperial Majesty Sultan Abdul Hamid, following the noble example of his illustrious predecessors, has never ceased, since his advent to the throne, to ordain measures calculated to assure the progress of the country and to increase the tranquillity and well-being of his subjects. Even now, great reforms have been introduced in the organization of the police and gendarmery; schools have been founded; railways, quays, and ports have been constructed.

"In the same manner the Imperial Government, having formed a project to make some necessary reforms in the provinces of the Empire, has decided for the present to introduce the desired reforms into some vilayets where their application would be consonant with the spirit of the Imperial hatt of Gulhané and the firman of reforms published in 1272.

"The Imperial iradé relating to these reforms has been promulgated. The reforms include the application of the organic regulation for the general administration of the vilayets of the Empire, promulgated on the 22d Cheval, 1287; the carrying out of the prescriptions of article 1 to 27 of the communal regulations ordained the 27th of March, 1292; the bestowal of the powers of justice of the peace on the councils of elders (ihtyar medjlissi); the nomination of six judicial inspectors to see to the prompt dispatch of judicial business and to inspect the prisons; the admission into the gendarmery and police of men of all the resident races, according to their respective number in each province, and in conformity with the general regulations on this matter; the nomination of a sufficient number of village guards (keni bektchissi) as provided in the code of Ottoman legislation (destour); the application of the existing regulations concerning prisons and houses of detention; the regular working of the commissions of preliminary investigation prescribed in articles 11 and 12 of the regulations for the general administration of the vilayets; strict employment of the system of escorting by a force of gendarmes and troops of the regular army the Kurdish tribes during their periodical migrations; strict application to those tribes of the law which regulates the hearing of arms; the definite settlement on the lands appointed by the Imperial Government of all the nomadic tribes; the establishment of regulations determining the attributions of the "Hamidié" regiments of cavalry, of which the men should wear uniform or arms only when they are mustered in camp for their drill; the formation of several commissions, each composed of four members, under the presidency of a cadastral director, to examine scrupulously the title deeds of all real property (emlak sendali); the annual dispatch to the provinces of four officials to inspect matters connected with real property and ascertain that no irregularities have been committed; the collection of local taxes by the moukhtars chosen by the inhabitants, and remittance of the sums thus collected to the local treasuries; the employment of public auction for the farming of the tithe, each village being put up separately. Forced labor having been already abolished, work is only claimed of the population for matters of public utility. As heretofore, it is strictly forbidden to seize the implements, seed corn, or cattle of a debtor in satisfaction of his debts, whether due to the authorities or to private individuals."

Mr. Terrell to Mr. Olney.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, October 26, 1895.

Grand vizier says that Armenians at Bitlis attacked the Moslems when at prayers in their mosques yesterday at noon, and that tranquillity is restored. No details are known or reported and no other information has reached this city.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 653.]

LEGATION OF THE UNITED STATES,
Constantinople, October 27, 1895.

SIR: I have the honor to inclose for your information a full vindication of my official action here by the Rev. Dr. H. O. Dwight in circular form for missionaries. This vindication, coming from so distinguished a source, was as unexpected as it is pleasing. * * *

Mr. Dwight has a national reputation among our Christian people.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 653.]

Circular.

CONSTANTINOPLE, *October 26, 1895.*

It is said that some of the mission stations have expressed dissatisfaction with the administration of Mr. Terrell, minister of the United States, declaring that he is neglectful of the protection of American citizens, and in particular that he has advised the abandonment of the principle of inviolability of domicile, which is our safeguard against the summary search of our houses by irresponsible and incompetent officials.

As all are aware, Mr. Peet and I have been charged, during several years, with the duty of communicating with the United States legation in cases where the interests of the missions have seemed to require intervention. By this means we have had intimate knowledge of all Mr. Terrell's actions in behalf of missionaries, and of his sentiments and desires respecting the protection of the persons and the rights of American citizens in Turkey. I can say that the general allegation of carelessness in the matter of protection rests on no foundation whatever; that Mr. Terrell consults us freely in every important crisis, and that he has shown great willingness to give weight to our opinions. I now first hear of the specific allegation of a decision or an intention to surrender the principle of the inviolability of domicile. I have no hesitation in saying from personal knowledge that Mr. Terrell has carried on his heart, as a burden that permits no escape and allows no rest, anxiety for the safety of American citizens in Turkey during all the dangerous vicissitudes of the present year. He has used for this end all the means which have suggested themselves to his mind, and has labored early and late to make effective the measures which he has adopted. In my own mind there is not the shadow of a doubt, for instance, that the maintenance of the Bitlis station during the fiery trials of the past year, the exemption of some of its members personally from molestation, and perhaps the preservation of their lives, has been due, under the providence of God, to the repeated, sustained, and vigorous action of Mr. Terrell at the Sublime Porte.

It is known to all that the United States Government strenuously forbids its representatives from interfering in any way in behalf of Ottoman subjects, no matter how strongly humanitarian considerations might seem to require such interference; but in every case where an Armenian naturalized citizen has been molested Mr. Terrell has interfered sharply and effectively to prevent punishment on suspicion of connection with revolutionary schemes of men who can not be proved to have violated any law. These considerations seem to require me to say that the opinions which they traverse would probably be modified on examination of the facts, necessarily unknown to those who have advanced such opinions. We may frankly differ from Mr. Terrell to his face as to point of view and methods of action in specific cases, but it is neither fair nor right to make to others, concerning an official who with honest purpose is devoting his whole time and strength and ability to the defense of American interests, the sweeping assertion that he is neglectful of this duty.

H. O. DWIGHT.

Mr. Terrell to Mr. Olney.

No. 655.]

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1895. (Received Nov. 18.)

SIR: I have the honor to inclose for your information extracts from two letters just received, which show increased apprehension and disturbances in the interior of Asiatic Turkey.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 655.]

Extract from a letter from ———, of Erzerum, October 17, 1895.

I found the whole country all the way to Bayazid on the Persian frontier in a most grave state. The Hamidiek Kurds are the rulers of the country, and the lives of the Christians are at their mercy. It is possible that many have been sacrificed since we passed. The Kurds declare they will lay the country waste in blood before they submit to any favors granted to the Armenians. This is boasting, but a report of massacre there at any moment would not surprise me at all.

Letters from Erzingan and Kemakh give information of a most serious condition there. Erzingan city is probably safe, but the out districts are in panic. I have a most pathetic letter from the pastor in Pakarich. The village of Zarigoner was attacked; 900 sheep and other animals were driven off, two men were murdered, and six women brutally used and robbed of their clothing. Several houses in Kömer were pillaged. Upper Pakarich was attacked, the flocks driven off, and two Armenians taken captive and held for £150 ransom. The pastor says, "We are within the breadth of a hair of the grave by fire and sword." Two hundred armed Kurds are laying waste the Armenian villages. They are the men of Khan Oghlou of the Der-sim region.

The Moslem population of this city (Erzerum) has armed itself and is most insolent and most offensive in its threats. However, we have now little fear of an outbreak in this city. The Armenians are conducting themselves well indeed under the circumstances. The more violent of them seemed to content themselves with the death of two informers. The authorities are taking precautions to preserve order. The out districts are in a more defenseless condition, and no one is safe. Very many people do not leave their houses.

[Inclosure 2 in No. 655.]

Extract of a letter from ———, of Marsovan, October 19, 1895.

For some months past things had been comparatively quiet here, the pending negotiations between the Powers having an influence to make all parties rather conservative. The stringency on the part of Government officials against Armenians in the matter of restricting travel, etc., was very much relaxed, and the harvesting season gave a spontaneously comfortable and genial feeling to the community which almost took us back to the good old days of harmony and peace. Unfortunately, the Armenians took advantage of this apparent extension of their liberties and made themselves obnoxious to the Turks in many little ways. The temper of both parties was thus prepared to leap into a flame when the spark should be applied. In the meantime our pupils came together for the fall term, and to our surprise the number of students was greatly increased, so that now in the place of the 96 we had last year we have 187. We have felt very strongly the responsibility of restraining and guiding such a mass of young minds. While the Turks said nothing to us, they were closely watching us and all that was going on, and it may well be supposed that they were not altogether pleased with the way things were going.

The events of the first days of the month at the capital at once changed the social atmosphere. It was charged with excitement. The glum and lowering looks on men's faces, of which you have spoken, became well-nigh universal. Shops were closed early, rumors of all kinds were rife, and muttered threats were heard and exaggerated. Our kaimakam (governor) summoned into his presence the principal men of the three Armenian communities (Gregorian, Protestant, and Catholic) and

gave them some paternal advice about keeping their people quiet. In the course of the conversation, Rev. Mr. Kinajian, the Protestant pastor, used some expressions which were probably more in tune with a British than a Turkish atmosphere, and considerably irritated the governor, who spoke rather sharply to him. The conversation turned, however, into pleasanter channels, and the incident was supposed to be over. But it would seem the governor must have reported this and other supposed grounds of suspicion to his superiors, for Wednesday evening, just before sunset, Mr. Kinajian was arrested, without being informed of the reason for his detention, and during the night he was hustled off to Chorum, as his friends were informed, on his way to his birthplace, Ourfa. This action of the government has very much stirred up the extreme Armenian party in the city. His arrest at once brought back all the old feelings of excitement into the community, and fears and suspicions began to fill men's minds very much as they did two years ago. It became very difficult to control the sentiments of our students. Some of them were utterly demoralized with terror for their lives, while others were crazed with a desire to do something desperate.

Friday evening, at about 8 o'clock, we heard the alarm of fire from the girls' school. We rushed out to hear that it was all over. The damage done was slight, but the circumstances all point to incendiarism. Our suspicion is strongly directed toward the Armenian revolutionists, who are trying every means to get us excited, so that we may send alarmist dispatches to the capital and to the world at large. The wicked violence of this party is what makes our position here now critical in the extreme, and unless something efficient is done very soon by the powers that be, in some quarter, the situation is likely to grow worse. The responsibility of the European Powers is very great, and humanity demands that a speedy end be put to the terrible strain under which the whole country is placed.

Mr. Terrell to Mr. Olney.

No. 656.]

LEGATION OF THE UNITED STATES,
Constantinople, October 30, 1895. (Received Nov. 18.)

SIR: I have the honor to inform you that the following is a correct copy of my telegram of yesterday informing you of fatal disturbances at Bitlis and of the threat announced by leading Mussulmans unless the missionaries left the district of Sassoun, viz:

Seven hundred are reported killed at Bitlis. No details. Porte says Mohammedans were attacked by Armenians while at prayer in the mosques. Mr. Hampson, distributing agent British relief fund in Sassoun district, telegraphs British ambassador that leading Mohammedans at Mush, after consulting with Armenian council, have, to restore confidence, declared that missionaries must leave within three days or something would happen as at Bitlis. The only missionaries in Sassoun district are Americans, Cole and Reynolds, engaged in work distributing British relief funds under instructions embassy.

I have agreed with British embassy it would be prudent for missionaries to suspend distribution for the present and retire. Have warned Porte that Turkey would be held responsible for safety of every American missionary.

The Mohammedans believe that the distribution of alms in the district of Sassoun is used as a cover to supply munitions of war to the Armenians. * * * The arming of the Mohammedan populace everywhere goes on where they can purchase firearms, and boldness in demanding that the imprisonment on suspicion of our people and the insulting disregard of my remonstrances shall cease seemed the only road for future safety.

This consideration alone inspired my note to the Porte on the 28th, of which I will at once inform you by cipher telegram.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *October 30, 1895.*

Kurds and Armenians arrested for murder of Lenz. Trial at Erzerum. United States represented at trial by British consul. I have made identical statement with British chargé that failure to protect missionaries in Sassoun in distributing charity would excite prejudice. Protection promised as soon as troops can arrive.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram]

DEPARTMENT OF STATE,
Washington, *October 31, 1895.*

Your telegram received last night, regarding Lenz and missionary protection, indicates a better spirit on the part of the Turkish Government than your preceding telegram showed, and suggests that good management may avert proposed formal demand for passports.¹ Impress firmly on Turkish Government our right to be promptly answered as to just demands and our confidence that answers will be satisfactory.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, *October 31, 1895.*

Telegram from Moush that moutessarif promises safety for missionaries in Sassoun. Have telegraphed them to decide for themselves about leaving.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 659.]

LEGATION OF THE UNITED STATES,
Constantinople, *October 31, 1895.* (Received Nov. 18.)

SIR: Referring to my No. 656, of the 30th instant, I have the honor to inform you that a telegram from Mr. Hampson, at Moush, to the British embassy, a copy of which is inclosed, induced me to request Mr. Herbert, British chargé d'affaires, to telegraph to the American missionaries who are in British employment that they should now decide for themselves whether they would leave Sassoun at present. My note and telegram to Mr. Herbert are inclosed, and also copy of telegram sent by myself to the missionaries. I also inclose copy of my telegram to you of the 31st instant on the same subject.

I have, etc.,

A. W. TERRELL.

¹ See telegram from Mr. Terrell of October 30, 1895, printed on page 1314.

[Inclosure 1 in No. 659.]

Mr. Hampson to British Embassy.

MOUSH, October 30, 1895.

The Mussulmans demanded recall of missionaries from Sassoun because they pretend to believe that the latter are inciting Armenians to attack Mussulmans of Moush. Moutessarif, who is violently anti-Protestant, refused to take any responsibility or give opinion. All the principal Mussulmans adhere to their demand. Armenians dread massacre next Friday. Missionaries themselves are most unwilling to leave Sassoun, fearing the worst results from panic which would ensue.

I made following communication to moutessarif verbally, as coming from embassy:

If the moutessarif states that recall of missionaries is necessary for tranquillity of Moush, you may recall them temporarily. Anyhow moutessarif is responsible for tranquility of Moush and safety of missionaries.

Moutessarif at last formally answered that although inhabitants of Moush demanded recall of missionaries he saw no necessity for it, and he would guarantee that there would be no disturbance here in any case. I told him I should telegraph this to you.

Under these circumstances I think recall of missionaries would be humiliating and risk panic in Sassoun. More Koordish murders and outrages reported from all sides.

HAMPSON.

[Inclosure 2 in No. 659.]

Mr. Terrell to Mr. Herbert.

CONSTANTINOPLE, October 31, 1895.

SIR: Have just received copy of Mr. Hampson's telegram dated Moush, October 30, and directed to British embassy.

Whether the American missionaries shall leave the district of Sassoun after assurances of their safety from the moutessarif, as stated in Mr. Hampson's telegram, should be determined by the missionaries themselves, who can best judge of conditions and tendencies.

Very sincerely,

A. W. TERRELL.

[Inclosure 3 in No. 659.—Telegram.]

Mr. Terrell to Mr. Herbert.

CONSTANTINOPLE, October 31, 1895.

Please telegraph Acting Consul Hampson, Moush, that American minister wishes the missionaries to decide for themselves whether they will leave Sassoun at present, safety being promised by moutessarif.

TERRELL.

[Inclosure 4 in No. 659.—Telegram.]

Mr. Terrell to missionaries.

CONSTANTINOPLE, October 31, 1895.

Have demanded protection. Decide for yourselves about remaining.

TERRELL.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, November 1, 1895.

MR. SECRETARY OF STATE: I have the honor to inform you that, according to information telegraphed October 2, 1895, to the Sublime Porte by the Imperial authorities of Bitlis, Mr. George Knapp, an American missionary, recommended to the Armenians of Bitlis to follow the example of those of Erzerum, and thus succeeded in inducing the Armenian members of the administrative council, those of the court of appeals, and those of the court of first instance either to resign or to remain away from their posts of duty on pretense of illness.

The acting governor-general of the vilayet of Bitlis adds in his telegram to the Sublime Porte that any incitement to hatred of the Imperial Government is not only a violation of law, but that it might occasion fresh disturbances.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 2, 1895.

Bitlis missionaries telegraph safe, but in great danger. Have secured renewed telegraphic orders for their protection.

TERRELL.

Mr. Olney to Mr. Terrell.

No. 650.]

DEPARTMENT OF STATE,
Washington, November 2, 1895.

SIR: I have to acknowledge the receipt of your No. 639, of the 8th ultimo, inclosing copy of a dispatch from Consul Gibson at Beirut to Consul-General Short at Constantinople, calling attention to missionary apprehensions of a massacre in the interior of Syria.

Mr. Gibson's dispatch was communicated to the Secretary of the Navy, a copy of whose reply I inclose for your information. It states that Rear-Admiral Selfridge, U. S. N., who this day sails for Marseilles to take command of the European station, has been furnished with copies of the correspondence touching the disturbed condition of affairs in Syria and instructed to personally investigate and report fully on the situation and to keep a vessel in the waters of Syria until satisfied that her presence is no longer needed for the protection of American interests.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 650.]

Mr. Herbert to Mr. Olney.

NAVY DEPARTMENT,
Washington, October 31, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, inclosing, for the information of this Department, a

copy of a dispatch from the United States consul at Beirut to the consul-general at Constantinople, calling attention to missionary apprehensions of a massacre in the interior of Syria, and to inform you that the U. S. S. *Marblehead* arrived at Mersine, Syria, on the 21st instant.

In this connection I have to state that Rear-Admiral T. O. Selfridge, U. S. N., will sail from New York on the 2d proximo for Marseilles, at which port he will relieve Rear-Admiral Kirkland of the command of the United States naval force on the European station.

Rear-Admiral Selfridge, who has been furnished with copies of the correspondence received in this Department from the Department of State in regard to the disturbed condition of affairs in Syria, has been instructed to personally investigate and report fully on the situation, and to keep a vessel in the waters of Syria until satisfied that her presence is no longer needed for the protection of our interests.

I am, etc.,

H. A. HERBERT, *Secretary.*

Mr. Olney to Mavroyeni Bey.

No. 45.]

DEPARTMENT OF STATE,
Washington, November 5, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant, communicating the substance of information received by your Government from the imperial authorities of Bitlis to the effect that Mr. George Knapp, an American missionary, had incited the Armenian members of the administrative council and courts of that place either to resign or remain away from their post of duty on pretense of illness. This proceeding is characterized by the acting governor-general of Bitlis as a violation of law and liable to occasion fresh disturbances.

Copy of your note will be sent to the United States minister at Constantinople, with instruction to investigate the alleged action of Mr. Knapp and, if it be shown that he has acted in the reprehensible manner you describe, to invite the managing agent of the society to which Mr. Knapp belongs to take such steps as may be proper to prevent his following a course which can obviously meet with no sympathy from the missionary board of which he is a dependent, besides being contrary to the injunctions given by the American boards to their agents in Turkey to scrupulously observe the laws and refrain from any act outside of their legitimate function of preaching and teaching.

Accept, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 7, 1895.

Rifaat Pasha appointed Grand Vizier; Tewfik Pasha, minister for foreign affairs. Vali of Aleppo replaced by Kiamil Pasha.

Five thousand men reported killed at Diarbekir, of whom 2,300 Mussulmans. Porte says this is exaggerated. It is generally believed that in various places 10,000 have been killed in a month. No killing of women or children reported.

If central government lose control, through its rapid changes, I fear for missionaries. None yet killed. We should have stronger naval forces in eastern Mediterranean.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 8, 1895.

Whereabouts eastern Mediterranean are ships wanted? Cable answer.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 9, 1895.

At Beirut and Alexandretta to interchange, and one always at Mersine. Missionaries report that the presence of *Marblehead* prevented massacre at Adana. They beg that a light-armed dispatch bark will be kept at Constantinople. Every great power has one here. A revolution is preparing in Macedonia. Turkish garrison of 400 killed and captured at Zeitoun.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1895.

San Francisco ordered to Alexandretta. Chilton and Hunter report that they are returning to Constantinople. Cable what you have done relative to the issuing of their exequaturs—why they have not been issued.

OLNEY.

Mr. Terrell to Mr. Olney.

No. 667.]

LEGATION OF THE UNITED STATES,
Constantinople, November 11, 1895. (Received Nov. 25.)

SIR: I have the honor to inclose herewith the copy of a telegram which was furnished me by the British embassy and the original of which was sent from Moussh by British Vice-Consul Hampson.

The alarming news that the Turkish authorities regard American missionaries as responsible for the disturbances caused me to renew promptly my demand at the Porte and palace for protection, and to give warning that if any American man, woman, or child was hurt, my

Government would hold the Ottoman Government responsible. Reassuring answers that prompt measures would be at once taken were given.

For reasons stated in former dispatches and connected with the investigation by the Powers at Moush, I have feared more for the safety of missionaries at Bitlis than for any others.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 607.—Telegram.]

Mr. Hampson to British Embassy.

MOUSH, November 7-8, 1895.

Through the acting vali I have at last obtained a letter from the missionaries in Bitlis, dated yesterday. Two previous letters have not reached me, and a letter sent to them by messenger by Hallward was not allowed to be delivered. They say they are still besieged, and beg foreign intervention. Authorities accuse them of causing the disturbance. They confirm in general account of events as given in my telegram of October 27. * * *

They state number of killed in Bitlis alone, excluding villages, is at least 500.

Over 100 Armenians are in prison at Bitlis on this account.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 12, 1895.

Exequaturs often urged, not yet issued. Changes in the ministry have blocked business at the Sublime Porte. Exequatur for Erzeroum promised, but it is dangerous to travel. Harpoot refused because there is no other consul there and we have not commerce.

There has been great massacre at Malatia; four Jesuits killed. I fear that this Government can not restore tranquillity even if it desired. Representative Americans here desire me to telegraph the opinion that over 100,000 women and children are destitute as a result of the massacres of last month, which still continue. Great apprehension of danger still exists here.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 670.]

LEGATION OF THE UNITED STATES,
Constantinople, November 12, 1895. (Received Nov. 27.)

SIR: I have the honor to inclose copy of a letter from Rev. George P. Knapp, dated October 29, just received, written after massacre there.

All that I could do for the security of our people there has been done.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 670.]

*Mr. Knapp to Mr. Terrell.*BITLIS, TURKEY, *October 29, 1895.*

DEAR SIR: Your telegram of the 28th instant has just been received, 3 p. m. I shall try to get off a telegram as soon as possible as follows: "We are in great danger. Have absolute safety guaranteed for us."

Mr. Cole is at Moush, and since trouble broke out his family—wife and three daughters—are here with us, my mother, wife, and two children, my sister being at Van. The massacre broke out Friday, the 25th, as the Moslems were coming out of their mosques about noon. What might be called perfect anarchy lasted for about twenty-four hours. The Moslems killed every Armenian they could get hold of, and all the shops in the markets were completely cleaned out. The trouble extended to most of the villages within 10 miles. It is too early to tell accurately how great the loss of life has been, but in this city alone it is not far from the truth to say that 500 have been killed. No effort has been made by the Government to protect our house; on the contrary, I came near being shot while on our roof Saturday morning from the lower roof of a near Turkish neighbor, whom we supposed to be friendly, and only escaped by dropping at once to the ground. The first time any troops appeared on patrol was on Sunday afternoon, the third day, and troops have appeared but once since. We have to depend entirely on our own ability to ward off any attack on the house. Of course we can not venture out—not until foreign power establishes safety. Unless such power is soon established, we shall be obliged to ask for safe conveyance out of the country. Indeed, no Christian can remain unless such protection soon comes. All their property is gone and but few have laid up supplies for the winter, and there is no possibility of their trusting the Turks again.

WEDNESDAY, *October 30.*

For some trumped-up reason, of not being properly written, the telegram was not accepted yesterday afternoon. I shall have it rewritten as follows: "We are still in great danger," and try to have it sent this forenoon. I had a note written to the governor yesterday afternoon, saying that we were still in great danger, that so far he had not protected our house, and asking that protection be guaranteed us. He replied by word of mouth not to have any fear, that all was well. This is what he has repeatedly told us before the massacre, and what he told the leaders of the Armenians last Thursday, the day before the outbreak, when they went to ask for protection. It was being deceived by this assurance that so many defenseless victims to Moslem fanaticism was the result.

GEO. P. KNAPP.

There are nine killed from our Protestant community, among them the teacher of our high school.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE (PERA), *November 13, 1895.*

Massacre has begun at Sivas. The Porte gives me the renewed assurance protection. Guards protected missionaries during the massacre at Hadjin and Ourfa by order of the Sublime Porte.

TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, *November 13, 1895.*

There has been a great massacre at Sivas. Order partially restored to-day. Foreigners carefully guarded.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 674.]

LEGATION OF THE UNITED STATES,
Constantinople, November 14, 1895. (Received Nov. 29.)

SIR: I have the honor to inclose copy of a note¹ from the Bible House informing me of the incendiary threats of the governor of the city of Hadjin, and resulting danger to three American missionary ladies there.

I inclose also my answer,¹ with copy of note just sent to the foreign minister, informing him that if those ladies received injury I would demand the head of that kaimakam.

While massacres and spoliation increase and multiply daily, a firm attitude here affords the only hope of future safety for our people.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 674.]

Mr. Terrell to Foreign Office.

No. 95.]

LEGATION OF THE UNITED STATES,
Constantinople, November 14, 1895.

SIR: I have just visited the Porte to inform your excellency that three American ladies in the school at Hadjin are in danger from the imprudent threats of the kaimakam (governor) of that city.

I am informed that much fear is felt there of a massacre, and that the kaimakam has threatened that he will "destroy the city and plant barley on the site of it."

My Government appreciates the efforts of Turkey, made with such success, to protect American citizens during this period of violence,

¹ Not printed.

but if the kaimakam of Hadjin has by his flagrant conduct incited the populace, prompt telegraphic order for the protection of these ladies is required.

It is my duty to inform your excellency that if one of these American ladies receives injury from the riotous conduct of the populace, I will demand, in the name of the United States, the head of that kaimakam.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, November 15, 1895.

By telegram from Jewett it is reported that 800 Armenians and 10 Turks have been killed in the last few days at Sivas. The approach of Koords on the city is reported by an officer. Killing Malacia Jesuits is not confirmed. Consul of France telegraphs 4,000 killed at Kurun. Barnum telegraphs eight of our missionary houses burned at Harpoot, rest plundered; missionaries safe. Will you authorize me to demand instant payment for the burned buildings. Kaimakam of Hadjin threatens to burn town and sow it with barley. Three American ladies are there; I have notified the Sublime Porte that if one of them is hurt I will demand the head of that governor. No longer an Armenian question, but one of humanity. Direct if I should cooperate in future measures.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 15, 1895.

Demand payment for burned buildings. What cooperation in what measures is referred to?

OLNEY.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 15, 1895.

It would allay anxiety of missionaries' friends here to know whether Russian ships in Black Sea would not protect American missions at Trebizond, Sassoun, and other points on coast. Answer.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, November 16, 1895.

To cooperate with the six Powers in any necessary measures to stop the general massacre. Have avoided and will avoid all conferences regarding such measures until you distinctly instruct otherwise. Russia has only one gunboat on southern coast of the Black Sea, now at Trebizond. Russian ambassador says others will be sent if massacres renewed on the coast of the Black Sea.

TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, *November 17, 1895.*

Jewett telegraphs massacres have begun at Marsovan and Amasia. Poche telegraphs bloody conflict at Aintab. Great fear is entertained at Aleppo. Anxiety of friends of missionaries might be allayed if the Department of State would authorize public statement that I have not needed Department orders to awaken vigilance, as published, but demanded and secured orders, since renewed and executed, to protect Americans everywhere before any massacres began.

TERRELL.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, November 17, 1895.

MR. SECRETARY OF STATE: I hasten to send to your excellency the following copy of a telegram which I have received this very instant from the Sublime Porte.

Security missionaries completely assured. Please deny contrary publications.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *November 18, 1895.*

Barnum telegraphs American property destroyed in Harpoot \$100,000 probably. I have notified the Porte would expect prompt payment for

all damages when extent is known. Telegram states that shell burst in missionary house; that soldiers protected raiders and joined in plunder, and that multitudes were killed in that province. Persons of missionaries there protected.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 18, 1895.

Are Harpoot missionaries desirous of removing to some place of supposed greater security? If so, can you secure adequate escort?

OLNEY.

Mr. Terrell to Mr. Olney.

No. 680.] LEGATION OF THE UNITED STATES,
Constantinople, November 18, 1895. (Received Dec. 7.)

SIR: I have the honor to inform you that in answer to my note of this date to the minister for foreign affairs (a copy of which is inclosed) assurance has been given by him, and also by the Grand Vizier, that orders had issued whenever demanded by me for the protection of American missionaries throughout Asiatic Turkey.

My Porte notebook shows that written demands have been made for special protection seven times in the last nine months, and in each instance the note was delivered in person and the demand made for general orders to all chief civil and military officers. The first demand was in my note, No. 53, of March 12, 1895.

* * * * *

On the very day when the scheme of reforms was officially proclaimed here I went in person to the Porte and demanded immediate general orders for the security of Americans throughout the Empire. This was October 21. The special occasion for my visit there was to deliver my note, No. 90, of October 21, demanding special protection for American ladies at Hendek.

Before that time, namely, on the 3d of October last, I sent to the Porte my note, No. 87, demanding telegraphic orders to the provinces requiring a continuance of respect and protection for all Americans. A copy of this note was inclosed in my No. 635, of October 3.

You were informed by my No. 651, of October 24, that if tranquillity were restored it would be temporary only, that permanent security here was impossible, and that there could be no peaceful solution of the Armenian question. These fears were not felt by other diplomats here, and I have no knowledge that any of them made precautionary demands for protection before massacres began.

This day a reliable and permanent Turkish guard has been promised me by the grand vizier for every American missionary in Asiatic Turkey.

Your Department has been informed that my apprehensions that the

terrible ordeal through which our missionaries are now passing was approaching had prevented me from availing myself of a leave of absence.

If since my arrival at this post orders have ever issued requiring me to demand efficient protection for American missionaries throughout the Empire, they are not remembered. It must be presumed that such orders to me were never deemed necessary.

In view of the foregoing, you can appreciate my regret, when reading for some days past the statements in the New York press that I had neglected to protect missionaries, that my recent efforts to secure their protection were inspired alone by orders from you, and in failing to observe any authorized contradiction of such charges.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 680.]

Mr. Terrell to Tewfik Pasha.

No. 99.]

LEGATION OF THE UNITED STATES,
Constantinople, November 18, 1895.

SIR: The recent burning of eight houses belonging to Americans during the late civil strife at Harpoot has caused me to renew my demands for more efficient protection to Americans now in Turkey and their interests.

Similar demands were made at the Porte by notes on the 12th of March last, on the 3d of October, on the 21st of October, on the 14th of November, on the 15th of November, and on the 17th of November, and in each instance I verbally demanded either from your predecessors or the predecessor of his highness the present Grand Vizier that orders for protection issue to every province of the Empire.

While my Government has carefully avoided all interference with the administration of public affairs in Turkey, it has watched with solicitude the tendency of recent events.

On the very day when certain reforms desired by other nations were announced, I demanded at the Porte immediate orders for the protection of all Americans throughout the Ottoman Empire. The causes which have excited multitudes of different races have not ceased, but the army of His Majesty is still (it must be hoped) under control, and I now formally demand that a guard of Turkish soldiers be placed to protect the persons and property of every American missionary in the Ottoman Empire.

I am instructed by my Government to demand prompt payment for burning of American property at Harpoot. That will be made the subject of an early note.

Receive, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

No. 667.]

DEPARTMENT OF STATE,
Washington, November 19, 1895.

SIR: I append on the overleaf a copy of your télégram of the 18th instant, and of mine of the same date, in regard to the destruction of American property at Harpoot.

I approve your notification to the Porte that your Government would expect prompt payment for all ascertained damages.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, November 19, 1895.

Missionaries at Bitlis telegraph for escort for all to Van, and those at Harpoot wish to come here. Telegraphic orders to furnish safe escort demanded and sent for all. If you can spare another, send a vessel to Smyrna, to go thence wherever needed.

TERRELL.

Mr. Olney to Mavroyeni Bey.

No. 52.]

DEPARTMENT OF STATE,
Washington, November 21, 1895.

SIR: I had the honor to receive in due course your note of the 17th instant, communicating to me the gratifying intelligence conveyed to you by a telegram received by you on that day from the Sublime Porte, that the security of missionaries is completely assured, and that all reports to the contrary are to be denied.

The information you conveyed was coincident with reports from the United States minister at Constantinople of the sacking and destruction of the buildings of the American mission station at Harpoot, in connection with an appalling massacre of native Christians, and I wish to know whether your telegraphic advices convey authentic information as to those occurrences.

Accept, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 685.]

LEGATION OF THE UNITED STATES,
Constantinople, November 21, 1895. (Received Dec. 7.)

SIR: I have the honor to inform you that the request expressed by Admiral Selfridge in his letter to me of the 16th instant, that I obtain permission for him to pass the Dardanelles with the *Marblehead* to confer here with me, has been declined by the Sultan.

He expresses the fear that other powers would seek to follow the example, and especially requests that Admiral Selfridge should not come to the Dardanelles.

I have, in accordance with the request of the Admiral, wired him the result of my application to Smyrna and requested him, during this disturbed condition of Turkish affairs, to keep me informed from time to time of his place of anchorage in the eastern Mediterranean.

I am not advised of the nature of his instructions or the scope of his discretion, but express the hope that he has been instructed to inform the Turkish functionaries with whom he may have official intercourse that his naval force will not be used to protect revolutionists bearing American passports in entering Turkey from Cyprus.

The desire that the Admiral has received instructions to prevent American citizens from giving aid to revolutionists is inspired by my belief that all my efforts to secure missionaries would be in vain if the Turks should be led to believe that our naval force is aiding revolutionary schemes.

I presume that under article 4090, Revised Statutes of the United States, I could call upon the Admiral to enforce an order to prevent the entry of our naturalized citizens as armed revolutionists into Turkey if an emergency should arise requiring it.

I have, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

No. 675.]

DEPARTMENT OF STATE,
Washington, November 22, 1895.

SIR: Your dispatches Nos. 655 and 656, of October 29 and 30, ultimo, in relation to disturbances in the interior of Asiatic Turkey, have been received and read with interest.

The painful forebodings of your informants appear to have been more than verified by subsequent events of which the Department has been informed by cable, and it is only at this late day that a more reassuring aspect is given to the situation by the announced purpose of the Porte to accept the reforms which the treaty Powers have urged upon it and to take effective steps for the restoration of order and the administration of good government in Asia Minor. Meanwhile I have to appreciate the evidence which these and other of your late dispatches afford of your earnest endeavors for the protection of American life and property in that region.

While I am inclined to think that the temporary withdrawal of our missionaries in the Sassoun district should be voluntary and not in obedience to any apparent injunction or constraint on the part of this Government, all measures for their protection, including adequate guard in the event of their removal to such place of safety as they may elect, will doubtless be taken by you, and in so doing you would have the sanction of the Department. Your warning to the Porte that Turkey would be held responsible for the safety of every American missionary was timely and commendable, and it is trusted that by the reassertion of Imperial authority that Government is now in a position to fulfill the grave responsibility which rests upon it in this relation.

I am, etc.,

RICHARD OLNEY.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, November 22, 1895.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your note of yesterday's date acquainting me with a telegram from Mr. Terrell, according to which the buildings belonging to the American missionaries at Harpoot have been pillaged. I note also that Mr. Terrell adds in his telegram that there has been an "appalling massacre of native Christians."

I have absolutely no news from the Sublime Porte on these two points. I doubt, however, for my own part the correctness of the information transmitted by Mr. Terrell, especially in so far as regards the second point. I hope to be soon in a position to give your excellency precise information touching the reality of the facts.

Meanwhile I beg your excellency to note with me that, notwithstanding the revolutionary intrigues of the Armenian committees, who have succeeded in setting several of our provinces on fire, and notwithstanding the violent and most senseless provocations during a period of more than a year, not a single foreign subject, not a single American missionary or citizen, has been attacked in person or maltreated. The fact is, on the contrary, that the Imperial authorities have been obliged to defend them and protect them against the wrath of Armenian criminals.

Be pleased to accept, etc.

MAVROYENI.

Mr. Terrell to Mr. Olney.

No. 686.]

LEGATION OF THE UNITED STATES,
Constantinople, November 22, 1895. (Received Dec. 7.)

SIR: I have the honor to inclose herewith for your information translation of a letter from Mr. Poche, consular agent at Aleppo, and also copies of letters which were inclosed in Mr. Poche's communication relating to recent disturbances in the province of Aleppo.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 686—Translation.]

Mr. Poche to Mr. Terrell.

ALEPPO, November 2, 1895.

SIR: The lack of reliable news prevents me from giving you a full account of the bloody scenes which have taken place at Zeitoun, Marash, Ourfa, and Diarbekir. I therefore confine myself to sending your excellency copies of letters from Rev. A. Fuller, dated the 28th and 31st ultimo, and also a copy of a letter from Miss Shattuck from Ourfa, addressed to her friends in Aintab.

The 30th ultimo I had the honor to address your excellency the following telegram:

Serious trouble Marash, Zeitoun, Ourfa. Rumored dead and wounded. For four days Marash Christians shut up in their houses. Details lacking. Our citizens safe up to the present. Here and at Aintab excitement and fears.

The hasty mobilization of reserves sent to Zeitoun has caused alarm in that town and fear is great.

Day before yesterday, during the night, four boxes of sporting guns coming from Damascus to a Christian merchant here were stopped. This incident happening after the seizure of arms offered publicly for sale in the bazaars and after the events I have mentioned above has caused great excitement. A crowd of about 5,000 men was on the point of attacking the Christians, but thanks to the skillful, prompt, and energetic intervention of the commandant, Edhem Pasha, the crowd was dispersed and calm restored. People are excited, and it would need only a slight change in the attitude of the Government for Aleppo to become the theater of scenes even more bloody than those which have taken place in the vilayet. The military commandant is very vigilant.

The sending of the *Marblehead* to remain at Alexandretta may have great influence for the protection of the lives of our citizens who are in danger.

I have, etc.,

F. POCHE.

[Inclosure 2 in No. 686.]

Mr. Fuller to Mr. Poche.

AINTAB, October 28, 1895.

DEAR MR. POCHE: An Armenian gentleman who has been acting as military physician at Marash has just arrived and gives me the following facts in regard to the situation at that point, which I hasten to communicate:

On Wednesday, October 23, a quarrel arose between a Christian and Moslem—both of them of lowest sort—in which the Moslem was stabbed, and died of his wound Friday morning. Very soon after, one of the dead man's friends raised a quarrel with a Christian butcher, and calling Moslems to his aid began to beat him; upon this a great uproar arose and on every side men were running about in fear and excitement; a great many collisions occurred, and Christians were soon driven from the market and large numbers of them severely beaten, and any that were found to have arms were imprisoned, etc.

Since that time the markets have been closed, and Christians can not appear on the streets with any safety. On Friday evening there was a riot at Karaman and many Christians beaten and wounded. Garabed Ogha Topolian was murdered on the outstreets of the city and his body horribly disfigured. Since then the city is in the hands of soldiers, but everywhere is terror and anxiety. He does not know how many people have been killed, but thinks not many. No Moslems are being arrested, and Moslem villages on the road between Marash and Aintab were wild with the idea that the time to kill giaours had come.

Very sincerely,

A. FULLER.

This news is of course making great disquiet here, but we hope it will [subside].

[Inclosure 3 in No. 686.]

Mr. Fuller to Mr. Poche.

AINTAB, October 31, 1895.

DEAR MR. POCHE: Yesterday I forwarded to you by special messenger a letter from Miss Shattuck, relating to the riot which has occurred in Ourfa. To-day I send another sai with a copy of the same letter to Mr. Barnham, and this I sent by mail; all this is simply to make sure that the facts reach you. The account given by the messenger himself is simply horrible, and indicates that the Christians of the city are given up to pillage. I do not, however, credit all his wild stories. The moutessarif, it seems, was out of town. A considerable number of redifs left here last night for Ourfa or Marash. News from Marash indicates order restored in the city, but serious and continued troubles in Zeitoun. The report that seems most likely to be trustworthy is that Zeitounis attacked and besieged the fort and cut off the water supply, and that the soldiers are bombarding the city. So far Aintab has had no serious riot, but popular feeling is intensely agitated, and a very slight accident may easily precipitate an outbreak. It is said that the Government is preparing to search Christian houses for arms. This would almost certainly bring on collision and bloodshed. Can you not make sure that such a thing be not attempted in the present excited state of feelings? Mr. Sanders is expected here Saturday. Dr. Shepard has gone to Scandaroun to accompany Mrs. Mardin.

Hoping and praying you may remain in health and safety,
Very sincerely, yours,

A. FULLER.

[Inclosure 4 in No. 686.]

Miss Shattuck to friends.

OURFA, October 28, 1895.

DEAR FRIENDS: I have but a few minutes, as messengers are waiting. A terrible uprising has taken place among the Moslems.

Disturbances began yesterday afternoon (Sabbath). A Christian was murdered, then a Moslem, etc. At midnight we were all aroused by the firing of guns near us. About 8.30 or 9 o'clock to-day, in regions very near us, pillage and murder commenced, and has kept up all day. The soldiers do not try to quell it. We know not all facts as to degree, but all the markets are said to be completely pillaged. We have armed men (Christians) about our premises, and trust our Father to spare our lives, yet we know not what an hour may bring forth. God spare you and all of us.

C. SHATTUCK.

Telegrams are not sent to-day.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 23, 1895.

Referring telegram 15, officially assured of protection of three ladies at Hadjin. Quiet in provinces for last three days. Outlook better.

TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, November 24, 1895.

Telegrams from Aintab and Marsovan report missionaries safe and protected. Am now able to report that all our 172 missionaries in Turkey are protected. Porte gives assurances tranquillity will soon be restored. I request that ships remain in the Mediterranean, and that commanders keep me advised of their anchorage.

TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 25, 1895.

Are missionaries at Marash in danger? Demand special measures of protection throughout Aleppo. Antecedents of Bahri Pasha justify requiring that responsible guarantees of safety be given in that quarter.

OLNEY.

Mr. Olney to Mr. Terrell.

No. 677.]

DEPARTMENT OF STATE,
Washington, November 25, 1895.

SIR: I inclose herewith for your information and files a copy of a letter from the foreign secretary of the American Board of Commissioners for Foreign Missions, dated Boston, the 19th instant, and of my reply of the 21st concerning the massacre and destruction of mission property at Harpoot.

I am, etc.,

RICHARD OLNEY.

[Inclosure 1 in No. 677.]

Mr. Smith to Mr. Olney.

AMERICAN BOARD OF COMMISSIONERS
FOR FOREIGN MISSIONS,
Boston, Mass., November 19, 1895.

SIR: A second and much more full dispatch has just come to my hands from Mr. ——— concerning the massacre and destruction of mission property at Harpoot, which was first reported last Saturday. This dispatch places the actual property loss at above \$100,000. The actual damage in the exiling of our missionaries from their homes and the suspension of our work is very much greater. Mr. ——— message states distinctly that the raiders were protected by the Turkish soldiers, who fired at the mission premises; that special malice was shown toward the missionaries; that a bomb was exploded in the house of Dr. Barnum, one of the oldest and most revered of the mission force. Since a Turkish garrison is located but a short distance from Harpoot, from whence troops might easily have been drawn for the absolute protection of the missionaries and their property, and yet no help came from that quarter; since also Turkish soldiers protected the raiders and

shared in the devastation, the responsibility for the loss seems without a doubt to be fastened upon the Turkish authorities. Nothing short of an immediate demand for exemplary damages and for permit to rebuild at once can meet the necessities of the situation. The Porte has again and again given most solemn promises to Mr. Terrell that neither American missionaries nor their property should suffer any harm; and yet at this mission center, where so many missionaries reside and where there is so valuable a mission property, and a Turkish garrison is near at hand, the pledge of the Sultan has seemed to prove lighter than a breath, and the property is gone, the work is suspended, and the missionaries are scattered. I am sure that our Government will not hesitate a moment in making demand for instant and ample reparation and the permission to replace the property that has been so causelessly destroyed. Something more is involved than that missionary interest for which I may be supposed to speak—even the honor of the nation, a solemn pledge to whose representative has been ruthlessly broken.

Assured of the unalterable purpose of our Government to protect its citizens and maintain its own fair name in this as in every like emergency,

I am, etc.,

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

[Inclosure 2 in No. 677.]

Mr. Olney to Mr. Smith.

DEPARTMENT OF STATE,
Washington, November 21, 1895.

SIR: I have to acknowledge the receipt of your letter of the 19th instant, conveying the substance of a second and fuller report from the Rev. Dr. Dwight concerning the massacre and destruction of mission property at Harpoot.

Mr. Terrell's telegraphic reports show that he has promptly acted in the line of standing or special instructions and has given impressive notification to the Porte that instant and ample reparation for injuries shown to have been sustained on that occasion in contravention of the solemn assurances of safety for the lives and property of American missionaries in that quarter will be demanded.

I am in receipt of a communication from the Turkish minister at this capital reiterating the assurance of the Imperial Government that the safety of missionaries is completely assured, but I have received from him no communication touching the occurrences at Harpoot.

This Government is taking every possible measure, through the earnest demands of its diplomatic representative at Constantinople and through the presence of national vessels in Turkish waters, to insure the fulfillment by the Porte of the repeated guarantee it has made respecting the personal security of American citizens residing in Asia Minor and in any other quarter of the Empire where disturbance is or may be apprehended.

A copy of your letter will be sent to Minister Terrell.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 679.]

DEPARTMENT OF STATE,
Washington, November 26, 1895.

SIR: Your No. 667, of the 11th instant, further explains the grounds upon which you had made renewed demands at the Porte and palace for the protection of American missionaries whose safety might appear to be threatened by the events in eastern Asia Minor or elsewhere, and I have pleasure in confirming the approbation heretofore given to your conduct in warning the Ottoman Government that if any American—man, woman, or child—were hurt, your Government would hold it responsible.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, November 26, 1895.

Reported massacre at Marash needs confirmation. Poche telegraphed on 19th that foreigners there were safe. There are three Bahri Pashas; the one sent to Aleppo as military commandant is a fair man. Zehni Pasha new vali of Aleppo, is also. Guedjian is here, but not delivered, as promised by two Grand Viziers. Instruct me.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 691.]

LEGATION OF THE UNITED STATES,
Constantinople, November 26, 1895. (Received Dec. 12.)

SIR: I have the honor to inclose for your information the answer of His Excellency Tevfik Pasha, minister of foreign affairs, to my note informing him that if any missionary (American) lady was injured at Hadjin, I would demand the head of the local governor who had threatened to burn the town and sow it in barley.

The local governor has been removed.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 691.—Translation.]

Tevfik Pasha to Mr. Terrell.

MINISTRY OF FOREIGN AFFAIRS, SUBLIME PORTE,
Constantinople, November 23, 1895.

MR. ENVOY: I have received note No. 96, of the 14th instant, which your excellency addressed me concerning three American ladies residing at Hadjin.

The governor-general of the vilayet of Adana, interrogated by telegraph on this subject, replies that the statement that the kaimakam of Hadjin had threatened these ladies is absolutely false, and has been invented by Armenian agitators in order to embarrass the Imperial authorities. These latter spare no effort to maintain public order. Quite recently Mr. Martin, on being asked to point out the measures

which he thought necessary for the protection of these ladies, declared that they were in the enjoyment of perfect quiet. The subgovernor, none the less, thought proper to inform him that these ladies could address themselves directly to the authorities whenever they saw the necessity for it. Mr. Martin thereupon expressed his thanks to him.

Besides, except for some cattle stealing, no other incident has occurred at Hadjin, and as the local authorities have already taken the necessary steps to prevent any incident calculated to disturb public order, fears of a massacre are in no way justified.

In informing your excellency of the foregoing, I feel convinced that you will yourself admit, with your just and enlightened appreciation, that the complaints brought against the subgovernor of Hadjin are groundless.

Receive, etc.,

TEVFIK.

Mr. Olney to Mr. Terrell.

No. 684.]

DEPARTMENT OF STATE,
Washington, November 27, 1895.

SIR: I inclose for your information copy of a letter from the Secretary of the Navy, transmitting reports on the situation in Asia Minor made by the commanding officer of the U. S. S. *Marblehead*.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 684.]

Mr. Herbert to Mr. Olney.

NAVY DEPARTMENT,
Washington, November 25, 1895.

SIR: I have the honor to transmit herewith for your information a copy of a letter from Rear-Admiral Thomas O. Selfridge, commanding United States naval force on European station, dated the 13th instant, forwarding copies of reports on the situation in Asia Minor made by the commanding officer of the U. S. S. *Marblehead*.

I have, etc.,

H. A. HERBERT, *Secretary.*

[Subinclosure to inclosure in No. 684.]

Rear-Admiral Selfridge to Mr. Herbert.

U. S. S. SAN FRANCISCO,
Marsailles, France, November 13, 1895.

SIR: I have the honor to forward to the Department the following copies of reports on the situation in Asia Minor, received from Commander Charles O'Neil, U. S. N., commanding the *Marblehead*: Report dated October 24, 1895, with two inclosures; report dated October 30, 1895.

Very respectfully,

THOS O. SELFDRIDGE,
Rear-Admiral, U. S. N.

[Subinclosure 2 to inclosure in No. 684.]

*Commander O'Neil to Rear-Admiral Selfridge.*U. S. S. MARBLEHEAD,
Mersine, Asia Minor, October 24, 1895.

SIR: I have the honor to inform you that in obedience to your telegram of the 12th instant from Lisbon, received by me at Naples on the 13th instant, I left that port on the 15th and arrived here on the 20th instant.

I found everything quiet here and learned that the United States consul from Beirut had also arrived here the same morning as ourselves, to meet us, and from him I learned that the matter of the attack last summer at Namroun on the students and servants of the household of Rev. Dr. Christie, an American missionary and the president of St. Paul's Institute, at Tarsus, an American college, had not been wholly settled; that is, while some arrests had been made and some of the offenders had been in prison ever since, some others had been released without any punishment. I therefore concluded that it would be well, if possible, to have the matter finally disposed of, for the sake of example and for the better security of the missionaries in the future.

The day after our arrival, which occurred on Sunday, I called with Consul Gibson on the montessarif (local governor), and, after an exchange of civilities, told him that one of the principal reasons for our present visit was to try and effect a settlement of the Namroun affair, that town, as well as Tarsus, being within the immediate jurisdiction of the montessarif, and he in turn being under the vali or governor of Adana.

The montessarif was very pleasant and reasonable and brought forward some reasons why the matter had not been finally disposed of, and finally assured me that it should receive prompt attention and that within the next two weeks it should be all settled; and, owing to the difficulties of communication, I handed him a written communication (copy inclosed) embodying the substance of what I wished to communicate.

In the afternoon the montessarif returned my call and again assured me that the Namroun matter should be promptly attended to and that he would reply in writing to my memorandum.

I also called on the officer in command of the troops, and later on on the American missionaries residing in Mersine, and do not find that any of them are apprehensive as to themselves or their schools, but they say that at the remote stations in the interior there has been a good deal of alarm among the missionaries on account of the disturbed state of the country.

The montessarif told me that they had orders from Constantinople to guard the interests and persons of the American missionaries, and he was interested in so doing in his district.

On the following day (October 22) I went to Tarsus for the purpose of calling on the authorities, taking an officer with me and being accompanied by the United States consul from Beirut. We were received with considerable demonstration by the kaimakam (local governor), who furnished us with carriages and an escort and insisted on our staying to lunch. We were shown the sights of the town, and a number of the prominent residents called to pay their respects to us. Our reception was most cordial and the montessarif at Mersine sent a telegram while we were at Tarsus to the authorities there to see that we were properly looked out for.

We afterwards put up at St. Paul's Institute (the American college), where there are about 70 young men under instruction, and received return calls from the authorities there, and took particular occasion to commend our people to them. I found Dr. Christie, the president, was held in much esteem, and they expressed surprise and regret that anyone should have molested him, but remarked that it did not happen at Tarsus, but at Namroun, some miles in the country, where the scholars had been removed on account of the cholera.

I have heard the particulars of the affair from Dr. Christie, and there is no doubt but that it was a prearranged attack by a party of Moslems, and came near being a very serious affair.

We passed the night at Tarsus, and the next morning went to Adana to call on the vali, who was absent, but we were cordially received by his representative, who, in speaking of our missionaries, said that they had none but the most kindly regard for them, and spoke in a friendly way of the number of years they had known them, and that they had nothing to say that was not in their favor.

After our call on the authorities, we visited the American school and found a prosperous and fine establishment, with about 140 girls under instruction. With Dr. Christie, who accompanied us, we made our headquarters there, and there received the return calls of the officials, as I wished them to see that we were there for the purpose of looking out for our own people.

The school at Adana is at present in charge of two ladies only—a very injudicious thing, in my opinion. It appears that the missionary in charge, with his wife, had been absent some time in America on account of ill health; but the risk and responsibility is too great on leaving such a large and important institution to the care of ladies alone, and they said that they had suffered much anxiety of late, but that our presence and the knowledge that we were in the vicinity reassured them greatly.

Dr. Christie said that no one could estimate the benefit of our visit, and he felt as if they had received a sort of official recognition that they had never had before.

While at Adana the Armenian bishop sent word that he would like to pay his respects, but I thought it would probably be misconstrued by the authorities, and sent word that it would not be practicable.

Both Adana and Tarsus are wretched, filthy places, and it is not surprising that cholera or any other disease should flourish in them.

Within the last twenty-four hours the news has been received here of the settlement between the Porte and the Powers, and everybody is hopeful of better and more tranquil times.

There has been a lot of cholera at Tarsus the past summer, but this section of the country is now considered free from it, and there is no quarantine against this port.

In view of the assurances that have been given, I do not think there is any danger of any trouble in this vicinity now. What may happen in the interior of the country, now or at any time, no one can tell, and no aid could be given by a vessel to people at the stations north of the Taurus Mountains.

I have thought, after remaining here a few days longer, to go over to Alexandretta, though there is nothing there to require our presence, and possibly to Latakea, but a short distance down the coast of Syria.

I think it would be well to visit the Syrian ports, as they do not come under the same officials as this section, and if matters are all satisfactorily settled here will probably ask permission by telegraph to do so, returning here again later.

I have received a document in Turkish from the moulessarif here, and have had to send it on shore to be translated. If it is returned in time I will inclose a copy with this; but as a steamer leaves to-morrow I wish to mail this to you.

Your telegram from Gibraltar, to send the transfer accounts of eight men to New York, was duly received and directions complied with.

The health of the ship's company is generally good, though there are five men still on the sick list, not fully recovered from fever, but doing well.

Very respectfully, etc.,

CHARLES O'NEIL,
Commander, U. S. N.

Commander O'Neil to the Moulessarif of Mersine.

U. S. S. MARBLEHEAD,
Mersine, Asia Minor, October 21, 1895.

One of the chief reasons of my visit here at this time is because punishment has not been inflicted on the persons who were prominent in the assault on the students and servants of the household of Dr. Christie, of Tarsus, at Namroun, last summer, and who so grossly insulted and threatened him at that time.

I believe I am correct in saying that the Turkish Government has directed that the matter be investigated and has promised that the guilty parties will be punished, but that as yet no punishment has been inflicted, although the offenders are well known to the officials, and I regret that I am obliged to urge the authorities here to do a tardy act of justice which seems to have been needlessly and indefinitely postponed, but which is necessary not only because the punishment is the proper due of the offenders, who should be made to realize that they can not commit outrages with impunity, but as a warning to deter other evilly disposed persons from committing similar offenses, which they will surely do if the case in point is overlooked.

Dr. Christie is well known as a peaceful and law-abiding resident, and as such is entitled to full protection from the Turkish officials, and I earnestly request that your excellency will bring this matter to a prompt and definite termination by causing immediate and adequate punishment to be inflicted on the guilty parties; and I will thank your excellency very much not only to give me the assurance that this will be done, but that it has been done, before I leave this port, and that you will kindly inform me as to the nature and extent of the punishment inflicted and upon whom inflicted, or if it be not done you will be so good as to let me know the reason.

Your excellency must be aware that no country in the world is more disinterested in its friendship for Turkey than is the United States of America. We have no

political entanglements nor conflict of interests, and desire to preserve the most friendly relations with the Government and people of Turkey, and I trust you will not jeopardize this satisfactory condition of affairs by failing to accord to the few American citizens residing within the limits of your jurisdiction the protection they are entitled to, not only by the laws of international hospitality but by treaty stipulations.

The Government of the United States is seriously in earnest in this matter, and will not allow its peaceful citizens residing abroad to be ill-treated with impunity, and I hope you will by your prompt action in the premises enable me to make a satisfactory report as to the final settlement of the affair referred to, and all that is asked is that justice shall be done.

Awaiting your reply, I have, etc.,

CHARLES O'NEIL,
Commander, U. S. N.

[Subinclosure 3 to inclosure in No. 684.]

Commander O'Neil to Rear-Admiral Selfridge.

U. S. S. MARBLEHEAD (OFF MERSINE),
Asia Minor, October 30, 1895.

SIR: Since closing my No. 42 a couple of letters have been received here from one of the lady missionaries at Adana, saying that there were grave fears of an uprising of the Moslems, and that they feared serious trouble. The letters were shown to me, and I went and saw the moutessarif here and asked him to telegraph to the authorities at Adana, requesting in my name that every precaution be taken to secure the safety of our people there. He said he was sure that the danger was exaggerated, but that he would do as I desired, and affirmed that the authorities there and elsewhere of late had warned the people and officials that foreign subjects must not be molested; but whether such warning would avail anything in case of a fanatical disturbance is extremely doubtful.

The Armenians in this district, I am told, have committed some serious offenses against the Government, particularly at Marash, a city of some size, in the interior, and where we have a mission school, and it is feared they are inciting the people to disorder in Adana.

I shall tell the missionaries, if they ask my advice, that if they need more protection than the Government of Turkey can guarantee them where they now are that the best way to get it is to come to the coast, where our presence means something, but that they must be the judges of the necessity of so doing. They will be averse to leaving their schools and scholars, but I know of no other way to do than to disband the schools for the time being if there is real danger, but that in case of apprehended danger the first thing to do is to appeal to the local authorities for protection.

So far as property is concerned, indemnity can be secured if it is destroyed.

A Christian school is, or naturally would be, a point of attack in case of a great disturbance, and especially a girls' school in charge of two women alone, as is the case at Adana.

There are so many rumors which grow as they are passed along that it is impossible to tell how much or how little truth there is in them.

The authorities, no doubt, are well-intentioned, and we have certainly made friends with them here, but they are few and the troops are few, while the Moslems are many.

Very likely it would be more dangerous for those living in remote districts to travel through the interior in the unsettled condition of affairs than to remain quietly at their stations, but of that they must be the judges.

I shall try and keep informed as to what goes on, and will not let the authorities forget that we are here and have some interests in this country.

Of course, I shall remain here while there is any reason for doing so instead of going to Alexandria.

Very respectfully, etc.,

CHARLES O'NEIL,
Commander, U. S. N.

Mr. Olney to Mr. Terrell.

No. 685.]

DEPARTMENT OF STATE,
Washington, November 27, 1895.

SIR: In view of the sentence from your telegram of the 19th instant, asking, "If you can spare another, send a vessel to Smyrna, to go thence

wherever needed," which I quoted to the Secretary of the Navy on the 20th instant, I have now to apprise you of the receipt of Mr. Herbert's reply of the 23d, observing that the U. S. S. *Minneapolis* should sail for Smyrna on the 27th instant, and that, allowing for delay of three days at Gibraltar for coal, this vessel should reach her destination on or about the 14th proximo.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, November 27, 1895.

Missionary school of science at Marash burned 19th and telegram delayed. Missionaries safe; protection furnished eight hours after burning. Aintab College protected. Barnum telegraphs buildings at Harpoot were set on fire separately by Koords and citizens, in presence of soldiers, in Armenian rioting. Houses of Allen, Browne, Wheeler, ladies' house, chapel, boarding house, girls' theological school, seminary building, worth \$44,000, burned; personal property, \$33,000; stock and apparatus, \$11,000. One hundred soldiers now protect remaining premises. Efficient protection demanded by me and promised seven times since February last. Have telegraphed to Marash for values destroyed. Am now verifying value of Harpoot houses from Bible House reports. Any further investigation would only be a farce, for rioters would outswear missionaries. No concert of the Powers in rational action to enforce order. It is probable that my demand for payment will be met with evasion and delay.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 695.]

LEGATION OF THE UNITED STATES,
Constantinople, November 28, 1895. (Received Dec. 13.)

SIR: I have the honor to inclose herewith copy of a telegram received from Rev. Mr. Lée, at Marash, announcing the personal safety of the missionaries and the burning of the school of science in that place; also copy of a telegram from Rev. Mr. Fuller, at Aintab, informing me that he was safe, sent on the 23d and received on the 27th instant; and copy of a telegram from Rev. Mr. Barnum, at Harpoot, sent and received yesterday, announcing details of loss of missionary property burned by Koords and citizens in the presence of Turkish soldiers.

I also inclose a copy of my telegram sent last night, informing you of the contents of telegrams above referred to and my contemplated action thereon.

A memorial already received at the Porte from Armenian residents at Harpoot, charging that missionary teaching has corrupted their young men, caused dissensions and strife, and praying for their removal, has not been officially announced to me. The methods of terrorism by which provincial rulers secure signatures to such memorials divest this one of importance, except as indicating the policy of getting rid of missionaries by burning them out and securing their departure by intimidation. I call your attention to the fact as being suggestive that

soldiers, though protecting missionaries, looked on while rioters set fire to their buildings. I therefore sent to the Porte at once my note No. 100, of the 27th instant, a copy of which is inclosed, in which I enumerated my various efforts to secure protection during the past nine months and suggested the propriety of an irade to rebuild before I should be instructed to demand it.

* * * * *

Much apprehension of a general massacre of Christians here is still felt by residents. The treaty of Raris, by closing the Dardanelles to war vessels of over 800 tons, leaves our people here deprived of any aid from our Mediterranean ships. The great Powers which each keep one boat here are endeavoring to obtain consent to have each another.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 695.—Telegram.]

Mr. Lee to Mr. Terrell.

MARASH, November 24, 1895. (Received Nov. 26.)

After events had commenced and the school of science burned eight hours later protection came. and up to this moment protection continues. We are quiet.

LEE.

[Inclosure 2 in No. 695.—Telegram.]

Mr. Fuller to Mr. Terrell.

AINTAB, November 23, 1895. (Received Nov. 27.)

Under the shadow of His Majesty we are all quiet.

FULLER.

[Inclosure 3 in No. 695.—Telegram.]

Mr. Barnum to Mr. Terrell.

HARPOOT, November 27, 1895.

Allen, Browne, Wheeler, ladies' and five garden houses destroyed, also chapel, boarding hall, Girls' Theological Seminary building, \$44,000; personal, \$33,000; stock and apparatus, \$11,000; total, \$88,000. Buildings set on fire separately by Koords and citizens in presence of soldiers. No Armenian rioters. One hundred soldiers quartered on premises now. Confidence weak.

BARNUM.

[Inclosure 4 in No. 695.]

Mr. Terrell to Tervik Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, November 27, 1895.

SIR: It becomes my duty to remind your excellency that in my note, 53, of the 12th of March, 1895, I demanded of your predecessor orders for the protection of all American citizens who reside in Turkey.

Threatened disturbances seemed to require such a precaution. Seven times since that date, and once on the very day when the reforms granted by His Majesty were announced, I have, by written note to your predecessors, demanded like protection. On each occasion my notes were delivered in person, and were accompanied with a verbal demand that rigid orders should be telegraphed to every chief military and civil functionary in the Empire for the protection of all American missionaries and of their property.

On each occasion a compliance with my demand was promised by your predecessors and by former grand viziers. Those demands, first made when tranquillity existed, were deemed necessary. I feared the turbulent resentment of the Moslem population over enforced reforms demanded by the great powers of Europe, and by which it was proposed to place arms in the hands of a race long subjugated, and which it was known were already preparing for revolution. My fears were well founded.

While the United States has been careful to avoid all interference with the internal administration of the Ottoman Empire, except when required for the protection of her citizens, and our missionaries have been equally careful, evil-disposed persons have charged that American missionaries encouraged sedition. This charge is false, and its falsehood should be known to the Porte. Nearly two years ago your predecessor, Saïd Pasha, obtained a Moslem guard to protect American missionaries at Marsovan against Armenian revolutionists. That guard still protects them against threatened assassination by those revolutionists. The Porte provided or at least promised a guard to protect American missionaries in the provinces of Aleppo and Adana.

Notwithstanding the repeated promises of the Porte for efficient protection of American missionaries, their houses were recently burned by riotous subjects of His Majesty at Harpoot and Marash, in the presence and with the knowledge of His Majesty's soldiers, who made no effort to prevent it.

I have absolute knowledge of the manner in which the burning at both places occurred, and who did the burning.

Your excellency can not fail to understand that if the Ottoman Government disapproved of destruction of American property at Harpoot and Marash (which I can not doubt) that fact could best be shown by the prompt issuance of a firman to rebuild the burned houses before instructions from Washington shall require me to demand it.

At an early day my formal demand for immediate payment of the loss caused by destruction of property at Harpoot and Marash will be presented to the Porte.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 697.]

LEGATION OF THE UNITED STATES,
Constantinople, November 29, 1895. (Received Dec. 12.)

SIR: I inclose for your information the copy of a letter written by Rev. Mr. Lee from Marash, dated November 18, which is of interest.

Several days since a telegram from Mr. Lee informed me that he was safe, but for three days I have been unable to receive an answer to my inquiry as to the value of the mission property destroyed.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 697.]

*Extract from letter of Rev. L. O. Lee, of Marash.*NOVEMBER 13.¹

I have written you twice stating that we are safe, and also acknowledging the prompt response of the United States legation and the British embassy to our telegram.

Thus far at least 50 have been killed and perhaps 300 have been wounded, some of them fatally. The affair is attributed to a quarrel between a Mussulman and an Armenian, in which the Mussulman was fatally injured. This was on the 24th of October. The next day, after the man was buried, the attack began. According to a Turkish official, the outbreak would have occurred in any case, even had not this fatal altercation precipitated it. The disorder commenced on Friday, the 25th. Word came around that the plan had been to have it on Sunday, when the Armenian population would have been in the churches. We do not certainly know this, but nothing would be more apparent than that it was at least a permitted massacre. The worst occurred after the moutessarif had sent a crier around three times to order the Armenians to open their shops on pain of fine. Those who obeyed had their shops pillaged. This is only too significant. Not a Moslem has been arrested for injuries to Christians. A few who aided the Christians have been arrested. The order of the day now is gradually to arrest Armenians who are prominent in influence or position. Two days ago the pastor of the Third Protestant Church was imprisoned. He is as innocent of any political crime as I am.

It is now clear that the people of Zeitoun have risen. They have captured the fort overlooking their city of 15,000 inhabitants. The prisoners they are treating well. Their leader is a Russian Armenian, but we do not certainly know what was the cause of this rising; but we learn on good authority that an order had come to the Hunchagists there to go no further in anything since the reform scheme had been accepted. There is pretty good evidence in a letter from a Moslem in Zeitoun to a man in this city that the Moslems had formed a plan to destroy the place. Thus they may have risen in self-defense. On the other hand, they may have rebelled upon Hunchagist incitements in view of the untold oppression of the past few months.

At present troops are moving in upon Zeitoun from its four mountain approaches. The force is from 15,000 to 20,000. We hear that they are ordered to utterly destroy the city and raze it to the ground. This would mean a massacre outdoing Sassoun. In these days of reform, is there no way to stay proceedings and have a commission to examine the case? The guilty should be punished, of course, but we are agonized at the awful probabilities before the innocent thousands in the city. Whatever is to be done for Zeitoun must be done quickly, for no one can tell at what moment the attack may be made. Naturally they are pressing on as fast as possible, so as to finish before the snows come.

Can anything be done to protect our church building and parsonage at Zeitoun? It cost a considerable sum of the board's money.

Mr. Terrell to Mr. Olney.

No. 698.]

LEGATION OF THE UNITED STATES,
Constantinople, November 30, 1895. (Received Dec. 18.)

SIR: I have the honor to inform you that it is deemed most prudent to delay making a formal demand for payment of loss sustained by the burning of missionary property at Harpoot and Marash until a full statement of the amount of damages sustained is made and your answer to this dispatch by telegram is received. It is not probable that the amount of actual values destroyed will be known here before this reaches you. * * *

It is hoped that facts showing values destroyed will be fully known when this has reached you, and before acting I will await your telegraphic instructions.

I have, etc.,

A. W. TERRELL.

¹ The second outbreak took place November 18.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, December 2, 1895.

MR. SECRETARY OF STATE: I hasten to send your excellency copy of a telegram I have this instant received from the Sublime Porte:

The American missionaries enjoy throughout the Empire the greatest protection. Sufficient troops are detailed to guard them in order to shelter them from the attacks of the Armenian rioters. Those missionaries have themselves expressed to the Imperial authorities their gratitude for the protection accorded.

Be pleased, etc.,

MAVROYENI.

Mr. Olney to Mavroyeni Bey.

No. 55.]

DEPARTMENT OF STATE,
Washington, December 3, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, in which you cite a telegram from your Government stating that the American missionaries in Turkey are receiving proper protection.

Accept, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 700.]

LEGATION OF THE UNITED STATES,
Constantinople, December 3, 1895. (Received Dec. 23.)

SIR: I have the honor to inclose the copy of a memorandum furnished at the office of the Turkish minister of foreign affairs to Mr. Garguilo, my dragoman, on the 30th ultimo, containing incredible charges against our American missionaries at Bitlis.

Notwithstanding the irregular way in which the matter reached me, it seems necessary to notice it. I visited the foreign office yesterday and in plain language denounced the charges made as unmitigated lies, invented by prejudiced officials and forwarded here to excuse some meditated mischief. The British ambassador, under whose direction Reynolds and Cole have been distributing charity, assured me that he would join in like denunciation. "George," to whom reference is made, is believed to be Rev. George Knapp.

When speaking of the matter I was informed at the Porte that Armenian revolutionists were sometimes found disguised with white turbans and robes as ulemas or Mohammedan priests, and it was suggested that they might in such disguise do harm to missionaries if they had willfully lied on them. Such a danger I have feared for our people in the provinces of Adana and Aleppo, but at Bitlis the chief fear is for the conduct of the Turks. The danger of missionaries at Bitlis is extreme, and I am firmly convinced that they will be sacrificed unless they quit that mission. Safe conduct has been promised if they desire to leave, but they remain and telegraph me for a consul, which, of course, I have no power to furnish. My means of protection are exhausted.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 700.]

Memorandum furnished to Mr. Gargiulo by the foreign office.

In his report to the Sublime Porte the vali of Bitlis complains of a missionary George, and says that he is inciting the Armenians to rise up; that he furnished some of them with revolvers, and that the signal to attack the Mussulmans while at prayer in the mosques was given by missionary George by ringing the bell of the school three times; that Messrs. Cole and Reynolds, who are in the mountains, are acting contrary to good sense, and that their conduct, it is believed, is disapproved by the English Government; that it would not do to permit these men to remain any longer at Bitlis and that they should be sent away.

Mr. Terrell to Mr. Olney.

No. 701.]

LEGATION OF THE UNITED STATES,
Constantinople, December 3, 1895. (Received Dec. 23.)

SIR: I have the honor to inclose herewith copies of correspondence from Cesarea and Marsovan, descriptive of massacres and disturbances in Asia Minor, from missionary sources.

I have, etc.,

A. W. TERRILL.

[Inclosure 1 in No. 701.]

Mr. Dodd to Mr. Terrell.

NOVEMBER 19, 1895.

Intelligence from the Armenian village of Gemerek, one of the large villages in the southwest of the province of Sivas but nearer to Cesarea than to Sivas, shows a deplorable state of things. Bands of Kurds, Circassians, etc., mounted and on foot, have ravaged the district, driving off all horses and cattle until all the live stock of the Armenian farmers has been taken from them. Seven villages near Gemerek have been sacked, and on the 17th, when the last news was sent, Gemerek itself was surrounded, and the Turks living in Gemerek were preparing to cooperate with the men coming from outside. The mudir of Gemerek had fled. The people sent to the kaimakam, 18 miles away, asking for protection. He sent back word, "Defend yourselves; there are no troops here." The people are unarmed. They might for twenty-four hours beat off their assailants with sticks and stones, but what then? The Armenian bishop of Cesarea and the leading Protestant pastor went together to the moutessarif of Cesarea; but these villages are in the province of Sivas, and not under his jurisdiction, [and asked] that he should send to protect them. Besides, they are in one of the six provinces of the reform scheme, and others may not meddle in the arrangements made for the reform of those provinces.

[Inclosure 2 in No. 701.—Copied from letters of November 16.]*The massacre at Marsovan.*

The collection at Marsovan of a force of Redif troops said to number over 1,000, and the constant repetition of the stories of violence in other

cities, threw the whole population of Marsovan into a high state of excitement. The Turks were overbearing and threatening and the Christians paralyzed with fear. On Thursday, the 14th of November, the excitement culminated in a report that the Turks were declaring that they had received authorization to kill Christians for four hours on the next day (Friday, the 15th). Armenian merchants and others presented this story to the kaimakam and asked his advice about closing their shops and remaining at home on that day. The kaimakam assured them that they had nothing to fear, and that he would protect them. The next day they were butchered in their shops, and the entire stock of their goods looted, as well as those of many others who escaped. One of the American missionaries writes as follows:

It should be stated that the public officers here have borne themselves creditably. The kaimakam has repeatedly expressed himself as shocked at the deeds of violence elsewhere, and has declared that such things can not be allowed here. The colonel in command of the troops here has always been very kind to us. So far as I am aware, the Armenian revolutionists have refrained from any acts of folly which might bring on an outbreak. They seem to be thoroughly frightened. Bekir Pasha, the moutessarif of Amasia, recently called the leading men among the Turks and gave them some very plain talk about behaving themselves and doing nothing to foment disturbance of any kind. He gave a similar lecture to the Armenians, enforcing his remarks in each case with sharp threats of holding individuals responsible for all overt acts.

Nevertheless, the storm burst on Marsovan Friday, the 15th. At noon, while the Turks were in the mosques, an alarm was raised that one of the mosques had been attacked by Armenians (but no one can point out which mosque it was). At once a multitude of Turks rushed to their houses, seized their arms, and made an onslaught upon the market. There they seem to have slaughtered right and left as many Armenians as they came across. Others attacked and looted private houses. This bloody work began very near to our premises. On the east and south we could hear a storm of yells and shrieks, mingled with pistol and musket shots and fierce battering on doors. Especially on the side nearest to the girls' boarding school pandemonium reigned until it had spent itself there, and surged on to richer fields near the markets. Bullets came humming over and struck the girls' school building. Finally the sounds grew fainter and the firing more distant. We had two Circassians on the premises; one our permanent night watchman (furnished by Bekir Pasha), and the other was a cavass of the consulate at Sivas, who chanced to be here on his way back from Samsoun. They have done us good service. We sent them to communicate with the kaimakam, who they found patrolling the city and putting a check to the bloodshed. He told them that he had already sent soldiers to surround our premises and to prevent any evil being done here. These soldiers were soon observed in squads outside of our walls, and while this increased the perturbation of some, no raid upon our grounds was allowed. Toward night the kaimakam himself came to see us, and brought a guard of 25 men under a lieutenant, who remained upon the premises on guard all night. The next morning the colonel in command came himself with a similar number of men to relieve guard. Their assurances are very fair. God grant that they may remain faithful, and that this mass of helpless boys and girls may be spared. When the hurricane burst upon the city we allowed the pupils of the two schools to abandon the school buildings and to huddle together in our houses, where they remained all the afternoon. Aside from fear of what might happen on our own premises, the feeling of helplessness to do anything to check such horrid work was most distressing. One poor woman lay in the street where she was struck down from noon to night, just a few yards from a little postern gate of our grounds, which was locked and nailed up, and we could see her through the cracks in the gate, but we could not get at her, nor could we do anything to aid her.

All the Armenian shops in the market of Marsovan are said to have been pillaged upon the outbreak. A number of people in the market rushed into Tash Han, a large stone building, the most secure in the market. There they shut themselves up to stand a siege. The Han was afterwards surrounded with soldiers and so protected from attack. So far as can be learned, the Turkish troops had no share in the massacre, but have been, rather tardily, the means of its being checked.

Many villagers from neighboring Turkish villages flocked into the city to have a share in the plunder. Those who came in on Friday were

in time to have a share in the business, but those who came in on Saturday were turned back by the hundred by the troops who formed a cordon around the city. Great numbers of Turkish women came in among these people from the villages, and they were greatly disappointed not to be able to see the sport.

On Saturday, the day after the massacre, there was a ghastly spectacle in the bottom of the valley in the edge of the Armenian cemetery outside of Marsovan. Corpses were brought out by the wagonload and tossed on the ground in disordered heaps. Aside from such rifling of the bodies as was done by the perpetrators of the slaughter, a horde pounced upon the dead, after they had been cast out like offal upon the ground, and stripped the dishonored carcasses of what poor and bloody clothing they had upon them, leaving them in all degrees of nudity. Finally, about noon, a score of Armenians, with an Armenian priest, were sent out protected by a strong guard of soldiers, and buried this mass of humanity. Eighty-three bodies were laid in one long trench, and left for the witness of the resurrection day. Besides these, others were buried individually by their friends. The number killed is probably about 100.

Mr. Olney to Mr. Terrell.

No. 695.]

DEPARTMENT OF STATE,
Washington, December 4, 1895.

SIR: I communicate for your information copy of a letter addressed to me by Rev. Judson Smith, foreign secretary of the American Board of Commissioners for Foreign Missions, of Boston, under date of the 30th ultimo, in relation to the security of missionaries at Harpoot, Bitlis, and Marash; also a copy of my reply to Dr. Smith.

It is assumed that you are doing, and will continue to do, all in your power to communicate with our citizens in those remote and exposed quarters, as well to relieve the anxiety of their relatives and friends in this country as to enable you to respond promptly to any indication of a wish on their part to seek a place of greater safety.

Mr. Dwight's reference to the difficulty of remitting funds to the missionaries presents a practical problem, with which it may be more difficult to deal. Recent dispatches indicate that the distribution of relief funds among the Armenian sufferers is virtually suspended, and when resumed will be intrusted to the organized boards of Constantinople and not to individual almoners. As to the personal funds of the missionaries, you will remonstrate against any interruption of the mails or interception of correspondence by the Ottoman authorities which may tend to deprive those persons of the necessities of life. You have demanded their protection, and this Government must hold that the promises of the Porte in that regard embrace security of property as well as life, and enjoyment of all the individual rights pertaining to peaceable dwellers in that disturbed region.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 695.]

Mr. Judson Smith to Mr. Olney.

AMERICAN BOARD OF COMMISSIONERS
FOR FOREIGN MISSIONS,
Boston, Mass., November 30, 1895.

SIR: A dispatch came yesterday from Mr. Dwight of such character that it seems to me important that you should have its contents. It runs in these terms:

Missionaries at Harpoot, Bitlis, and Marash protected by soldiers, but streets unsafe for any Christian. Confidence weak. Difficult to send money for personal need of missionaries.

This protection is very nearly identical with imprisonment, so that our missionaries are able to do nothing in behalf of the people among whom they live, and have great difficulty in securing supplies for their own wants. Letters received from Rev. R. M. Cole and Rev. George C. Raynolds, M. D., the former of Bitlis and the latter of Van, both of whom have for some time been in the Sassoun region distributing relief, contain plain proofs of the dreadful strain to which their families have been subjected. Mrs. Cole, writing to her husband, says:

We come around the table, but not to eat, save the two small daughters. This nervous strain on us all is heavy. God only knows the history of these days and never-ending nights. May He grant that we meet again.

Both these men speak of the great difficulty of receiving any tidings whatever from their families. All telegraphic communication was strictly suspended, and letters—the outgoing and incoming letters—were suppressed. This interruption of communication adds seriously to the peril in which our missionaries stand, and the strain which is upon them all in consequence of being thus cut off from communication one with another and with friends outside, is a heavy and wearing burden.

The last sentence in Mr. Dwight's message is particularly ominous. If it is difficult for our missionaries at Constantinople to send money for the personal needs of missionaries in the interior, of course the relief work is still more difficult, and the time can not be far distant when not only such relief work will be at an end, but when our missionaries themselves will be in great straits.

I am well aware that these facts are but a part of the generally distressful condition of things in the interior of Turkey. But they are real and formidable evils, and if anything lies in the power of our Government by which communication can be opened and relief be brought it will be a great blessing to our 150 missionaries in Asia Minor and an equal relief to the multitude of their anxious friends in this country. We look every day with eager expectation for news of the interposition of the great powers and the quelling of this high tide of murder and pillage.

I have been delighted to note in the last letter received from Mr. Dwight a very high tribute paid to the activity and efficiency of Mr. Terrell in these trying weeks. I think it only right that I should communicate to you the language which Mr. Dwight has used. He says:

Judge Terrell has labored to his utmost through all of these trying times to do anything and everything possible to keep the Turks up to defending the missions. The United States minister to Turkey deserves large credit for the safety of all. He has used the most violent forms of expression that diplomacy permits in order to convince the Porte of his earnestness, and has not left a thing undone that could be

a help to the safety of the missionary band. He has had his leave of absence in his hands for five months, but has said often that he can not bear to leave while his fellow-citizens are in danger.

This is very honorable testimony, and gratifying to us, as we are sure it must be to our Government.

I am, etc.,

JUDSON SMITH.

[Inclosure 2 in No. 695.]

Mr. Olney to Mr. Smith.

DEPARTMENT OF STATE,

Washington, December 3, 1895.

SIR: I have to acknowledge the receipt of your letter of the 30th ultimo, communicating with comments the information received by you on the preceding day from Mr. H. O. Dwight, of Constantinople, concerning the safety of the American missionaries at Harpoot, Bitlis, and Marash.

Mr. Dwight's information that the missionaries in those towns are protected by soldiers agrees with the reports received from Mr. Terrell, whose demands for the personal security of American citizens in that disturbed quarter of the Ottoman Empire have been prompt and peremptory.

The Department can understand that in the present crisis, when internecine violence is rife throughout eastern Asia Minor, communications may be more or less interrupted and that the remission of funds for the support of the missionaries and for the charitable work of distribution which they have undertaken becomes difficult; and Mr. Terrell's dispatches indicate that he is using every exertion to keep up direct correspondence with those remote districts.

A copy of your letter will be sent to Mr. Terrell for his information, and I have no doubt that he will be pleased to see the tribute paid by Mr. Dwight to his activity and efficiency in the present emergency. I need hardly add that the Department has of late had frequent occasion to commend Mr. Terrell's energetic action.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, December 4, 1895.

Harpoot telegram reports Americans protected.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 702.]

LEGATION OF THE UNITED STATES,

Constantinople, December 4, 1895.

SIR: I have the honor to inclose the copy of a note from Tevfik Pasha, minister of foreign affairs, dated the 3d instant. I do not at present deem it expedient to notice the praise bestowed on the conduct of the

Imperial troops during the massacres at Harpoot by the note of his excellency. Information deemed reliable shows that they made no effort to protect American property from incendiary burning, and joined in the pillage.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 702.—Translation.]

Tevfik Pasha to Mr. Terrell.

MINISTRY OF FOREIGN AFFAIRS, SUBLIME PORTE,
Constantinople, December 3, 1895.

MR. ENVOY: I have received the note, No. 100, of the 27th ultimo, which your excellency addressed me on the subject of the Americans in this Empire.

I have already informed your excellency that the Sublime Porte has sent formal instructions to the provincial authorities to assure the safety of Americans.

It appears from a recent telegram from the Imperial authorities of Mamouret-ul-Aziz (vilayet of Harpoot) that during the disorders which took place in those districts the Imperial troops put forth all their efforts for the protection of Americans, and that at the present moment a company of soldiers is still charged with watching over their security.

Besides, the aforementioned missionaries, to whom the Imperial authorities offered to furnish the protection they sought, replied that, thanks to the measures taken, they had no further fear and were in the enjoyment of perfect tranquillity.

As for the American houses destroyed at Harpoot and Marash, they were burned at the time of conflagrations started in those towns by Armenian rioters.

Receive, etc.,

TEVFIK.

Mr. Terrell to Mr. Olney.

No. 703.]

LEGATION OF THE UNITED STATES,
Constantinople, December 3, 1895. (Received Dec. 23.)

SIR: Referring to my No. 700, of this date, I have the honor to inclose for your information copy of a letter just received from Rev. H. O. Dwight, with a copy of my answer thereto.

From its nature your Department will most probably hear of it through missionary headquarters in America, and the exceptional conditions now surrounding our people here induce me to inform them in this, as I have in several other matters, of my action.

The request made by Mr. Dwight that I should ask you to order a commission to investigate the truth of the charges made against our countrymen in Bitlis embarrasses me.

Terrorism there has compelled the despairing Armenians to make such charges as it has; I am informed, at Harpoot. The times are not propitious for investigation at either place, and we have much reason to fear that even the Armenians, inspired by fear, would outswear our few fellow-citizens there. I had thought it better to denounce the charge as a foul calumny, issued to cloak some evil design, and to warn the Porte that the United States would hold Turkey responsible

for the safety of our missionaries. Mr. Dwight's long residence and clear knowledge of Turkish character entitle his opinion to great weight, and it is forwarded for your consideration.

I will demand on the 5th instant that attacks in the Turkish press on our missionaries be no longer permitted by the Turkish Government, as tending to inflame Moslem fanaticism.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 703.]

Mr. Dwight to Mr. Terrell.

BIBLE HOUSE, Constantinople, December 2, 1895.

DEAR SIR: It has come to my knowledge that the Sublime Porte is in possession of papers alleged to have been prepared upon the ground, charging the missionaries at Harpoot with teaching sedition, and giving specifications of a charge that Rev. George P. Knapp, of Bitlis, organized and armed the Armenians and prepared an attack on the mosques of that city, on the 25th of October, thereby causing the terrible massacre of that date.

Such unfounded statements have already found echo in the Turkish press, as shown by the extract from the Ghairret, which I sent you last week. They are diligently circulated among the people, and are certain, if not refuted, to increase the danger of our friends in the interior. We all feel that the charges must be fully investigated.

We therefore beg that you will be so kind as to make, if you see fit, the following requests to the Ottoman Government:

First. The texts of the charges against the missionaries at Harpoot and Bitlis.

Second. The names of the officials who vouch for these charges or who have given them to the Porte.

And while this information is being collected, we beg that you will request our own Government to order the appointment of a commission for the investigation of these charges, and to demand, when their calumnious character is proved, the punishment of the originators of the charges.

Very respectfully,

HENRY O. DWIGHT.

[Inclosure 2 in No. 703.]

Mr. Terrell to Mr. Dwight.

LEGATION OF THE UNITED STATES.

Constantinople, December 3, 1895.

MY DEAR SIR: The charges to which your note of yesterday referred as made against missionaries at Bitlis are, I presume, those of which I informed you two days ago as being unofficially and verbally communicated to my dragoman, Mr. Gargiulo, at the Porte.

The danger indicated is extreme and caused me to visit the Porte yesterday. When in the foreign office, I denounced the charges made against our missionaries at Bitlis as false and manifestly made with evil design. Of this fact I verbally informed you this morning.

I deemed it proper also in that connection to remind the foreign office that I found it necessary to secure a Turkish guard to protect missionaries from the revolutionary emissaries of the secret societies at Marsovan, and had demanded months ago protection for our missionaries in the provinces of Aleppo and Adana against a like danger from revolutionists.

I am glad to inform you that a formal note from the foreign office this morning assured me that stringent orders were received all over the Empire, in accordance with my written demand on the 18th of November, for the protection of all foreigners.

I will, as you request, make an effort to secure the names of the officials who forwarded and vouch for the charges. This may not be obtained, since the incident has not been officially made known.

The matter referred to has already been communicated to our Government, and while awaiting its action no means will be here neglected to impress the Porte with my conviction that the charge was made by local officials to cloak some evil design, and that the Turkish Government, being forewarned, will be held responsible for its consequences.

I hope we approach the end of the terrible tension caused by this era of blood and suspicion, during which and before it began, as you know, I have felt the deepest solicitude for the safety of our countrymen.

I am, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 704.]

LEGATION OF THE UNITED STATES,
Constantinople, December 4, 1895. (Received Dec. 20.)

SIR: I inclose herewith an extract from a letter written by Rev. Mr. Lee, of Marash. His high character leaves no room to doubt the truth of the facts stated. Patient acquiescence in such enormities now would be fatal to future security. I have therefore demanded, as you will see by my note to the Porte of this date, the removal of the commandant at Marash and punishment of that officer and the soldiers.

I have, etc.,

ALEXANDER W. TERRELL.

[Inclosure 1 in No. 704.]

Extract from letter of Rev. L. O. Lee, of Marash, November 13.¹

I have written you twice stating that we are safe, and also acknowledging the prompt response of the United States legation and the British embassy to our telegram.

Thus far at least 50 have been killed and perhaps 300 have been wounded, some of them fatally. The affair is attributed to a quarrel between a Mussulman and an Armenian, in which the Mussulman was fatally injured. This was on the 24th of October. The next day, after the man was buried, the attack began. According to a Turkish official the outbreak would have occurred in any case, even had not this fatal altercation precipitated it. The disorder commenced on Friday, the 25th. Word came around that the plan had been to have it on Sunday

¹The second outbreak took place November 18.

when the Armenian population would have been in the churches. We do not certainly know this. But nothing could be more apparent than that it was at least a permitted massacre. The worst occurred after the moutessarif had sent a crier around three times to order the Armenians to open their shops on pain of fine. Those who obeyed had their shops pillaged. This is only too significant. Not a Moslem has been arrested for injuries to Christians. A few who aided the Christians have been arrested. The order of the day now is gradually to arrest Armenians who are prominent in influence or position. Two days ago the pastor of the Third Protestant Church was imprisoned. He is as innocent of any political crime as I am.

It is now clear that the people of Zeitoun have risen. They have captured the fort overlooking their city of 15,000 inhabitants. The prisoners they are treating well. Their leader is a Russian Armenian. We do not certainly know what was the cause of their rising. We learn on good authority that an order had come to the Hunchagists there to go no further in anything since the reform scheme had been accepted. There is pretty good evidence in a letter from a Moslem in Zeitoun to a man in this city that the Moslems had formed a plan to destroy the place. Thus they may have risen in self-defense. On the other hand, they may have rebelled under Hunchagist incitements in view of the untold oppression of the past few months.

At present troops are moving in upon Zeitoun from its four mountain approaches. The force is from 15,000 to 20,000. We hear that they are ordered to utterly destroy the city and raze it to the ground. This would mean a massacre outdoing Sassoun. In these days of reform, is there no way to stay proceedings and have a commission examine the case? The guilty should be punished, of course, but we are agonized at the awful probabilities before the innocent thousands in the city. Whatever is to be done for Zeitoun must be done quickly, for no one can tell at what moment the attack may be made. Naturally they are pressing on as fast as possible, so as to finish before the snows come.

Can anything be done to protect our church building and parsonage at Zeitoun? It cost a considerable sum of the Board's money.

[Inclosure 2 in No. 704.]

Mr. Terrell to Tevfik Pasha.

No. 101.]

LEGATION OF THE UNITED STATES,
Constantinople, December 4, 1895.

SIR: I have positive information from a truthful source that the American seminary and boarding house at Marash were recently pillaged by soldiers and the seminary burned by Moslem rioters after I had repeatedly demanded at the Porte efficient protection for all Americans in the Ottoman Empire. I have also certain knowledge that the American missionary in charge of those buildings applied for a special guard two weeks before the burning and that no guard was furnished until after killing by rioters in Marash had continued for several hours. I am glad to know that a guard was protecting the lives of American citizens at the date of my last information.

It is impossible to believe that His Imperial Majesty can approve such neglect to protect Americans and their property after my repeated demands before and since the recent disturbances in Asiatic Turkey or

that he will retain in his army or fail to punish the officers and soldiers who neglected their duty to protect.

I now formally demand in the name of the United States of America the immediate arrest of the officer who commanded the Imperial troops at Marash, and that he be not only degraded from his rank, but punished as the enormity of his offense deserves. I also demand that severe punishment be inflicted on those soldiers who engaged in pillaging American houses at Marash.

I beg to remind your excellency that I ask no investigation to establish the willful misconduct of the officer in charge at Marash and that of soldiers under his command, but demand their punishment. Their guilt is well known, and if not known by your excellency can be quickly ascertained.

I would be pleased to communicate to my Government at an early day the action of the Ottoman Government with regard to the demand herein made.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 705.]

LEGATION OF THE UNITED STATES,
Constantinople, December 4, 1895. (Received Dec. 23.)

SIR: I have the honor to inclose for your information copy of a letter from Rev. Mr. Gates, at Harpoot, detailing the atrocities committed in that city, and which leaves no doubt that missionary buildings were burned and plundered by Turks and Koords. Indemnity will be demanded as soon as the amount of the loss at Marash is known and your further instructions are received.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 705.]

Mr. Gates to Mr. Terrell.

HARPOOT, TURKEY, *November 19, 1895.*

HONORED SIR: Following the outbreaks at Constantinople came a period of great unrest and anxiety, which grew worse and worse.

The Christians feared that the Moslems were preparing to massacre them, and their alarm was increased by a report, which was supported by strong evidence, that arms had been distributed among the Turkish aghas from the Government arsenal.

The tension increased until October 24, when the Armenians closed their shops and went to their homes. Dr. Barnum had been laboring to inspire confidence and allay the fears of the Christians. At this juncture he went to the acting governor-general in Mezreh. Soldiers were sent to the city and order restored just in time to prevent an outbreak on the part of the Moslems. That same day a telegram was delivered to us from Consul Jewett announcing the acceptance of the reforms. The telegram had been detained here four days before delivery.

The fears of the Christians could not be allayed. Dr. Barnum and the leading Protestants labored unceasingly, exhorting the Christians to trust the Government and their Moslem neighbors, and to go about their work as usual, but again and again they became alarmed and

closed their shops. The Moslems did the same and carried goods to their houses. Reports of massacres in Erzingan, Bitlis, and Diarbekir added to the alarm.

Sunday, November 3, Protestants came to us from the village of Pertek, which had been plundered by the Dersim Koords. The Christians here feared that the Koords would attack the city also. As village after village was plundered the apprehension increased, and on Monday, November 4, we telegraphed to you, "Koords plundering villages; threaten city, specially our quarter; danger extreme." Our telegrams were sent "immediate," we paying 3 piasters a word to insure speedy delivery.

Tuesday, November 5, the Dersim Koords were driven back across the river by the soldiers. These Koords are always considered a rebellious set, and the Turks fear them almost as much as the Christians do. It is said that when the soldiers began to fire on them the Koords called out to them, "You summoned us; why do you fire on us?"

Wednesday, November 6, details of the massacre in Erzingan came, and the city was again in alarm. Reports were also received of a massacre in Malatia. From day to day matters grew steadily worse. We exhausted every effort to allay fears and quiet the people, but in vain. Dr. Barnum went among Moslems and Christians and obtained the strongest pledges, both from officials and from leading Moslems of the city, that no trouble would be allowed here. The colonel commanding the forces in the city assured him that, unless he was cut to pieces, not a Koord should enter the city. When the Koords did come he stood quietly looking on.

We circulated the assurances among the Christians to quiet their fears.

Thursday, November 7, the leading Christian and Moslem citizens held a meeting, at which they exchanged pledges; and then they went through the markets, opening the shops and exhorting the people to go about their business. But during these last few days Turks and Moslem Koords had been attacking Christian villages. Every day we could see the smoke of burning villages, and the circle of fire kept on contracting around the city.

The Koords engaged in these attacks were not the Dersim Koords, but the Moslem Koords who live in this vicinity. They were joined by the Turks, who gave Christians the alternative of becoming Moslems or giving up their lives. This terrible work was going on all over this region. In a few places, like Diarbekir and Malatia, the Christians were armed and tried to defend themselves, but in most places they attempted no resistance, but abandoned their houses and fled for their lives.

Friday and Saturday, November 8 and 9, the people did little but watch the work of destruction in the villages, and talk of their fears. On the 9th we received your first telegram, "Are you well?" and we replied (our second telegram), "Well; but danger great and imminent." Some of the leading Christians were still striving to preserve the peace and induce Moslems to protect Christians.

Sunday, November 10, we had heard that Moslems were excited by reports that we had large supplies of arms and ammunition which we were distributing. I had already taken all weapons from our school boys. Dr. Barnum now went in person to the city government and delivered to them all the revolvers we had in our possession—five, I believe. Some of the leading Christians, accompanied by Moslems and officials, went to the houses of the Christians and removed their weapons, which were freely given up. The Christians thus cast themselves

wholly upon the protection of the government. In all that followed, I have not heard of a single Christian who fired upon a Moslem, nor have I learned that a single Moslem was hurt.

The officials renewed the assurances they had given before that they would protect the Christians.

A few rowdies of the city tried to make an attack upon our buildings Sunday morning, but they were sent off by the soldiers.

Monday, November 11, a few Koords attacked the Christian quarter in which we live. The soldiers on guard there fired a few shots and then walked off, while the assailants entered houses and shot three persons, all of them Protestants. Finally a young lieutenant led a few soldiers against them. The Koords were easily driven off and several were captured, but they were allowed to go away unpunished.

During the forenoon soldiers were posted on a hill, commanding the principal road which comes into the city from the plain. The road here passes through a narrow gorge, which could be easily held by a small force. The soldiers had one cannon.

The large village of Husenik, a half hour distant from the city, was plundered during the morning and many were killed there. They are still taking bodies from the ruins.

About noon the soldiers began firing. I at once took up a good post of observation on the balcony of our house, which is high up on the hill, and watched events through a field glass.

The firing soon ceased and a crowd of Koords and Turks came up the hill toward the soldiers. I should think there were about 800 of them. They had no military formation, and many of them were armed only with clubs and knives.

The soldiers held a strong position. With 50 good soldiers I think I could easily have turned back that crowd.

Some of the officers went down the hill a little ways to meet the Koords, and a conference was held in which some of the principal Moslems of the city joined. I could see the speakers addressing the crowd, but of course I could not hear what was said. One of the soldiers guarding our houses has since said that the Koords said they only wanted to burn the houses of the Protestants and that would satisfy them.

The conference lasted but a short time; then the bugle blew and the soldiers, led by their commander, marched leisurely back to the city, dragging their cannon. The Koords sat down on the hill and waited until the soldiers took up a position where the road enters the city; then they began to advance in a scattered body, firing shots and shouting, "Allah! Allah!" The soldiers did not fire a shot in reply; when the Koords reached them they simply guided their course and prevented them from entering the Christian quarter by the direct road, on which there are Moslem houses. The Koords jumped over a garden wall in the valley below the soldiers and entered the Christian quarter from the lower side. Then the soldiers began to fire, and I felt encouraged, as it seemed to me they could easily drive off such a foe. But, to my amazement, I soon saw that the soldiers were firing, far above the heads of the Koords in the valley below them, right into the Christian quarter. Smoke soon began to rise from the Armenian school, and the work of plunder became general.

I left my post of observation and took my family to the girls' school building, where I continued to watch the work of destruction from the windows. The work of plunder was largely done by the Turks of the city. They poured into the houses, each one carrying off a load and

stripping the houses in an incredibly short time. Those who were armed fired into the windows of the houses. As soon as a house was plundered they set fire to it. A large number of Christians took refuge in our buildings.

There were a few soldiers in the streets, and I watched them to see if they would protect our premises. They did not attempt to do so. Soon the gate of the Browne and Allen houses was broken in, and the people gathered there fled toward the hills behind our premises. As they passed up the steps between my house and the girls' school a storm of bullets flew around them and four persons were wounded. Many of these bullets struck my house. Some passed through the casements of the windows and buried themselves in the walls. Taking the direction of these bullets I found that they were fired from the place where the soldiers were stationed. There were no Koords there then, all having gone into the city to plunder. Moreover, they were not the round balls which the Koords use in their long guns, but the conical bullet of the Martini rifle.

In the crowd that fled to the hills were the widow, son, and daughter of the late English vice-consul of Diarbekir, Thomas Boyajian, also the leading professor of our college. These refugees were met by soldiers, who told them that unless they became Moslems they would all die in a few moments. So they returned to the girls' school.

We remained in the girls' school building until the Allen house, which adjoins it, was on fire and the school building itself in danger; then we left. Some of the missionaries went upon the hill. Dr. Barnum called the colonel commanding the soldiers, who told them to return and fear nothing, and sent soldiers with them. These soldiers all left but two, and they demanded a backsheesh as the price of their remaining.

We all gathered in the girls' school yard, Dr. Wheeler and Mrs. Allen having been carried there in chairs. The soldiers were on the hill above us within stone's throw, but they did not offer to help us. We expected to die, and encouraged one another to meet death bravely.

At last smoke issued from the windows beside us, and some one proposed that we go to the boys' college building. As we were leaving the yard, some of the marauders appeared at the door of the building behind us. A Turk drew his revolver. Mr. Allen held up his hand to him not to fire, but he fired at him. I called out to him, "God chastise you," and he fired at me. Some say he fired a third shot also, but although he was only 50 paces distant he did not hit anyone.

When we had all entered the college building, Dr. Barnum went again to the colonel and asked for a guard. A lieutenant and 10 soldiers were sent. From the college we watched the plundering of our buildings. Our goods were carried off before our eyes, the plunderers passing through the midst of the soldiers, who also joined in the pillage. The colonel himself stood a little higher up on the hill watching proceedings. Many of our goods were carried by porters to Turkish houses in the city.

After a little the governor of the city came to us on behalf of the colonel and mufti, saying that the college building would surely burn, and asking us to leave it. We refused to do so. He came a second time and kissed Dr. Barnum's beard, entreating him to leave. Dr. Barnum told him: "We have lost all confidence in you. If the Government wish to protect us, they can do it here; and if they do not, we will die here." The building was full of refugees, who would have been left to the mercy of the Turks had we gone out of the building.

Soon after we had given this reply the bugle sounded, and all the soldiers left us. We were then wholly unprotected.

At this juncture the alai bey, Mehemet, a Circassian, arrived. He was the first man who showed any earnestness or efficiency in helping us. He went to the colonel and secured a strong guard of soldiers. He called for our fire engine and himself took the hose. With his aid we saved the high-school building and house of the president of the college. If these had burned, the college would undoubtedly have gone too. We remained in the building that night with 450 refugees.

Tuesday, November 12, at daybreak the Koords appeared again. It was said that an order came to shoot the Koords. The soldiers fired upon them and they went away. Up to this time the soldiers said they had no orders to shoot Moslems. It is said that a few Koords were killed that day. Others deny this. I did not see any killed, but the Koords were easily disposed of as soon as they understood that the soldiers meant business. I saw two soldiers lay down their arms that day. They said they would not oppose the Koords.

We had no more trouble from Koords, but we were now menaced by the Turks of the city. Our friend, the alai bey, came to us and asked us to leave the building, as we were not safe there. The Turks were determined to burn the building. We again refused. Word was also brought to us that the Turks were determined to kill Dr. Barnum, against whom they had special hostility. We have since found that a shell from the cannon burst in Dr. Barnum's study, where his family gathered during those last trying days. We have found the pieces of the shell, including the percussion cap and fuse tube.

That morning I wrote letters to be sent in case of our death. But the alai bey remained with us and we were preserved. The people in the college building were crowded almost beyond endurance. We had no bedding and only a few mouthfuls of food, and Death seemed to stand always at the door; at any moment he might come.

Wednesday, November 13, we received your second telegram asking if we were well. The telegram read "Are you well, vvoor reply." The last two words we did not comprehend. We answered at once, "Lives and four buildings saved; eight burned. Houses stripped. Country desolate. Many thousands dependent. Money needed."

I need not go into the details of the last few days. The soldiers on guard were relieved by another and more efficient detachment. Dr. Barnum's family, Mr. Allen's, and my own, and the lady teachers moved into our two houses, leaving Dr. Wheeler's family, Mr. Ellis, and a number of refugees in the college building.

We found our houses strewn with a mass of débris. What could not be carried off was broken; pictures were thrust through. Many of us have not even a change of underclothing, and we are sleeping on borrowed beds. Our condition is better than that of thousands of people who have no houses to shelter them, no clothing, no food. In many places there has been great loss of life. The exhortations of the missionaries to the Christians here to attempt no resistance without doubt saved hundreds of lives. One of our pupils and two preachers in this vicinity have been killed, others were wounded. We have no returns yet from many places. It is impossible to make any estimate of the number killed. Great pressure is being brought to bear upon Christians to become Moslems.

The tide of desolation has swept over this whole region down to Mardin, and the country is laid waste.

On Saturday, November 16, we received your last two telegrams (third and fourth) together. We were greatly cheered and encouraged by them and by the assurance they brought to us that you were caring for our interests. We replied as follows:

Fourth telegram. Telegrams of 14th and 16th just received. Our quarter, eight houses in city, and garden houses burned. Miscarriage caused. Special malice toward us. Shell burst in my house. Raiders protected by soldiers, who fired at our houses and joined in plunder. Great religious pressure and terror. Multitudes killed in vilayet. Survivors destitute. Our loss probably \$100,000. Ourselves protected now.

BARNUM.

This morning the major of the soldiers came to find out about arrangements for the winter. We told them that the responsibility for our protection rested upon them and we must leave it to them to decide whether they would continue to occupy our school building or whether they would find quarters in the vicinity. They said if the responsibility was theirs they thought it better for them to stay here, so they are making arrangements to spend the winter in our high-school building.

May God guide you and all who are charged with responsibility in this great crisis of the history of this land.

In behalf of Harpoot station.

Sincerely, yours,

C. F. GATES.

Your telegram saying that you had demanded protection for us and obtained the promise of it produced an excellent impression here, and was very helpful to us.

NOVEMBER 20.

We have to-day received your telegram of November 18, and replied as follows:

Miscarriage. Mrs. Gates. Promises of protection were abundant, but unfulfilled until after catastrophe. Buildings are isolated. They were set on fire separately in the presence of soldiers. Male college and preparatory building saved by own engine and efforts; also Gates's house and mine.

Personal property, \$33,000; buildings, \$14,000; apparatus, \$11,000; total, \$88,000. Details by to-day's mail. Demand its safe delivery.

BARNUM.

I inclose a statement of loss. It has been prepared amidst a tremendous pressure of work and care, so please excuse the form.

This loss represents the accumulations of nearly forty years, during which school material and mission property have been slowly gathered. It was all swept away in a few hours. I have tried to state the facts fairly. To us it is perfectly evident that the responsibility for all this loss rests fairly and squarely on the Ottoman Government. It will require years to replace what we have lost. Some of our circle have labored here for nearly forty years, and now they see the work of a lifetime swept away, and the people they labored for crouching in the ashes of their homes. It is inexpressibly sad.

No indemnity the Ottoman Government can give will cover this awful loss; but we leave that to God. The least we can demand is that our pecuniary losses shall be made good. If this indemnity can be secured quickly, it would be a help to us. We are destitute, and winter is upon us. Two of our number are confirmed invalids, and it is difficult to make adequate provision for their comfort.

The professors and tutors of our college who were not living in the buildings have lost all they possessed. I do not know whether we could rightfully claim anything on their account, but I wish relief might be

obtained for them in some way—if possible, by way of indemnity. Their loss would amount to several thousand liras.

Again thanking you for your prompt and energetic action in our behalf,

I remain, etc.,

C. F. GATES.

I omitted to say that fire was set in Dr. Barnum's house in three places, and books saturated with oil were found in mine.

[Inclosure 2 in No. 705.]

Statement of loss of American Board of Commissioners for Foreign Missions and Euphrates College.

BUILDINGS.

American Board of Commissioners for Foreign Missions:

Theological Seminary.....	\$2,000
C. H. Wheeler's house.....	3,000
Rooms of Misses Bush and Seymour.....	1,500
J. K. Browne's house.....	3,500
O. P. Allen's house.....	4,500
Book depository.....	800
Four garden houses burned and one damaged.....	1,400
	<u>\$16,700</u>

Euphrates College:

College chapel.....	5,000
Dormitories, primary department, and boarding hall.....	4,000
Girls' college and primary department.....	17,000
	<u>26,000</u>

Cost of clearing the ruins..... 1,000

Total for buildings..... 43,700

STOCK AND APPARATUS.

American Board of Commissioners for Foreign Missions:

Books in depository.....	\$1,000
One safe destroyed.....	100
Money and drafts.....	450
Touring outfit.....	250
	<u>\$1,800</u>

Euphrates College:

One safe destroyed.....	110
Money and drafts.....	568
Kindergarten materials.....	50
Loaning library.....	250
Boarding departments, male and female—	
Money.....	\$80
Stoves.....	500
Utensils.....	900
Notes destroyed.....	500
	<u>1,980</u>

Two mimeographs and supplies.....	50
One Hammond typewriter and supplies.....	125
Desks and blackboards.....	400
Eleven teachers' desks.....	75
Chairs and settees.....	200
Chemicals and tubes.....	100
Maps and apparatus.....	800
Wood.....	200
Lamps.....	150
Loss of tuition.....	3,000
Loss of notes for tuition.....	200
Fifteen stoves.....	150
Pictures.....	50

Euphrates College—Continued.

Medicines	\$50	
Sewing machines	75	
Eight organs	775	
School material in Wheeler house	450	
		\$9, 808
Total for stock and apparatus		11, 608

PERSONAL LOSS.

Rev. H. N. Barnum:

Horse, mule, and saddle	200	
Furniture and carpets	500	
Clothing	600	
Stores	200	
Sundries	200	
		1, 700

Miss Emma Barnum:

Horse and saddle	125	
Furniture and bedding	175	
Clothing	250	
Jewelry	50	
Sundries	50	
		650

Rev. J. K. Browne:

Saddles and bridles	80	
Clothing	250	
Bedding	140	
Furniture	435	
Books, stationery, and pictures	645	
Stoves and hardware	300	
Organ	200	
Sundries	300	
		2, 350

Miss C. E. Bush:

Horse	100	
Saddle	20	
Organ	350	
Books	30	
Canned food	15	
Stationery	35	
Furniture	268	
Clothing	433	
Sundries	59	
		1, 310

Rev. E. S. Ellis:

Furniture	350	
Clothing	100	
Books	350	
Sundries	100	
		900

Miss H. Seymour:

Horse and saddle	75	
Clothing	379	
Bedding	60	
Furniture	121	
Medicines	25	
Sundries	145	
Stoves and hardware	55	
Books, stationery, and pictures	70	
Jewelry	5	
		935

Miss M. L. Daniels:

Clothing	520	
Books	175	
Furniture	170	
Personals	140	
Bedding	35	

Miss M. L. Daniels—Continued.

Pictures	\$20	
Stationery	25	
School materials	250	
		\$1,335

Rev. O. P. Allen:

Furniture and furnishings	854	
Clothing	635	
Books and maps	450	
Crockery and utensils	235	
Food	295	
Copper utensils	10	
Saddles	60	
Trunks	27	
Horse	35	
Cart	75	
Typewriter (Yost)	100	
Typewriter (Hall)	27	
Bath chair	60	
Pictures	250	
		3,113

Rev. C. F. Gates:

Furniture	760	
Clothing	869	
Bedding	379	
Shoes	72	
Carpets	278	
Curtains	61	
Embroideries and silks	53	
Two watches and silver	151	
Jewelry	77	
Hardware and tools	287	
Food	132	
Medicines	20	
Saddlery	146	
Horse, donkey, and cow	188	
Crockery and lamps	100	
Table linen	60	
Sundries	398	
Trunks and satchels	35	
		4,066

Rev. C. H. Wheeler:

Notes and bonds	2,200	
Accrued interest	1,500	
Money	79	
Clothing and materials	1,342	
Furniture	1,000	
Carpets	100	
Bedding	230	
Books	400	
Stationery	10	
Pictures and photographs	450	
Watch, silver, and gifts	193	
China, table linen, and kitchen utensils	475	
Provisions, fuel, and medicines	750	
Boots and shoes	35	
Sundries	246	
		9,010

Miss E. C. Wheeler:

Money	102	
Clothing and materials	1,138	
Furniture	1,100	
Carpets	220	
Bedding	215	
Organ and sewing machine	250	
Books	275	
Stationery	40	
Photographs and pictures	300	

Miss E. C. Wheeler—Continued.

Jewelry, silver, and glass	\$110
China	125
Boots and shoes	76
Sundries	404
	\$4,355
Total personal loss of missionaries	29,724
Students and teachers living in colleges—	
Male	1,000
Female	1,853
Loss of gatekeeper	100
Total of personal loss	32,677

SUMMARY.

Total loss of buildings	43,700
Total loss of stock and apparatus	11,608
Total personal loss	32,677
Total loss	87,985

Mr. Terrell to Mr. Olney.

No. 708.]

LEGATION OF THE UNITED STATES,
Constantinople, December 4, 1895. (Received Dec. 23.)

SIR: I inclose copy of a note just received from Sir Philip Currie, British ambassador, informing me that the missionaries at Bitlis still regard their condition as critical, as he is informed through his consul at Erzerum.

Their condition now is a realization of my fears, expressed to your Department nearly a year ago, on account of their humane but indiscreet action in visiting and assisting the investigating commission. It was most natural, but most unfortunate. Every effort that is possible with me has already been exerted for their protection. Safe conduct was ordered on their request to go to Van, and then apparently declined.

There is now much reason to fear that they will be sacrificed. * * *

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 708.]

Sir Philip Currie to Mr. Terrell.

BRITISH EMBASSY,
Pera, December 4, 1895.

DEAR MR. TERRELL: I have just received a telegram from our consul at Erzerum saying that a letter from Bitlis, dated November 27, states that, owing to Moslem hostility, the position of Americans is most critical. He adds, "I have spoken to Shakir Pasha, but action by the United States minister would be more effective."

Yours, very truly,

PHILIP CURRIE.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 5, 1895.

What application did you make in respect of *Marblehead*? Why? To whom? * * * Had you any reason to think other treaty Powers would consent? Explain fully.

OLNEY.

Mr. Terrell to Mr. Olney.

No. 709.]

LEGATION OF THE UNITED STATES,
Constantinople, December 5, 1895. (Received Dec. 23.)

SIR: I have the honor to inclose, for your further information in regard to the burning of American property at Harpoot, the copy of a letter received from Rev. Mr. Barnum, dated the 21st ultimo.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 709.]

Mr. Barnum to Mr. Terrell.

HARPOOT, November 21, 1895.

DEAR SIR: Mr. Gates has written to you with a good degree of fullness in regard to the experiences of the last few days. Since his letter was written, I have some new evidence to prove that the attack upon this quarter of the city at least was under the direction of the soldiers.

A woman, a Protestant neighbor, says that she did not leave her house, which was one of the few which was not destroyed. She watched the whole cannonading, and she says that it was all directed toward this part of the city. Another, who took refuge in the house of one of our leading Turkish neighbors, and who sat by a window only a few feet from the cannon, confirmed this testimony; and she says that the Martinis also were fired rapidly and in this direction. She also says that the first cannon shots were toward the houses at the outskirts of this quarter, below which the Koords were gathered. Presently an officer came, and he reprimanded the men who were handling the cannon and beat two or three of them, and she heard him say, as he was only a few feet from her, "Why are you aiming in that direction? Don't you see there are Koords there? You are in danger of killing some of them. Turn the cannon in this other direction where there are only Christians." The son of a priest who lives just below us has brought me a cannon ball which was taken from his house, and another has brought me a part of a shell with the fuse in it.

I have heard from many that some of the houses were set on fire by these cannon balls or shells. It is something which I do not understand and have considered impossible, as I know nothing about modern war-

fare. But while writing this, ——— tells me that she saw them wrapping cloths saturated in kerosene around the shells before putting them in the cannon. She also says that she overheard a conversation between two of the leading Turks in the city, both of them Ulemas, one of them a member of the civil court and the other until recently a member of the court of appeals, and a Koordish chief. They reproached the Koord for entering a certain Christian house which was under their protection. He said, "Excuse us; we did not know that that house was to be protected. We do not wish to do anything contrary to your orders." They said, "Aferim" (bravo), and they gave him flattering titles of agha, pasha, etc., and said, "You know you are to plunder only Christian houses."

I should have said that this woman asked the lady of the house who the officer was who gave the order in regard to the cannon, and she told her that it was the colonel who had charge of the defense of the city. I have regarded this man as thoroughly treacherous in his dealings with us, and have told him so in as gentle a form as I could when he told me that he was afraid I had lost my confidence in him. But the most intelligent Christian in this city, who occupies the same house with him and has been for years a friend, as he has been an army contractor, tells me that this whole affair was against the colonel's wishes and impulses, and that he was simply acting under superior orders. It is he to whom Mr. Gates refers as entering into his room at the close of the day and weeping.

Of course we have nothing to do with individuals. Here is the simple fact that this wave of desolation which is rolling over the land has swept over us. And the Government did not lift a finger to protect us until after we were driven from our burning houses. The soldiers simply presided over the affair so as to keep the Koords and the mass of the Turkish population of the city, who joined in the plunder, from going beyond the prescribed limits. We were where we could watch proceedings from first to last. It was the obvious intention to spare no one of our buildings. The college preparatory building, which was saved, was joined by a strong wooden-covered passage to the building of the primary department, which was burned. And it was here that we had our hardest fight with the fire. Mr. Gates has told you that fire was set in my house in three places, but fortunately the building did not burn, although the fire was put in a large mass of paper. And a similar attempt was made upon his own house. We all understood at the time that the great desire of the officials to secure our removal from the college building was so that it could be burned. Our teachers, and others who had taken refuge there, are confident that if we had left the building they would have been sacrificed.

Mr. Gates has already told you of the great comfort which your telegrams have given to us. We were in great doubt as to whether our telegrams would reach you. Fortunately for us, a clerk who can telegraph in the European character, although he does not understand English, has been appointed here. We could not have ventured to telegraph so plainly in Turkish. Accept our united thanks for your sympathy and kind attention.

Just here we received two telegrams of yesterday's date, one telling us of the order for safe conduct and the other we are trying to decipher. We shall try to get it corrected at the office.

The mail closes; so, with renewed thanks,
Believe me, etc.,

H. M. BARNUM.

Mr. Terrell to Mr. Olney.

No. 710.]

LEGATION OF THE UNITED STATES,
Constantinople, December 5, 1895. (Received Dec. 23.)

SIR: I have the honor to inform you that information deemed reliable has reached me which exhibits in enviable contrast with atrocious conduct of Mohammedan rioters the brave and humane conduct of the following Turkish officers in the protection of American citizens, viz, Mehmet Bey, alai beyi of Harpoot; the kaimakam of Aintab; Bekir Pasha, moutessarif of Amassia; the kaimakam of Marsovan, and the colonel commanding the troops at Marsovan.

Each of these officers exerted his official authority to protect American citizens and their property against infuriated rioters. The conduct of each I will specify when time permits.

I deemed it but an act of justice to express my gratification at the conduct of these officers in a formal note to the Porte, a copy of which is inclosed.

Missionaries report that they owe the preservation of their lives to the courageous conduct of the officers named. Such men, in the midst of this hell of fanaticism and carnage, are like beautiful stars seen between rifted storm clouds at midnight. I would be glad if authorized to convey in some formal way the expression of the appreciation felt by your Department of the soldier-like conduct of those Turks.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 710.]

Mr. Terrell to Tefvik Pasha.

No. 102.]

LEGATION OF THE UNITED STATES,
Constantinople, December 5, 1895.

SIR: Just as whenever a complaint becomes necessary I deem it my duty to present it to the Sublime Porte, so in the present instance, when the conduct of certain army officers and civil functionaries of Harpoot, Marsovan, Aintab, and Amassia, whose names are appended, is worthy of the highest praise on account of their protection of the lives of American missionaries, I take great pleasure in transmitting to your excellency the expression of the deep satisfaction I have felt on hearing of their meritorious action, of which I am also informing my Government.

Mehmet Bey, alai beyi of Harpoot; the kaimakam of Aintab; Bekir Pasha, moutessarif of Amassia; the kaimakam of Marsovan, and the colonel commanding the troops at Marsovan.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *December 6, 1895.*

I made application to the Sultan for *Marblehead* to visit Constantinople in order that I might have a consultation with admiral, because the admiral requested me to do so. I know nothing of his instructions; supposed he was authorized. Our war vessels have come here since the

treaty which closed Dardanelles. I had reason to believe that the *Marblehead's* coming would not be objected to by the treaty Powers. Massacre Cæsarea. Americans safe.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 711.]

LEGATION OF THE UNITED STATES,
Constantinople, December 6, 1895. (Received Dec. 23.)

SIR: I have the honor to inform you that I received the inclosed letter (copy) from Admiral Selfridge on the 20th ultimo, and applied to the Sultan for permission for the cruiser *Marblehead* to visit this port, which he very politely declined to give for the alleged reason that similar applications would then be made by the representatives of other powers, which he could not possibly grant.

I had not been favored with any knowledge of the instructions to the admiral, and presumed, naturally, that he was authorized to thus request permission to come here with his boat.

I inclose also a copy of my answer to Admiral Selfridge's letter, and, in this connection, also a copy of your telegram to me having reference to the matter, dated December 5, and also a copy of response by telegram.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 711.]

Admiral Selfridge to Mr. Terrell.

U. S. S. SAN FRANCISCO,
Marseilles, France, November 15, 1895.

SIR: Considering it very desirable that I should confer with you relating to the disturbances in the East, I have the honor to request that you will procure a firman from the Porte for me to visit Constantinople in the *Marblehead*, the smallest vessel of our squadron.

The *Marblehead* has a displacement of 2,000 tons.

Very respectfully,

THOS. O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Inclosure 2 in No. 711.]

Mr. Terrell to Admiral Selfridge.

LEGATION OF THE UNITED STATES,
Constantinople, November 20, 1895.

SIR: I have applied for permission for your visit to this city in the *Marblehead*, as requested by your letter from Marseilles of the 15th instant. Will wire through consul at Smyrna the reply when received.

There is a feeling here of much apprehension, and the news from the interior of Asia is fearful. Certainly over 20,000 men have been killed in cities and large towns away from the seacoast, while the country from the Black Sea to the Caspian is believed to be desolated.

The cooperative action of European Powers, if agreed on, is not known here. If there should be an effort by their boats to rush the Dardanelles and reach this city, the interval between the effort and the arrival of the fleet here would be one of much danger to resident Christians. Other Governments have dispatch boats on which their people could take refuge. Ours has none.

I would feel obliged to you if you will inform me from time to time of the places at which telegrams may reach you while in the eastern Mediterranean.

If you receive no telegraphic answer to your request to pass the Dardanelles, it will be because none has been given. The transaction of business which requires a written answer from either the palace or the Porte has become almost impossible.

Very respectfully,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 713.]

LEGATION OF THE UNITED STATES,
Constantinople, December 10, 1895. (Received Dec. 28.)

SIR: I have the honor to acknowledge your No. 677, of the 25th ultimo, inclosing copy of a letter from Dr. Judson Smith, secretary of the Board of Commissioners for Foreign Missions, dated the 19th ultimo, and your reply thereto of the 21st ultimo.

A more detailed statement of the incendiary burning at Harpoot, contained in a letter from Mr. Gates, was sent you on the 5th instant, which will, no doubt, interest the Board of Foreign Missions.

Notice was promptly given at the Porte as soon as the disaster at Harpoot was known that indemnity would be demanded and prompt satisfaction expected as soon as I could ascertain the loss. After receiving news of the loss by fire at Marash, I deemed it advisable to delay until more certain information of the extent of loss at that place could be known, that one claim should be made to cover all.

I express my high appreciation of the very kind reference made in your letter to Dr. Smith to my efforts to execute the strong instructions from your Department requiring protection to American missionary interests. I beg to assure you that the confidence of your Department in my disposition to observe its instructions is not misplaced.

I am, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 714.]

LEGATION OF THE UNITED STATES,
Constantinople, December 10, 1895. (Received Dec. 28.)

SIR: I have the honor to acknowledge the receipt of your Nos. 673, 674, and 675, all of the 22d ultimo, the last one of which refers to the condition of affairs in Turkey and of the withdrawal of missionaries from the Sassoun district. The question of their withdrawal has, at all times, been left to their own discretion. They seem to have decided upon remaining, being doubtless to some extent encouraged by my repeated telegraphic assurances that the Sultan and the Porte were pledged for their safety and protection.

But the mysterious power of religious fanaticism may be stronger when excited in the wild Moslems of the interior than any central authority here.

My repeated demands for telegraphic orders since March last were not made because of any distrust of the intentions of the Porte, but for the effect on officials in the interior, who, being frequently ordered, might be thus impressed.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 716.]

LEGATION OF THE UNITED STATES,
Constantinople, December 10, 1895. (Received Dec. 28.)

SIR: I have the honor to inclose the copy of a letter from Admiral Selfridge, inclosing a copy of his letter to the vali of Aleppo, in which he repeats my warning often before given here to the Porte, that Turkey would be held responsible for the safety of American missionaries.

I inclose also a copy of my answer to Admiral Selfridge.

I am ignorant of the admiral's instructions, but must presume that his action above referred to was only intended to emphasize the action already taken by your Department on the same subject. The vali of Aleppo had already been removed on my demand.

If it has been deemed best for the Department of the Navy to secure American interests by opening correspondence with provincial governors through its admirals, it would seem but proper that the representative of your Department here should be informed of the scope and limits of his authority.

I have forwarded to Admiral Selfridge a cipher prepared by myself for future correspondence, and hope to be able to visit and confer with him when he reaches Smyrna.

I could now leave, since no massacres have been reported since the 1st instant.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 716.]

Admiral Selfridge to Mr. Terrell.

U. S. FLAGSHIP SAN FRANCISCO,
Alexandretta, Syria, November 30, 1895.

SIR: Information has this day been received by me of the burning and plundering of the American missionary station at Marash, in the vilayet of Aleppo. I have written a letter to the vali of Aleppo concerning that affair and herewith inclose to you a copy of the translation of that letter, which was in French.

In this connection, allow me to urge that measures be taken to obtain as speedily as possible the confirmation of the appointment of Mr. Daniel Walker as United States consular agent at Alexandretta, in order that proper recognition may be given him by the local Turkish authorities.

Very respectfully,

THOS. O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Inclosure 2 in No. 716.]

*Admiral Selfridge to the Vali of Aleppo.*U. S. CRUISER SAN FRANCISCO,
Alexandretta, Syria, November 30, 1895.

SIR: From reliable information, I learn that all the buildings belonging to the American mission at Marash have been burned and plundered.

It can not be unknown to your excellency that the American missionaries are peace-abiding men, and their works of charity toward the Turkish nation through their hospitals and schools for the cause of humanity should entitle them to the protection and care of the Turkish authorities.

But beyond this, the safety of these American missionary stations, their persons and property, are guaranteed by solemn treaty between the United States of America and Turkey.

It becomes my duty as commander in chief of the United States naval forces to remind your excellency of the fact that the United States will hold your Government to a strict responsibility for all infractions of the treaty between it and Turkey.

I feel assured that you will take all necessary measures to give immediate and efficient protection to all Americans who reside within your jurisdiction.

I have, etc.,

THOS. O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Inclosure 3 in No. 716.]

*Mr. Terrell to Admiral Selfridge.*LEGATION OF THE UNITED STATES,
Constantinople, December 10, 1895.

SIR: I have the honor to acknowledge the receipt of yours of the 30th ultimo, dated at Alexandretta, inclosing your letter of the same date to His Excellency Mustapha Zihni Pasha, vali of Aleppö.

Your notice that Turkey would be held responsible for the safety of all missionaries within her territory will doubtless have a good effect. The same notice has been given to the central Government here by myself on several occasions since February last. I have obtained all necessary information on which to base the claim of the United States for indemnity on account of incendiary destruction of the property of American citizens at Marash and Harpoot. The claim will be presented as soon as I have specific instructions from the State Department. * * *

It is therefore deemed important that a means should be afforded to enable us to correspond by cipher through telegraph, and that I be informed from time to time of your anchorage. A cipher was mailed to you by last mail.

There is no news of massacres in the interior since the 1st instant.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 717.]

LEGATION OF THE UNITED STATES,
Constantinople, December 11, 1895. (Received Dec. 28.)

SIR: I have the honor to inclose herewith extract from a letter written by Mr. Lee, of Marash, containing a further account of the massacre in that town.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 717.]

Extract from a letter from Marash, November 20, 1895.

On Monday there was a terrible massacre here. Hundreds, and perhaps thousands, were killed. General pillage. Conflagration in three Christian quarters. Seminary and academy boarding house pillaged and seminary burned. Two seminary students were shot, one fatally. No guard was sent us until after the massacre had continued hours and the seminary was burned, although we had two weeks before asked for a special guard. We were unhurt, but have no feeling of security, although we have a guard on our premises.

Threats are now made to force the people to become Moslems. Terror exists everywhere. When the Zeitoun affair is finished, we fear more massacres here. This reign of terror began three weeks and a half ago, and we had hoped for help before now.

We hear horrible stories till we can bear no more. Send urgent appeals for help for these thousands of destitute women and children. They will starve this winter if no help comes. Let all funds given for relief be cabled from America and Mr. — telegraph to us.

We hear that something bad has happened in Aintab, but get no news from there.

There was absolutely no uprising here by the people. They have fallen like sheep.

LEE.

Mr. Terrell to Mr. Olney.

No. 719.]

LEGATION OF THE UNITED STATES,
Constantinople, December 12, 1895. (Received Dec. 27.)

SIR: I inclose herewith a letter from Rev. Mr. Saunders, dated Aintab, the 27th instant, which gives the first satisfactory account of the massacre at Aintab. The writer is well known to me, and is a brave and worthy missionary. I inclose a copy of my note of this date to the Porte expressive of my appreciation of the conduct of Turkish officers and soldiers in protecting Americans and their property during the massacre. The noble conduct in protecting Americans of Hadji Haseyn Agha and Mehmed Agha, of the Hiak Baba Mahale in Aintab, saved our people, and I concur with Mr. Saunders in the desire that they shall receive some appropriate recognition of their noble conduct from our Government.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 719.]

Mr. Saunders to Mr. Terrell.

AINTAB, November 27, 1895.

DEAR SIR: You will expect a full report of doings here, as far as they relate to us, from some of us. You know, doubtless, that relations between the two sections of the population have been strained for some three months. Still, no explosion took place. The troubles all around, and especially the rebellion near us, changed all this. Aintab, as well as the country around us, was much excited.

When the excitement broke out we were at the time located as follows ("we," of course, means the Americans of Aintab station): Miss Shattuck was alone at Ourfa. All the remaining members of our circle except Dr. Shepard and myself were in Aintab. Dr. Shepard was taking Mrs. Marden to the coast, and had about reached the coast. He had with him a son of Mr. Lee, of Marash. I was touring, and was in Antioch at the time, and reached Alexandretta the same day. There we first heard somewhat clearly of the state of the country. Mr. Lee's son was sick of inflammatory rheumatism, and had been left a few hours inland. Dr. Shepard hurried back to his family, and I arrived considerably later. After reaching the place where Frank Lee was I was called back to Alexandretta, then delayed there somewhat, delayed on the road by the aggravation of the boy's sickness, and finally arrived in Aintab November 9, Dr. Shepard having arrived nine days before. I was arrested twice, but both times was treated kindly, and easily cleared myself. Miss Shattuck was alone at Ourfa, and I at once applied for permission to go there and for an escort. Both were readily promised by the kaimakam, who had from the first been friendly to us. But my *yol teskére* and escort were not forthcoming, and I was put off from day to day. It looks now as though this was done out of friendship.

Thus matters hung on until Saturday, the 16th. That morning the explosion took place which we had feared for some time. We were at breakfast when a servant ran in giving us the news. We rushed out, and the shooting, yelling, and crying from the city was ample proof that it had begun. The girls' school and hospital, each with two American ladies resident, are on the edge of the city, separated by a single street, while the college is some half mile away to the west. There were none but ladies at the time in the girls' school and hospital, and Dr. Shepard and myself got over there in a hurry, and none too soon; a little later probably we would not have been allowed to pass. We found two Moslem aghas standing guard, one at each door of the hospital, the one at the west door looking after the girls' school also. Very soon the crowd charged on the hospital—rather a large crowd, for it was going on almost all over the Christian part of the city. The agha mentioned above opposed the crowd with all his might, but the crowd were insistent and the issue was doubtful; but just at the critical moment soldiers who had been double quickened from some distance arrived and drove the crowd off. Soldiers in considerable numbers were massed in the open ground between the girls' school and college, and remained through the day. Our buildings were not attacked again that day, and the parts of the city adjoining were not pillaged. By noon the section of the city nearest us was entirely quiet. Later Dr. Shepard went over to the college. I also went over long enough to return my horse, and ever since have stayed at the girls' school and hospital, excepting two calls at the college.

Early Saturday morning a Beridjik regiment had left Aintab for the center of all these disturbances. These were very quickly called back and were on hand Sunday, the 17th, and did royal service. The soldiers of the preceding day were all of the Aintab contingent. The first light of Sunday saw great crowds of Koords and villagers hanging around the city. These charged from time to time. Dr. Shepard had tried to come over, but was sent back by the military. Finally, they made a great rush and got into the city at a little distance south of us, but did not offer to come near us. There were troops all around us on that side. Later a charge was made on the Christians to the north of us, very near, and for half an hour pillage and killing were going on right under our eyes, within 100 yards and sometimes within 30 or 40 yards of where we stood. They charged on the girls' school, or rather toward it, but the soldiers, who, as far as the city was concerned, did not fire directly into the crowd, made ready to fire right into those coming on us, warned them that they were going to fire, and the crowd fell back. The agha who had exerted himself so much for us the day before was also on hand guarding the only other approach on that side, but no one offered to come in from there. By noon, or a little later, all was over, as far as our vicinity was concerned. The agha began to bring the wounded into the hospital. Dr. Shepard had not been allowed to come over that day; the native physician was cooped up in the city; two of the three young men employed by the hospital were away, so that Dr. Hamilton, our lady physician, and Miss Trowbridge had to bear the brunt of it, with a very little skilled and some unskilled help. Some 35 wounded were brought in—a few terribly wounded, others less severely, and of course some of them slightly. No persons could rise to the emergency more grandly than did Dr. Hamilton and Miss Trowbridge. The afternoon was one never to be forgotten, and was such as to make one very proud of our American womanhood.

The next day Dr. Shepard was again forbidden to come (I was allowed to go to the college on condition of staying only five minutes), I presume from fears for his safety, for, very absurdly, the common people, of course non-Christians, had become considerably inflamed through false stories about him. So the ladies took the brunt again, this time the young man available the day before going early away to the city to dress wounds. An amputation well up to the thigh the ladies performed with no skilled help whatever. The whole day was full of the hardest kind of work. The next day Dr. Shepard was allowed to come, and has been allowed to go and come freely ever since. It was very lucky, for very much fresh work came in from the city, and has been coming ever since.

The Government has done well by us. The Moslem population as a whole was much inflamed against us, which, of course, made our position much worse and also much increased the difficulties of the Government. The kaimakam has always been friendly, and, as far as we know, the majority of the Moslem notables also.

We are very much indebted to the following:

1. The Aintab soldiers. What they did or did not in the city is not our affair. They certainly protected us well on Saturday, the 16th; otherwise, I fear our kind neighbors, the Moslem aghas, of whom I will speak later, could not have saved us, no matter how much they exerted themselves. As I was passing back from the college Saturday, the 16th, when the explosion had quieted down, one of the officers, an acquaintance, called out to me, "Do not be afraid; we will protect you whatever happens," etc.

2. The Beridjik contingent. They protected us on Sunday, the 17th, very efficiently, and have very carefully guarded us ever since. In the city also they have been very efficient. The officers all seem to be doing their best to keep the peace—certainly all coming from outside.

3. But none have helped us in our hour of distress anything to the degree that our two Moslem neighbors have done. Their names are Hadji Hasseyn Agha and Mehmed Agha, of the Haik Baba Mahale or ward. Both have been equally zealous in protecting us, but the former has been exerting himself for us to a very great degree in other ways—in getting supplies when no one could go out, etc. I wish very much it would be possible to get some special recognition of their services from the Government, and also for the soldiers, especially the Beridjik contingent. Without these all our buildings would have gone, and ourselves also, in all probability.

I have studiously avoided references to the city except as we were in some way included. I give now a very little information about the city. There were two outbreaks which did harm, and a third and very serious outbreak which was quickly curbed by the military, and only one house was then harmed. The missing, including the dead, are said to be over 300; wounded, perhaps the same. Perhaps one-fourth of the houses were looted, but mostly of the poorer class. Very little harm by fire; Christian places of business pretty well finished up.

According to all accounts the loss of life and property would have been very, very much greater were it not that so many Moslems exerted themselves to preserve their friends. One prominent Moslem, Tayir Bey, saved his entire ward. Please let Mr. Dwight see this.

Yours, very respectfully, on behalf of our circle,

C. S. SAUNDERS.

[Inclosure 2 in No. 719.]

Mr. Terrell to Teyfik Pasha.

No. 104.]

LEGATION OF THE UNITED STATES,
Constantinople, December 11, 1895.

SIR: I desire to express my high appreciation of the soldiers of His Imperial Majesty at Aintab who protected the lives and property of Americans there during the disturbances in that city on the 16th ultimo. I especially refer to the Beridjik contingent and their conduct on the 17th as worthy of praise.

I wish also to acknowledge my gratitude to Hadji Hasseyn Agha and Mehmed Agha, of the Haik Baba Mahale, who were active in saving the lives of Americans during the riot. The noble conduct of such men in time of popular frenzy distinguishes them as heroes in the cause of humanity and entitles them to the gratitude of the human race.

I have recommended these men to my Government and requested some token of its approbation.

Receive, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 720.]

LEGATION OF THE UNITED STATES,
Constantinople, December 12, 1895. (Received Dec. 28.)

SIR: I have the honor to inclose herewith, for your further information, an account of the massacre which took place last month at Sivas.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 720.]

Massacre at Sivas.

[The following has been received from perfectly trustworthy sources in regard to the massacre at Sivas.]

The outbreak began on the 12th (November) and was permitted to continue for seven days. During this bloody week about 1,200 Armenians and 10 Turks were killed. Suddenly at noon, as if at a given signal, the Turkish laborers seized their tools, clubs, or whatever was at hand; soldiers, Circassians, and police their arms (all under command of officers), and, aided by the Moslem women and children, they rushed to the market to begin their dreadful work of killing, stripping the dead, and looting the houses. No resistance was made by the Armenians, who seemed overpowered in the suddenness of the onslaught, the number of their armed assailants, and the relentless ferocity with which they were pursued to their death. The shops of the Armenian merchants, whether wholesale or retail, were looted by rioters and soldiers. Many of the merchants and their clerks were killed; thus at one blow the Armenian element is eliminated from the trade at Sivas. As the importing business has been in their hands almost exclusively it is difficult to foresee anything to avert the impending financial disaster. The Armenian villagers in that vicinity have been robbed of everything, and the people are left to beg and die. The suffering on the approach of winter will be very great.

As the fury of this storm of blood and greed subsided the stricken Armenians of Sivas slowly gathered the mangled and naked bodies of their kinsmen to their cemetery, where a great trench had been dug to hold the horrid harvest of death, a single priest read a short service over the long and ghastly rank, and thus was closed another chapter in the yet unfinished story of cruelty, lust, and fanaticism.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 13, 1895.

Great complaint here because nothing heard for a month from missionaries at Marash, Hadjin, Aintab, Bitlis, Harpoot, Marsovan, Cæsarea. What, if anything, do you hear as to their safety and general condition? Does Government intercept or prevent missionaries communicating with their friends or with you?

OLNEY.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 13, 1895.

Referring to last paragraph your 685, admiral has been telegraphed to cooperate heartily with you and enforce all writs issued by you to prevent any entry into Turkey of naturalized citizens as armed revolutionists under provisions of section cited.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, December 15, 1895.

Missionaries at Aintab, Bitlis, Harpoot, Marsovan, Cæsarea safe and protected, but apprehensive. Ladies at Hadjin, I believe, safe. Porte promises security for all missionaries. Have telegraphed that I would

furnish ship to receive if they desired to visit home. Gave no advice; they know dangers and must decide. Mails and telegrams less impeded since my protest. Reliable information from interior provinces shows destruction of many Armenian villages, massacre of men; desecration and burning of monasteries and churches, murdering of priests, enforced circumcising of boys, enforced religious conversion of Armenian women as the price of life. It is believed now that from 30,000 to 40,000 have been killed during the last sixty days. I expect daily to hear that the army of some 3,000 at Zeitoun and town are annihilated. They are surrounded.

* * * * *

TERRELL.

Mr. Terrell to Mr. Olney.

No. 722.]

LEGATION OF THE UNITED STATES,
Constantinople, December 15, 1895. (Received Dec. 31.)

SIR: I have the honor to inclose herewith the copy of a letter just received from Rev. Dr. C. F. Gates, dated the 25th ultimo, at Harpoot, with copy of a sketch of the missionary property which was destroyed in that city.

The fact that Dr. Barnum is charged with having instigated the Armenians to revolt shows the extreme danger to which Americans are exposed. The inclosed letter will place your Department in possession of all facts needed to form a correct judgment regarding the burning at Harpoot.

The mysterious secrecy which here conceals the designs against Christians until the hour when they are to be executed, and the massacres in the six provinces before the Harpoot affair, induced me to telegraph at once, not only to Harpoot but to other interior posts, as to whether our people could reach the seacoast.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 722.]

Mr. Gates to Mr. Terrell.

HARPOOT, TURKEY, November 25, 1895.

HONORED SIR: Last week I wrote you a long letter, which I sent by registered post; the receipt for the same is No. 26, dated the 8th of November, 1311.¹ In that letter I inclosed a statement of our losses. To-day we sent a carpenter to the garden to repair the doors of the remaining house and save it if possible. He found that the house had been pulled down and all the timber carried off. This involves an additional loss of \$550.

Yesterday we received your telegram of the 23d instant. The first part of the telegram was confused, and we have sent it to the office to be repeated. As nearly as we could make it out, it read thus:

Reported that guards were made for your security and protection promised. Have you the means to get to the seacoast? Send me by letter a statement how your loss by fire occurred.

¹ Turkish calendar.

We have answered as follows:

Only Boyajian go, Wheeler feeble. Great religious pressure. Many martyrs in towns and villages. Speedy remedy necessary. Starvation imminent.

BARNUM.

The commissioner of police called upon us in behalf of the vali vekil and assured us that they would undertake to see any of our number safely to the coast. But, upon mature deliberation, Dr. Wheeler and his family have concluded that it is not best for them to attempt the journey now. Winter is upon us, the roads are in bad condition, and Dr. Wheeler is very feeble. We have now a guard of 100 soldiers on the premises. We are assured that if we wish to travel we shall have a sufficient escort; but these guards and promises do not inspire confidence.

For months we have urged the people to trust the Government and believe in its promises, and it is generally conceded that the course we took saved hundreds of lives.

* * * * *

One of our prominent men, who is a general favorite with Government officials, was the guest of an official in high position during the attack. With his host he watched the gathering of the forces to attack the city, and his host told him that the attack would take place at such an hour. He asked how that was known, and was told that it was in accordance with a prearranged plan. He says the raiders were soldiers of the reserve corps; they laid aside their uniforms and appeared as Koords. He saw them go out to the villages and return.

* * * * *

To us it seems clear that we are confronting a deliberately planned scheme to render the reforms useless by destroying the Christian population. All who are left in the villages are considered Moslems and will be claimed as such by the Government. Moreover, no guaranty or pledge is considered sacred. Our lives are safe only so long as the Government considers it expedient to preserve them.

Now, in regard to our loss by fire, there are two points which need to be emphasized:

First. The Government did not protect us. I stated this in my letter last week. No guards were placed at the gates of our premises. Our houses were plundered and burned and we were fired upon under the eyes of the soldiers, who were posted on a hill behind our premises. Shukri Bey, the colonel in command of forces in the city, himself stood there and looked on without making any effort to save us. Whatever officials may say about having guarded us, these are the facts to which we can bear eyewitness. We were not guarded until after the catastrophe, and then they tried to get us out of the college building in order that they might burn it. We had repeatedly told the authorities they were responsible for our protection.

Second. The buildings were set on fire one by one, and did not catch fire from adjoining buildings. The houses here are plastered with mud on the outside, and the roofs are covered with earth, so that they do not easily catch fire from the outside. The attacking party knew this; they had learned their business by burning the villages around us, and they came to the city provided with all that was necessary for the work of destruction. They carried kerosene oil, which they poured upon the woodwork and then set fire to it. Many eyewitnesses testify to this.

In order to make the origin of the fire in our premises more plain, I inclose a rough sketch of them. The Wheeler house was first attacked.

I saw the door broken in. There were soldiers in the street, but they offered no opposition to the attacking party. As soon as the house was plundered, it was set on fire. This was early in the afternoon. The houses on either side were not burned until night, while the Browne house was attacked from the gate at the east end. I saw a hole broken in the gate. A gun was thrust through the gate and fired. Then the gate was broken down and the house plundered and set on fire. The houses across the street from it had not yet caught fire.

The Allen house may have caught fire from the Browne house, as they adjoin each other, but they burned so quickly we think fire must have been set in both.

The girls' school building was entered from the gate at the east end and set on fire before the fire reached it from the Allen house.

None of the buildings adjoining the chapel and boarding hall were burned—not even the kindergarten, which was built against it.

The preparatory building was connected with the boarding hall by a covered way, but soldiers came and we saved the preparatory building with our fire engine.

Fire was set in Dr. Barnum's house in three places, but failed to catch, and some of his books were burned by the bursting of a shell in his study.

Now, those who devised these deeds will lie about them, but we trust no one will be deceived. I have written only what we know.

This afternoon we received your telegram of the 24th instant:

Telegraph me what houses were burned, how they were burned, and by whom, and the value of all houses and other property destroyed and plundered; also if you feel secure. Write also full particulars.

It seemed to us that you could not have received our telegram on this subject, so we replied:

Telegram No. 22, date 20th, contained an answer to your telegram of November 24. Shall we repeat?

We sent this, hoping that you might yet secure the delivery of that telegram. It read as follows:

Miscarriage Mrs. Gates. Promises of protection were abundant, but unfulfilled until after catastrophe. Buildings are isolated. They were set on fire separately in presence of soldiers. Male college and preparatory building saved by our engine and efforts; also Gates's house and mine. Personal property, \$33,000; buildings, \$44,000; American board and college apparatus, \$11,000; total, \$88,000. Details by to-day's mail. Demand its safe delivery. BARNUM.

In order that we may leave no way untried to give you a full statement of matters, we have prepared another telegram, to be sent to-morrow:

Allen, Browne, Wheeler, ladies, and five garden houses destroyed; also chapel, boarding hall, girls' school, theological seminary. Buildings, \$44,000; personal, \$33,000; stock and apparatus, \$11,000; total, \$88,000. Buildings set on fire separately by Koords and citizens in presence of soldiers. One hundred soldiers quartered on premises now. Confidence weak. BARNUM.

I have already explained in my letter that these raiders were soldiers of the reserve army corps and Koords; also the city Turks.

We fear our telegrams and letters will not be allowed to reach you. Unless great pressure is brought to bear upon the Government it will probably suppress our letters.

Sincerely, yours,

C. F. GATES.

On the day of the flight our schoolgirls and one teacher took refuge in the house of a Moslem. There they were obliged to pay 5 Turkish pounds to the soldiers to protect them. Also the same day we loaned

50 pounds to some of the brethren, which they used to secure the protection of Moslems for themselves. This money saved many lives, as it delayed the attack and enabled many to find refuge, but it is a loss to us.

NOVEMBER 27.

We have received your telegram of the 26th. Full assurances given for your protection. Give me every detail by letter. No repetition by telegraph needed.

Yesterday we received a letter telling of the state of things in the villages. When zaptiehs come the Turks give to each an Armenian woman for the night. There is no restraint upon the Turks in the villages.

C. F. GATES.

Mr. Terrell to Mr. Olney.

No. 723.]

LEGATION OF THE UNITED STATES,
Constantinople, December 15, 1895. (Received Dec. 31.)

SIR: I have the honor to inclose for your further information the copy of a letter dated at Harpoot, November 26, furnished me from the Bible house here. It is from a missionary whose trustworthiness is vouched for by Rev. Dr. H. O. Dwight. It is an interesting addition to the history of massacres in Asiatic Turkey. * * * This statement leaves no doubt regarding the fact that soldiers cooperated in the work of destroying American property and in the effort to murder the missionaries. I am now prepared with all data on which to base my demand for indemnity for losses both at Harpoot and Marash, and only await the telegraphic instruction requested in my 698, of the 30th ultimo.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 723.]

HARPOOT, November 26, 1895.

Mr. Gates and Dr. Barnum have written quite fully of our situation here to Mr. Terrell, but we have not full confidence that letters will reach him. Telegrams have been sent from which you will get some idea of our critical situation, but unless you get letters you will not be able to fully understand the serious nature of the situation. Another idea which induces me to write is that where one letter fails to get through another may reach you. If those who are interested and have influence and power could once understand in what condition we are, and in what a deplorable condition the people of hundreds of villages and cities are, they would surely be moved to prompt action to save the people from denying their faith, as many have already done to save their lives and to save their wives and children from being torn from them. Large numbers of the men have been killed who would not deny their faith, and in many instances their wives and children are taken and compelled by force and fear of death to accept the other faith.

We know that this is true in many instances, and have every reason to believe that this pressure is brought to bear in every place attacked. We know that this must be true from what has occurred in this city where not a few, when confronted with the alternative of denying their faith or death, have boldly declared their faith and been instantly shot down or butchered in cold blood. In this city two Protestant preachers and one Syrian priest were thus brutally murdered, and we do not know yet how many more. At Ichme a large number of people were crowded into the Gregorian church, with them the aged pastor of the Protestant church. They were taken out, one by one, and whoever would not renounce his faith and accept the other was shot down or butchered. Fifty two were killed, many of them true martyrs. Good Pastor Krikor was one of the first killed. We hear that the Gregorian church is turned into a mosque and the Protestant church is used for a stable. At Oozoon-

ova, two hours beyond Ichme across the Euphrates, some were killed and a large number were being taken to a neighboring Turkish village to be compelled to change their faith. While on the way the road came near the river, and 55 of the number, in their desperation, rushed into the river and were drowned rather than deny their faith and meet a fate to them worse than death. At Hoh many more were killed and wives and girls taken into houses of the other faith. In scores of villages, plundered and burned, the people have met with a like fate.

I can give only these two or three instances as examples of what has transpired throughout the length and breadth of the country east of Sivas. The others doubtless have written to you in regard to the defense of Harpoot City against the attack of the Koords. I wish to say a word, if only to emphasize what they have said, with regard to that affair. The attack was to have been made on Sunday, November 10. The rabble of the city began a demonstration on the hill above our houses and schools, but they were driven away by soldiers. The Koords and others with them were not ready to come in from the other side of the city. Monday, November 11, two cannon were brought from Mezere—one taken into the city, the other placed on a hill below the city commanding the road. A little past noon a body of men on horseback—the Koords and those who were dressed as Koords—came up the hill and, dismounting, formed into a body not a hundred yards from the soldiers with the cannon. Several men came from the city, and after a parley with the crowd went back to the city. It is reported and supposed that in this parley an agreement was made that they should not touch the market, but only the houses in the quarter where our houses and schools, chapel, Armenian church and schools, and large numbers of Protestants as well as Gregorian houses. How nearly correct that supposition was appears from the course taken.

Soon after the negotiators turned back to the city, the soldiers' bugle sounded, and the soldiers retired from the hill and, coming nearer to the city, posted their cannon at a point commanding the approach to the market and also commanding our premises. Soon the firing of guns commenced. Hundreds of shots were fired, both by the soldiers and Koords and so-called "relief." The firing at first seemed to be between the Koords and soldiers. Then we saw numbers of Koords and so-called Koords running across a ravine to a stone quarry near the Armenian houses on the extreme west. From this a fusillade was kept up for some time. Then parties of Koords and pseudo-Koords entered the Armenian quarter, apparently from every side. When quite a number of them appeared in the street on which our houses are situated, several soldiers seemed to be pursuing them and firing upon them. But what shall we infer of the character of this defense when we know that not a Koord or soldier received a wound or a scratch during all this firing. There is not a shadow of a doubt that it was all a sham, a well-understood arrangement on both sides to give an appearance of defending the city.

Then the Koords and pseudos swarmed everywhere, breaking in doors and plundering houses, setting fire to a good many, and shooting and slaughtering the unresisting people. Over 30 were killed in this quarter of the city. All this was done without any attempt on the part of the military to stop it. Some soldiers, or at least those who had been called out ostensibly for defending the city, joined in plundering. Others exhorted those carrying off plunder to hurry away with their booty. But worse than all, the soldiers or redifs stationed by the cannon fired at our houses. One large company, fleeing for their lives from my house, were crowding through a narrow passage between Mr. Gates's house and the girls' school yard, when a shower of bullets fell around them and four persons were wounded. It seems like a miracle that numbers did not fall dead under the rain of bullets. A cannon ball also passed through the same narrow passage and buried itself in a wall. A number of bullet marks on the walls give the exact direction from which the shots came. One pierced a post in a stairway of Mr. Gates's house, passed through a window sash, pierced a door standing open and a board partition, and buried itself in the opposite wall. These five points give the exact direction from which the bullet came—the spot where soldiers were stationed with the cannon. There are quite a number (I should say at least 20) on Mr. Gates's house and adjoining walls. Several cannon shots also struck other houses below us. Then, at the same time, cannon were brought from Mezere to some point between Mezere and the city, and bombshells were fired from there. One was so accurately aimed that it entered Dr. Barnum's study window, bending a strong bar, plowed through the side of a bookcase, and burst within 5 feet of its entrance, striking the walls in more than 20 places. But a little before Dr. Barnum and family and others were in the room. Another bombshell was found in another house.

Will it be said that all these things were done to drive away the Koords? No doubt that will be said, but to us, before whose eyes these things were done, it is as plain as anything can possibly be that there was a well-understood plan which was to be carried out. The buildings burned are Browne and Allen houses, book depository, Misses Bush and Seymour's rooms, and the large building belonging to the

girls' college (all these buildings are connected), Mr. Wheeler's house, and theological seminary dormitories beside it; chapel and connected dormitories, primary school and college kitchen, and dining and store rooms. Dr. Barnum's house was set on fire in two or three places. The high school building, except for our new fire engine, supplied from our large reservoir near the boys' college building, would have been burned. It was fortunate that when we were fleeing for our lives we took refuge with over 400 people in the stone three-story building of the boys' college. This was a move which the managers of this diabolical outrage had not calculated upon. After we were safely in this stronghold we were repeatedly urged to leave it. They represented that we could not be safe there, as the building would be set on fire. Even the next morning the officer in command advised leaving the building, as he could not protect us there. Dr. Barnum replied, "If you wish to protect us, you can protect us better here than anywhere else;" and added, "the time has come to talk plainly. I saw you standing on the hill there, looking on, while our houses were being plundered and set on fire." The officer said, "What could I do against 15,000 Koords?" He had said two days before that he would be cut in pieces before he would allow a Koord to enter the city. There were, it is estimated, not more than 800 Koords who came into the city, probably not more than 200 in this west quarter. These, however, were joined by large numbers of pseudo-Koords from the city and neighboring places.

I think there is not the slightest doubt in any person's mind here, American or Armenian, that the whole thing was deliberately planned. When the official made his last appeal to Dr. Barnum to leave the college building, Dr. Barnum replied, "We are here and shall remain here; if the building is burned, we will die in it." At last it seemed to be the best policy for the authorities to protect us, as Mr. Terrell has told us they were ordered to do a month before. * * * The preacher from the town of Peri, in the Dersim region, has just arrived. His report is that the town of Peri and 70 villages have been plundered. Palu Plain villages, 10 or 12, stripped of everything. Palu also plundered; many killed. Geghi and Temran district, about 25 villages, plundered. Under threat of instant death many have become Moslems to save their lives. There seems to be a general effort in this direction. Many stand firm. I hope comparatively few deny their faith, but help must come soon or we can not predict what will be the result of this terrible pressure brought to bear on the poor people.

The outlook here is very dark, but we try to look up. * * * In some localities near us people are starving already, we hear. The 50 liras (\$220) which you sent us will only be "a drop in the bucket." It looks as though there will be little left of the Armenians by spring. There is still great fear on the part of the people that these scenes are to be renewed.

Mr. Olney to Mr. Terrell.

[Telegram.]

- DEPARTMENT OF STATE,
Washington, December 16, 1895.

Your 697 received. In the event of conflict at Zeitoun you should ask effective protection of American property there, as well as for any American citizens remaining. Renew efforts to keep open communication with citizens at Marash and other exposed points.

OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, December 16, 1895.

Mr. Dwight now says all missionaries in the interior will be sacrificed unless united Christian powers intervene to stop massacre. I have no hope of European concert. Mr. Dwight has written missionary boards. Tell them I can get vessels to take their friends to Christian ports. If

men wish to remain, I will get escort for all to seacoast, and men can return; but women and children should visit America. Observe, I gave no advice, but state facts.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 724.]

LEGATION OF THE UNITED STATES,
Constantinople, December 16, 1895. (Received Dec. 31.)

SIR: I have the honor to inclose for your information a list of events which has been prepared by trustworthy persons which would seem to indicate that a movement is on foot systematically directed to wipe out Christianity in Asia Minor.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 724.]

Attacks on Christianity in Turkey.

DECEMBER 14, 1895.

As is now generally known that during the months of October and November the Mussulman population of eastern Turkey, in many places actively aided by Ottoman troops, put to death from 30,000 to 40,000 Gregorian and Protestant Armenians. The killed were chiefly males and included a considerable proportion of the educated and influential classes in the six provinces named in the reform scheme, namely, the Provinces of Erzerum, Bitlis, Van, Diarbekir, Harpoot, and Sivas. A part of the whole number massacred were killed in the cities of Trebizond, Aintab, Marash, Ourfa, and Casarea, which are outside of the six provinces named above. The massacres were accompanied by pillage on such a scale that nearly the whole Armenian agricultural population in the villages, and the greater part of the Armenian traders and artisans in the cities and towns of the provinces and districts named above, have been plundered of money, goods, food supply, clothing, implements, cattle, and sheep, and their houses destroyed and themselves reduced to abject want.

The purpose of this paper is to invite the attention of the Christian world to a progressive aggravation of this awful crime, which has been brought to light since the middle of November. In a territory some 60,000 miles in area an effort has been and is now being made to extinguish Christianity among the Armenian race by destroying church edifices, killing the clergy, and forcing the surviving members of their flocks, in all places where foreign consuls are not present to report the facts, to become Mohammedans. It now seems probable that a large part of those who have been killed in the country districts are martyrs, who have refused life at the price of denying their Lord. Large numbers of widowed Christian women and orphan children have been swept, without will of their own, into the families of the men who have destroyed their homes. Thousands of others, deprived of succor, deserted by Christendom, and threatened by instant death, have been led to accept in name the religion which has ruined them, have been circumcised by force, and now beseech God and humanity to save them from the death which the Mohammedan law holds over such in case they afterwards attempt to obey the dictates of their consciences; yet other multitudes are now being singly approached and put under pressure of the most awful threats if they continue to refuse to deny the Lord Jesus Christ.

The Armenian Church, for centuries the largest and most sturdy of the Asiatic Christian churches, during the last fifty years has made great progress in moral, intellectual, and spiritual life. Its members have used and fed upon the Bible more than those of either of the other branches of the eastern church. This ancient church is now in the throes of annihilation. Unless Christendom acts instantly and overwhelmingly to arrest this infamy, this century of enlightenment will be marked in history as the one in which a Christian people was destroyed, with the full knowledge and before the eyes of Christendom, no Christian nation being sufficiently moved by the spectacle to lift a hand to prevent it.

Notes are appended below of some incidents of the recent massacres in Turkey. Only from a few places, comparatively, has the cry of the sufferers been heard. These notes give, however, a slight idea of the ferocity of this attack upon Christianity in Turkey. It will be noticed that wherever a foreign consul is established these things have not been carried to the extent now revealed, for a consul in Tur-

key is like a single policeman preserving the public order. * * * Hence the facts which have come to light represent only a small part of the horrors which have occurred.

Incidents of the massacres bearing on this subject.

October 1.—The Monastery of Verakugh, in the district of Kemakh, was sacked.

October 4.—The Sourp Anardzat Monastery, at Pakarich, was pillaged.

October 12.—Five other monasteries in the district of Kemakh were destroyed.

October 21.—The monastery at Chokha, in the same district, was pillaged.

October 21-24.—Eight monestaries in the district of Erzingan were sacked.

October 22.—The church at Pesouan, in the district of Erzingan, was pillaged, and the priest, with 30 of his people, who had fled to the church for refuge, were killed in the church.

October 14.—During the massacre at Baiburt, the Armenian villagers at Baiburt were summoned to abjure their faith on pain of death, and the people of four of these villages yielded to the pressure and declared themselves converted to Islam. In the city of Baiburt itself the archimandrite and all of the school teachers except the teacher of one primary school, who escaped, were put to death.

October 24.—In the Terjan district of the Province of Erzerum, about 1,000 Christians were killed, and the survivors only escaped by accepting Mohammedanism. The males among these converts, including the acting bishop of the diocese, were afterwards publicly circumcised, and the Moslems insisted that the "converted" women should be given at once as "wives" to their young men, as proof of sincerity of conversion.

October 27-31.—The church at the village of Umudum was burned and the priest killed. The church at the village of Tevnik was robbed and then profaned. The church at the village of Koinik was pillaged and the priest killed. The church at the village of Garash was sacked and profaned. The above-named villages are all in the plain of Erzroum, where 24 Armenian villages were devastated at the same time. The Armenian monastery at Hassan Kale was burned, and in it the bishop and 11 inmates of the monastery.

October 27-30.—In the District of Kara Hissar Sharki nearly all the Armenian villages (27 are known) were destroyed, numbers of the men killed, and a great many young women and girls were carried off to be incorporated in the Mohammedan population. The destitute survivors, fleeing toward the coast, have been turned back by Government troops. Many churches have been desecrated and pillaged. At Tamzara, in this district, the old and rich church of Sourp Takavor, a place of pilgrimage dear to the Armenians, was entirely emptied of its contents—sacred vessels, books, vestments, jewels, etc., valued at £6,000. The Monastery of Sourp Kevort was also pillaged. Two priests and two school teachers (one of them a Protestant) were killed. At Purk, in the same district, the church was burned, with the people who had taken refuge in it.

October 28.—At Enderes, in the same district, the church was burned, with a number of women and children who had taken refuge there.

November 2.—Two priests were killed at Pingian, in the Province of Harpoot. At Danzik, in the same province, the Armenian villagers, being commanded to become Moslems on pain of death, saved their lives by professing Islam. At Lijk, in the same province, the village was summoned to become Moslem on pain of death, but the result is not yet known.

November 2.—At Missis (Mopssestia) in the Province of Adana, the commander of the Turkish troops of the reserves, with a number of his men, entered the Armenian church during service, tore the vestments from the priest's back, desecrated the sanctuary, poured out the holy oil and the sacred wafers, tore up the Bible and prayer books, beat the priest, and outraged his wife, who lived in rooms adjoining the church. The priest afterwards sought to make complaint to the civil authorities, but was imprisoned for slander at Adana. * * * A considerable number of the population have been forced to become Moslem.

November 5-14.—In 53 Armenian villages on the plains of Onlova and Cozova in the Province of Harpoot the churches have been sacked and many of them are known to have been destroyed. Scant returns have as yet come in, but many of the clergy are known to have been killed.

November 11.—In the city of Harpoot the Christian quarters of the city were sacked and many houses burned. Over 500 people were killed, and many others escaped death only by accepting Islam. The churches and schools were sacked and burned. Many priests were killed with horrible torture. Others yielded to the pressure and became Mohammedans. The Protestant pastor at Kop, near Harpoot, was killed for refusing to become a Mussulman. The Protestant pastor of Hulakeny escaped from the horde of butchering Moslems and with his wife reached the city of Harpoot in safety. There they were taken from the house where they had found refuge, were ordered to accept Islam, and on refusal both were put to death. At Itchme, near

Harpoot, when the massacre occurred, a number of the people succeeded in escaping to the Armenian church, which was a strong stone building. Having been induced to come out, they were allowed to pass the door one at a time. Each one as he came out of the church was invited to accept Mohammedanism. All who refused were killed on the spot. Fifty-two thus accepted martyrdom, among them the venerable Protestant pastor Kirkor. The Armenian church has now been transformed into a mosque, and the Protestant church into a stable. The latest information from the city of Harpoot is dated November 26. The pressure to force both Gregorian and Protestant Armenians to become Moslems was very great. The letter adds, "Many martyrdoms have occurred in the villages." The four great monasteries in the Province of Harpoot have been pillaged and burned. The Archimandrite Papazian, who was at the Monastery of Tadoun, was subjected to horrible torture before his persecutors finally became weary and put him to death.

November 10.—In the villages of Erzingan the people, still threatened with massacre, refused protection by the Government officials, and finding no help from any source, are losing courage and becoming demoralized, and the tendency to escape from an awful situation by accepting Islam shows signs of increase.

November 18.—In the city of Marash many hundreds of Gregorian and Protestant Armenians—men, women, and children—were massacred by Moslems, aided, if not led, by the troops. Nearly all of the leading men of the Protestant churches of the city and the pastor of the church which is affiliated to the Church of England were killed. The pastors of two of the other Protestant churches of the city have been imprisoned since these dreadful events. The theological seminary of the American mission in this city was pillaged and burned by Ottoman troops.

November 11.—The theological seminary of the American mission at Harpoot, with several other buildings belonging to the mission, was pillaged and burned in the unconcerned presence of the troops.

November 30.—In the city of Cæsarea several hundred Gregorian and Protestant Armenians were massacred. It seems probable that in every case the offer of life on condition of acceptance of Mohammedanism was made. Numbers of women and children of 12 years were thus killed after refusing to deny their Lord. A considerable number of women and children in the city and surrounding region have been carried off as booty by the Moslems.

Mr. Terrell to Mr. Olney.

No. 725.]

LEGATION OF THE UNITED STATES,
Constantinople, December 16, 1895. (Received Dec. 30.)

SIR: I have the honor to inclose for your information the copy of a letter from Rev. Henry K. Wingate, dated at Cæsarea, on the 5th instant, which relates to the recent massacre there; also the copy of a letter from Rev. William S. Dodd, dated the 4th instant, at Talas, which relates to the same massacre.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 725.]

Mr. Wingate to Mr. Terrell.

CÆSAREA, TURKEY IN ASIA, December 5, 1895.

DEAR SIR: There is not much to add to what I have already written to Mr. Peet and to what Dr. Dodd has just written.

I merely wish to emphasize the fact that Americans gave no cause whatever for the massacre, and also to call attention to the fact that the Government here failed to send a guard to my house until I asked for it in person on Sunday afternoon. Repeatedly I called on passing officers with troops for a guard. Usually the reply was that they were forbidden to station guards at particular houses, but in one case an officer told two of his men to remain at our door. They remained less than ten minutes and then left. On coming to the door they told me

that they expected to be paid well for being deprived of their share of the plunder. At another time I asked a soldier standing near our house to accompany me to a neighboring house to get bread with which to feed the crowd of hungry people who had taken refuge with me. He refused, and I went alone. An attempt was made to beat down my house door with an ax not five minutes after I had called on a passing officer for a guard and been refused. Of course, after quiet was restored ample guard was sent, and we now have six soldiers in our house. We hear through Mr. Peet that you asked for guards to be placed at all American residences on November 18.¹ Either orders to this effect were never sent from Constantinople or the authorities here chose to disobey them.

We are indeed grateful to you for all that you have done to secure our safety. We know that you are doing and have done everything possible, and I write this simply to acquaint you with the facts. As for the massacre and destruction here, the worst descriptions of the Sassoun affair have found their parallel here in Cæsarea, although on a smaller scale.

I speak from personal knowledge. In regard to what the soldiers did I had no outside evidence at the time of writing to Mr. Peet, but it is becoming more and more evident that even they were responsible for considerable of the killing.

* * * We still fear for Talas, but trust that the worst is over for Cæsarea.

Hoping that this may reach you in due season,

I am, etc.,

HENRY K. WINGATE.

[Inclosure 2 in No. 725.]

Mr. Dodd to Mr. Terrell.

TALAS, TURKEY, *December 4, 1895.*

MY DEAR SIR: Mr. Wingate, by this post, wrote to Mr. Peet of the massacre in Cæsarea, asking him to communicate to you. We received your telegram of inquiry, dated on Saturday, November 30, but not until Tuesday, December 3. We thank you for inquiring after us, and are thankful that we can report ourselves safe. It appears very clear that the rioters have instructions to respect our property. We telegraphed to you yesterday over Mr. Wingate's signature, saying: "A large part of the market has been plundered. The loss of life, of both men and women, is said to be nearly 1,000. We are all safe." Some objection was made to receiving this telegram at the office, but they did accept it and gave us a receipt for it.

Yesterday and the day before I went to the city with a guard to do what I could for wounded ones, of whom I visited a number. Yesterday the appearance of things was much better. Armenians were beginning to venture about a little without asking for soldiers to accompany them (to whom, of course, they had to pay heavy backsheeshes), but the utmost fear and consternation still prevail. There are eight regiments of troops in the city, of which it is said that five are to leave to-morrow. On all sides it is feared that with the departure of these troops there will be a renewal of trouble. There is, however, no reason why three regiments should not be sufficient to keep order if the Government really desires it.

* * * * *

¹The dispatches of Mr. Terrell show that demands for protection of Americans were repeatedly made at an earlier date.

To-day Mr. Fowle has gone to Cæsarea to learn more of the state of affairs, and, if possible, to secure the removal of the bodies of one family from under the ruins of their houses. No one has dared or thought to undertake this work from Saturday till to-day (Wednesday). It is the family of a prominent man, Dr. Avedis Yeretdzian, the head of an independent congregation in Cæsarea, who did not wish to be called Protestant, though working for the reform of the old church. Himself, his wife, and eldest son were killed and the house burned over them.

Here in Talas there is the greatest fear still. Both Monday and Tuesday there were alarms that called all our families, and those who have taken refuge with us, together into the schoolhouse, which is our most defensible building. To-day the fear is deepening rather than lessening. The Turks in market have removed all their goods from their shops to their houses. The Greeks are hesitating what to do. There are hardly any Armenian shops in Talas.

The Government, in the midst of all this, is pressing for money as never before. There are poor people in arrears who can pay absolutely nothing. There are rich people in arrears whose names are recorded as belonging here, yet who have moved away and not been here for years. The community has vainly tried to have the records corrected several times. The rest of the people have paid up every bit of their taxes and owe nothing; yet the Government refuses to recognize any difference, and demands the lump sum from the community. One ward may have paid up its full quota, yet still is liable with all the rest for the whole. Five hundred liras was demanded and paid last week. Of this a considerable amount was borrowed on the personal signatures of leading men at rates of interest varying from 100 to 300 per cent per year. Last night a demand came that 300 liras more must be ready by noon to day. Failure to comply means the taking of the leading men to prison—men who have paid every para of their own taxes and have, to my personal knowledge, helped many of their poorer neighbors.

* * *

Wednesday evening.—Mr. Fowle has returned from Cæsarea. He reports that 288 bodies were buried yesterday. These were the ones gathered up from the streets; the bodies from the houses have not yet been collected. This would, however, indicate that the total number will fall much below the thousand which was mentioned in our telegram of yesterday; yet that was the estimate that most made, some even higher.

The feature of the fiendish work of Saturday was the carrying off of young girls. A number of cases have come to our knowledge. In two cases that I know of the girls have been brought back after being abused. To-day we hear of 11 girls who have been carried to a neighboring village, and we shall make an attempt to-morrow to secure their release.

I hear that the post has not yet left, and I may be able to send this letter to-morrow.

I remain, etc.,

WILLIAM S. DODD.

Mr. Olney to Mr. Terrell.

No. 721.]

DEPARTMENT OF STATE,
Washington, December 17, 1895.

SIR: I have received your No. 695, of the 28th ultimo, in regard to the protection of American missionaries in Turkey, and cordially approve

your note of November 27 to the minister of foreign affairs on the subject.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

CONSTANTINOPLE, *December 17, 1895.*

Repeated demands made for protection everywhere renewed. I think we have no citizens in Zeitoun. Informed by ministry for foreign affairs that 160 Turks, male and female, were tortured and killed by Armenians at Zeitoun. * * *

TERRELL.

Mr. Terrell to Mr. Olney.

No. 728.] LEGATION OF THE UNITED STATES,
Constantinople, December 17, 1895. (Received Jan. 4, 1896.)

SIR: I have the honor to inclose for your information the translation of the only note from the Sublime Porte ever written in response to my repeated demands for the protection of Americans.

Telegraphic orders were usually directed in my presence, after the verbal demand with which my notes were accompanied.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 728.—Translation.]

Tevfik Pasha to Mr. Terrell.

MINISTRY OF FOREIGN AFFAIRS, SUBLIME PORTE,
December 2, 1895.

MR. ENVOY: In reply to the note your excellency has kindly addressed to me on the 18th ultimo, No. 99, I hasten to inform you that the Sublime Porte, which had already invited the provincial authorities to use the greatest vigilance for the protection of all the foreign subjects in the Empire, has just renewed to the said authorities, in the most earnest manner, its instructions in the same sense.

Please accept, etc.,

TEVFIK.

Mr. Terrell to Mr. Olney.

No. 729.] LEGATION OF THE UNITED STATES,
Constantinople, December 17, 1895. (Received Jan. 4, 1896.)

SIR: I have the honor to inclose for your information a copy of a dispatch from Consul Gibson, dated at Beirut the 10th instant, which gives tidings of the *San Francisco* and *Marblehead*, reports disturbances near Damascus, the destruction of a small amount of property belonging to American missions, and incloses certain letters from a Mr. Martin, a British subject.

The letters I have delivered to the British ambassador here for his action.

I have, etc.,

A. W. TERRELL.

[Inclosure in No 729.]

Mr. Gibson to Mr. Short.

No. 95.]

UNITED STATES CONSULATE,
Beirut, Syria, December 10, 1895.

SIR: I have the honor to report that on Saturday, the 7th instant, Rear-Admiral Selfridge was escorted by me on his rounds of official visits to the Turkish authorities, and that on yesterday, the 9th instant, the visits were returned on board the flagship *San Francisco* with the usual ceremonies. I gave the admiral and the ship's officers opportunity for meeting the American colony in Beirut on Saturday evening, and the welcome extended to the admiral and his officers was cordial and patriotic. They expressed much pleasure and a sincere appreciation in their visit; and the *San Francisco* left last evening at 7 o'clock for Latakia, Alexandretta, Mersine, and Smyrna. The *Marblehead* is still located at Mersine, and the admiral expects to meet the *Minneapolis* at Smyrna. All the colony join me in thanks for the presence of the *San Francisco* at this time.

The presence of Admiral Selfridge and his flagship was timely, for aside from the strong impression made by the arrival of the first man-of-war in these times of excitement, his presence quieted the fears of the people in the receipt of terrible news from the interior of this section. A French cruiser, the *Linois*, also arrived in Beirut yesterday a few hours before the departure of the *San Francisco*.

The news from the Damascus vilayet, on the southern slope of Mount Hermon, is very disquieting and is very sad for those who have suffered losses in life and property. It seems that the Druse village of Medjel-Shems was made the special object of attack by infuriated Circassians, Koords, Arabs, and Turks, who have taken advantage of the present excited time to wreak their vengeance on the Druses, who for centuries have been the scourge of mountain and plain in the Hauran. The utter destruction of this village was aimed at, and it was nearly consummated by these allied forces on the 30th of November ultimo. Christian and Druse residents suffered alike, and several hundred villagers were killed and burned, while the remainder of the population escaped to the mountains.

The residents of several neighboring villages were also driven, their houses looted, and they left to starve or fly to other villages; after having their goods and driven off [sic]. The chief or only concern to American interests lies in the fact that the church and school (one building) belonging to the American Presbyterian mission here was destroyed, with contents, and that a school of the mission in a neighboring village, Olin-Kunyah, was also looted. The loss is only estimated as yet by the mission officials, and will hardly exceed \$150 to \$200; but I beg to make this report with a request that you lay the facts before His Excellency Judge Terrell.

I have received full details also of the destruction of the theological department of the American College at Marash, and other trouble there and in that neighborhood; but as United States Consular Agent Poche has already forwarded copies of the same facts direct to Minister Terrell, I will not duplicate them here.

The reports and rumors from Asia Minor are still serious and many, and I can only rely on the good work of our consular agents and missionaries and the protesting presence of our war ships.

I beg to inclose herewith, for the information of our legation and for

such action as may seem fit, a letter I have recently received from Rev. J. C. Martin, a British missionary at Hadjin, who is the only man there to aid and encourage our American missionaries, Mrs. Coffin and her companion; also, letter from Mr. Martin to Mrs. Montgomery, of Adana. I am, etc.,

THOMAS R. GIBSON,
United States Consul.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, December 17, 1895.

MR. SECRETARY OF STATE: I have the pleasure to give herewith copy of a telegram which I have this instant received from His Excellency Tevfik Pasha, conceived in these terms:

Mr. Terrell has addressed to me two notes to express his satisfaction at the conduct observed by our authorities during the late disorders, and in particular renders homage to the efforts which they have put forth for the protection of the life and the property of the missionaries and American citizens at Harpoot, Marsovan, Aintab, and Marash.

Be pleased to accept, etc.,

MAVROYENI.

Mr. Terrell to Mr. Olney.

No. 730.]

LEGATION OF THE UNITED STATES,
Constantinople, December 18, 1895. (Received Jan. 4.)

SIR: I have the honor to inclose the copy of a letter written by — from Caesarea, descriptive of events connected with the massacre there on the 30th ultimo and the 1st and 2d instant. It is from a trustworthy source, whose name our countrymen at the Bible House prefer should be withheld.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 730.]

CAESAREA, TURKEY IN ASIA, December 2, 1895.

At last the storm has struck us, and the horror of the past three days is beyond description. I have hardly the heart to attempt it, and yet something must be written. On Saturday afternoon at 9.30 o'clock a la Turk (or about 2 p. m.) one of our schoolboys rushed into my room crying, "The destruction has begun!" I hastened to our roof and saw the scene which has so often been enacted of late—Turks beating and killing every Armenian on whom they could lay their hands. Much of the fiendish work was carried on from the roofs of the houses, for here in Caesarea a large portion of the houses have flat mud roofs, and one can go nearly everywhere on the roofs, they being practically continuous. Our own roof is, fortunately, a little higher than the others about us, and from my position I was able to see what occurred at some distance away. Turks swarmed over the houses, breaking in doors and windows, stoning, beating, cutting, and shooting whoever opposed them and many who did not. I succeeded several times in turning back the crowd from the roofs immediately adjoining our house, but beyond that I could do nothing. They evidently had strict orders to let us alone, for but one attack was made on us, that being by a reckless fellow with an ax at our street door. He got scared, however, and soon ran for his life.

No special guard was sent to our house, but by calling upon passing soldiers I got temporary men stationed near our door, but they would stay but a few minutes, then were off to have their share in the business. However, we suffered no harm, but, on the contrary, succeeded in protecting many whose houses were attacked. They came rushing over the roofs and up the ladder which I placed for them, until we had over 60 people under our narrow roof. The strain was terrible for three hours, but after sundown it gradually quieted. During those three hours the city was patrolled by soldiers, who cleared the streets temporarily, but they really did very little to stop the pillage. I can not accuse the soldiers of killing anyone, but I saw in several instances soldiers carrying off some of the plunder. The first two men who were stationed at my door told me plainly that they expected to be well paid for being thus deprived of their share of the fun. Notwithstanding the fact that I assured them that this would be all right, they deserted after about ten minutes; this in spite of the fact that their commanding officer had told them to remain there. When a company of soldiers was notified from our roof that a certain house near was being destroyed, they formed with the utmost delay and slowly marched in that direction, being pretty sure to allow ample time for the rascals to escape. * * * From sunset on, however, I give the Government credit for making honest attempts to restore quiet.

On Sunday morning there was considerable disturbance, but by noon comparative order was restored. I then succeeded in getting two soldiers to accompany me to see the montessarif, of whom I asked a permanent guard. He gave me six men at once and made a semiapology for former neglect by saying that he supposed we Americans were altogether at Talas. He must have known better, for I have called on him repeatedly and specially requested a guard to be sent at once to our house in case of disturbance. He has been told repeatedly of our presence here. By Sunday night we had over 100 refugees under our roof, and I had to exert my authority pretty vigorously to keep them from getting into a panic and from doing foolish things. Sunday night things were pretty quiet, but for an hour or two this morning there was considerable disturbance and firing; the latter probably in most cases blank firing by the soldiers, although not entirely so, for I saw considerable firing by the rioters from the roof of a mosque near our house. This morning they attacked a house near by, but my men scared them away. Quiet was restored before noon. At this moment, 8.30 Frank time, I hear some firing, but it does not count for much. The worst is in all probability past, but the barbarity of what has been passes description. To-day I have been looking up some persons and seeing some of the wounded. Men and women were literally hacked to pieces. I hoped that the death rate would not prove to be great, but what I have seen to-day convinces me that Casarea has been no exception to the rule. Certainly several hundred, and some Turks say 1,000, persons were killed on that Saturday afternoon. This is, of course, an estimate, but I do not think it very wild. I also hoped that women would escape, but so far as I have seen women as well as men were most fearfully handled, several that I have seen having fearful wounds on every part of their bodies.

Several thousand fierce fellows came from neighboring Turkish villages to help on the diabolical work, and many women (certainly some that I know of) were carried away. This morning I was told that a bride and a young girl had been taken from a neighbor's house to the house of a Turk near by. The husband, who was in market at the time, came and begged me to help him get them back. On going to the Turkish house with two of my soldiers, I found that the girls had not been ill-treated while there, and the house owner very readily gave them up. It turned out that they, in order to save their lives, had said, "We are Moslems;" whereupon they were hustled into the nearest Turkish house, whose inmates proved to be merciful and in a sense Christian. The bride had received a bad wound on the head, but will recover. I know of no other Turkish families where Christians were sheltered. These are about the only bright spots in a very dark picture. To add to the horror many houses were burned, and some perished in the flames. Dr. Avedis, who has been preaching here independently for so many years, was killed, together with his wife and oldest son. Two daughters are missing. The other members of the family are safe. His house also was burned. At Talas there has thus far been no disturbance, and I was glad that Mrs. Wingate and our little girl were there and not here. Miss Burrage and I were and are here alone, although Dr. Dodd came in this afternoon to see how we are getting along. We sent a telegram stating that we are well and asking help for our villages, which are stripped of everything.

Our city is in bad shape, but reports from villages are even worse so far as poverty is concerned. * * *

We are so powerless to aid and to comfort. Our schoolboys are all safe. We were anxious about one, but he turned up this afternoon, having found shelter in a Turkish house. Our 109 guests are as quiet as can be expected under the circumstances. I hope that by to-morrow I can safely send some of them back to their houses, for the presence of such a crowd in a small house, with no yard except a narrow stone

court, has decided disadvantages. Some have already gone to the house adjoining ours. They are practically as safe there as here, for our men will guard both places.

DECEMBER 3.

All apparently very quiet this morning. Gradually the people are venturing out of their houses and peddlers are beginning to go about. We breathe easier, but I can not feel sure that all danger is past. The method taken with the women was to demand that they proclaim themselves Moslems. If they refused, as many did, even young girls from 12 to 15 years of age, they were cut down mercilessly. This is not intended to be a sensational account; it is cruel facts which can be substantiated with the utmost ease. I am perfectly willing to take the responsibility for this report, and it may be used wherever and however it can do any good. One thing more. Our safety here now depends upon the continued presence of the troops. Should any great number of troops be withdrawn from the city worse destruction is sure to follow. I therefore urge that our legation use its influence to secure the continued presence of the troops here. The Turkish population is overwhelming, so far as numbers are concerned, and nothing but a strong force can hold them down now that they have had their appetite whetted. Will you please present this to our legation. Many thanks to Minister Terrell for his inquiry by telegram as to our condition. I wish, however, that the blunder of the montessarif in failing to send us a guard at once be not overlooked. It might have ended sadly for us, for while soldiers patrolled the streets the real danger was from the roofs.

STILL LATER.

A great portion of the markets prove to be gutted. They are apparently shut and guarded, but the work was going on secretly inside, practically protected by the soldiers.

Several men have come from Gemerek and Boorhan—two wounded. One is a Moslem of a family that fifty years ago held the feudal supremacy of the Gemerek region. Now they have been true to their former position, and have taken active part in defending the Armenians there, although reviled for it by the Turks. This man was wounded in the leg by a bullet in this defense of Gemerek. He was taken into the hospital. The story that these Boorhan people bring is that the village has been swept clean. The Circassian horsemen first took what they wanted, then the horde of common Turks from the neighboring villages came and took what they wanted, and then another crowd, and so on. Five times were they thus plundered, until not a thing was left there. Even the clothes were taken from their backs—men, women, and children alike. They are sleeping in the straw, with no coverings. What the plunderers could not carry away of flour and wheat and food stuffs they destroyed absolutely. These destitute men have come to beg for help. The physicians, almost all of them, are Armenians, and can not go around at all. Many that now are wounded will certainly die. From many other villages outside of Cæsarea the tidings come of massacre and plunder. The people have been stripped.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 19, 1895.

Ascertain damages for outbreaks at both Harpoot and Marash as soon as possible, but on such satisfactory evidence that demand can not be objected to as excessive. Cable amounts as soon as ascertained. Have you convincing evidence of complicity or connivance in outrages by responsible Turkish officials? Are American citizens at Marash in special danger or accessible by mail, telegraph, or otherwise from Alexandria, and do they or any part of them desire to reach coast; and if so, has adequate escort been asked and refused? Your 698 received.

OLNEY.

Mr. Terrell to Mr. Olney.

No. 731.]

LEGATION OF THE UNITED STATES,
Constantinople, December 19, 1895. (Received Jan. 4.)

SIR: I have the honor to inclose herewith a letter recently received from Rev. C. C. Tracy, president of Marsovan College.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 731.]

*Mr. Tracy to Mr. Terrell.*MARSOVAN, *December 11, 1895.*

DEAR JUDGE TERRELL: Miss Strawn, who has been a guest in our house for two and a half months and shared our trials and perils with us, can tell you much more fully than I can write concerning our situation. There is not a soul of us who does not appreciate fully and gratefully what you have done for the protection of us and our friends in other stations. I know not what you may think or feel on the subject, but I think, whether you would have chosen so arduous a work or not, you were called by Providence at this time to save the lives of many of us.

We thank you for so making known our position and character as men devoted to intellectual and spiritual work, and free from complicity in political designs, that His Majesty the Sultan has been pleased to afford us special protection in these fearful times when without it we must have perished. Though the more intelligent of the Government officers and the people understand us, the ignorant and mad crowds do not. Without Government protection we should be in most grave peril still, I can not doubt. We are grateful that we have it. We long and pray for peace.

Yours, as ever,

C. C. TRACY.

Mr. Terrell to Mr. Olney.

No. 732.]

LEGATION OF THE UNITED STATES,
Constantinople, December 19, 1895. (Received Jan. 4, 1896.)

SIR: I have the honor to transmit herewith for your information copy of a letter received from Mardin, of date of November 25, 1895.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 732.]

*Copy of a letter from Mardin.*MARDIN, *November 25, 1895.*

Troubles in these parts date from Friday, the 1st instant, when rioting began in Diarbekir after the noon prayers. Pillage and arson, at which Koords from outside assisted, followed—mainly of the markets—until Sabbath afternoon. Friday evening Koches Koords, from Tevika, adjoining Sassoon, and others, began an attack upon Kuttarbul, which is directly opposite to Diarbekir, on the east bank of the river. On the Sabbath means for defense failed and the 60 Christian houses were plundered and burned. Some 20 remained scattered and destitute. Saturday afternoon an attack upon Karobash was repulsed. A second attack, on the Sabbath, resulted in

killing some 70 villagers and the surrender of the village to plunder and burning—some 100 houses. This village is one hour east from Kutturbul.

The Sabbath witnessed an attack upon Kaobequoi (one and a half hours south of Kulterbul), which was resisted for some six hours and then given over to plunder—about 150 houses. These three villages were mostly Syrian and Protestant families. Three pastors and one preacher were killed in them. The same day witnessed the taking and plunder of Chorikquoi, mainly a Chaldean village. The Chaldean priest, wife, and daughter were slain and young son carried captive. From Karobash and Kaobequoi many captives were taken—women and children—but the vali is very active in securing their return.

On Tuesday, November the 5th, Kulleth (150 houses, 90 Syrian and 60 Protestant), nine hours northeast from Mardin, was attacked, but the kaimakam of Soar helped the villagers hold the Koords at bay four days, when they withdrew from the stubborn contest. The Christian portion of Boffawa, three hours south from Kulleth, was attacked, taken, plundered, and burned during those same four days.

On Wednesday, the 6th instant, Tet Evmin (about 200 houses, 60 shops, and immense granaries), five hours southwest of Mardin and on the plain—Papal Armenians—was attacked. Thursday the church surrendered and was looted and the town burned. Abrahameyah was also taken (some 25 houses), plundered and burned.

On Thursday evening, the 7th instant, Ioeli (about 300 houses, Syrian, except 25 Papal Syrian and 10 Protestant houses), one and a half hours south of Mardin, was attacked. Church surrendered Friday at 10 a. m., after plundering and burning had gone on for five hours. Arms were surrendered and the people set free. Some 50 had been killed, some of them Protestants.

On Thursday afternoon, the 7th instant, Koords from the east surrounded the village of K. Morra and the strong stone monastery of Dere-ez-Zoofevan. The latter is twenty minutes from the village, which is one hour east from Mardin. Most of the goods of the village had been stored in the village church and some Koords had been engaged to guard it. They were overpowered by the hosts of Koords, and the place was rifled. The villagers made stout resistance in the Dere until Monday, the 11th instant, when relieved by troops from Mardin. They are now, however, all paupers—between 400 and 500. Thursday, the 7th instant, witnessed also an attack—taking, sacking, and burning Benobeel (Syrian and Protestant, about 50 houses in all), which is two and a half hours east from Mardin. When the church surrendered most of those in it took refuge with those who had formerly fled to a strong cave in the side of a mountain. All remained there until Sabbath noon on starvation rations of food and water until troops from Mardin raised the siege and brought them (300 in all) to the city, together with 19 prisoners and much spoil. Some 3,000 refugees from all these villages are now crowded into the city. Mardin itself was for three days (8th to 10th) in great danger. The Koords made attempts to enter it Friday evening and Saturday morning, but were repulsed by the troops and the Koords living in the city. At the date of writing the city walls are still guarded both day and night. The local government, at the command of the vali, took special pains to guard our premises, and 25 soldiers are still upon them. On the 18th instant some 80 cavalry from Dere-ez-Zore entered the city. Moslems and Christians united in the common defense.

On Sunday, the 10th instant, and in one night, Nisibin was attacked in the Christian quarter and plundered before a band of Hamidieh from the Toi tribe of Arabs could be sent to protect the town. They preserved the rest of it. Between the 8th and 15th instant some 18 Christian villages on the plain to the east of Nisibin were plundered and in some cases burned, and on Monday, the 11th, two Yezidee villages shared the same fate.

Midyat (about 1,000 houses, Syrian and Protestant), fourteen hours northeast of Mardin, was surrounded by Koords, but the vigilance of Government troops stationed there and that of the villagers, who are sharpshooters, thwarted every effort to enter the town.

Redwan and Till, respectively fourteen and eighteen hours northeast of Midyat, have also been plundered, but date and particulars are wanting. Sert (a city of some 15,000 Shofooceh Moslems, 200 Armenian, 70 Protestant, and 20 Syrian houses), about 150 miles northeast of Mardin and 54 miles southwest of Bitlis, has probably been plundered in market and Christian quarters. We infer so from a telegram to-day received from the deacon of the church, who says: "Congregation hungry and naked—in want of daily bread. Help us."

Saturday, 16th instant, Kerbavan (250 Syrian and Protestant houses) attacked. In the above, and many other places in our field not yet heard from, aid in clothing, warming, and feeding these plundered thousands will be imperatively needed during the approaching winter season. It should be immediate. Yesterday the Mardin Church and congregation made a noble effort to meet the situation occasioned by such an influx of refugees, in addition to the care of their own poor. On principle, we let them make the first move. With the funds promised by you we to-day gave

work to some of the refugees from the villages; but we should receive hundreds of pounds in place of tens. When the country quiets down a little more a tour of investigation and a report upon the extent of the needs of the plundered people will be made. Meanwhile, pray for us and them, and send us speedily means for their relief. I am all alone here. Mr. Dewey is still in Mosul. I have refrained from writing about the number killed in various places, because we are not in a position to make careful investigation, as we can not get out of the city. Let us know if this letter gets through to you.

Mr. Terrell to Mr. Olney.

No. 733.] LEGATION OF THE UNITED STATES,
Constantinople, December 19, 1895. (Received Jan. 13, 1896.)

SIR: I have the honor to inclose herewith copy of a letter from Rev. Theo. A. Baldwin, dated Brusa, December 16, which indicates that but little apprehension exists among missionaries there.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 733.]

Mr. Baldwin to Mr. Terrell.

BRUSA, December 16, 1895.

SIR: Your very kind telegram of the 14th instant reached me yesterday. There was no occasion for an immediate reply, and so I acknowledge it with thanks by this note.

I think that my calling attention to the state of public feeling here some weeks ago must have led to representations on your part which have up to this date secured the safety of this city.

Nothing has been said to me by the pasha, and I do not know whether the chief of police even knows where I live; so I can not say that anything has been done in particular for Americans. However, extraordinary precautions are being taken to preserve order in the city.

I hear that there is a little more unfriendly talk since the dispatch boats arrived, but we live in hopes that Brusa will escape riots such as have occurred elsewhere.

Yours, very truly,

THEO. A. BALDWIN.

Mr. Terrell to Mr. Olney.

No. 737.] LEGATION OF THE UNITED STATES,
Constantinople, December 19, 1895. (Received Jan. 6, 1896.)

SIR: I have the honor to inclose herewith delayed dispatches from Consul Jewett, Nos. 150 and 152, dated at Sivas on the 23d ultimo and 10th instant, which relate to the fearful condition of affairs in Asia Minor.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 737.]

Mr. Jewett to Mr. Short.

No. 150.]

CONSULATE OF THE UNITED STATES.

Sivas, November 23, 1895.

SIR: I have the honor to acknowledge the receipt of Hon. Minister Terrell's telegram of the 20th instant, directing me to confine my efforts to the protection of Americans and foreigners.

Having no cipher to use in telegraphing to the British embassy, I have sent some reports to Minister Terrell which were unnecessary from the standpoint of purely restricted American interests, but not without interest to the British foreign service, with which I have been charged at Sivas, nor beyond the scope of humanity.

Yesterday I received a brief statement of the disorders at Harpoot from one of the missionaries there and telegraphed to Minister Terrell about it. The statement is that the attack was made on Monday, the 11th instant. There were Koords in it, but the chief work was done by Turks, under the protection of the soldiers, who joined in the looting. Many shots were fired by soldiers, but not a Koord was wounded. Some of the soldiers guarding the mission said they had no permission to fire on the Koords. A considerable portion of the city was destroyed. The number of persons killed is not estimated. Eight buildings belonging to Americans and occupied by them were ruined (burned, I suppose). The Americans escaped, although some were fired at at short range.

The colonel in charge of the soldiers said to some of the Americans before the trouble that until he was cut to pieces that not a Koord should enter the city, but he stood calmly by and did not interfere while the American buildings were being attacked and plundered. Cannon were fired a few times and apparently aimed at the quarter of the city occupied by the mission. Part of a bombshell entered Mr. Barnum's house, and Mr. Gate's house also seems to have been struck by a cannon ball. It is said that orders came Monday night to stop the massacre and it stopped. The next day the Koords renewed the attack on the city. The soldiers fired on them and killed some of them. When they saw the soldiers were in earnest they retreated. The writer says that so far as he knows every Christian village, except Mazuela and one other, from Diarbekir to Malatia is in ruins and multitudes have been killed. There were quite a number of naturalized Armenians in the Harpoot district. I am requested to call attention to a matter of very great interest and importance to the American missionaries at Harpoot.

Some of the middle-class Turks of Harpoot are collecting signatures to a petition to request by telegraph that the Americans be removed.

Probably there is not a respectable Armenian there who does not very strongly desire to have the American missionaries remain, but no Armenian dares to refuse to sign the petition when the Turks demand it, and in some cases the names of the Armenians are signed to the petition without consulting them.

It is not in accordance with the spirit of the Americans to surrender an important work and the extensive interests which they hold in trust for hundreds of churches in America because of the difficulties and dangers.

It is of great importance that the missionaries remain at Harpoot to save what is left of their own work, and in the interests of humanity to remain and administer relief to the suffering people.

NOVEMBER 26, 1895.

To-day I received a telegram from the American missionaries at Marsovan, saying that they trust that I will come there, although for the present they are safe. I have no other information from them as to the desirability of my going there. Will you send me instructions as to whether I had better go or not? According to common report there was a very great massacre at Marsovan.

Affairs are quiet here, but no one has been arrested on account of the massacre and looting, and Armenians are still in very great fear.

I am, etc.,

M. A. JEWETT,
United States Consul.

[Inclosure 2 in No. 737.]

Mr. Jewett to Mr. Short.

No. 152.]

CONSULATE OF THE UNITED STATES,
Sivas, December 10, 1895.

SIR: Your dispatch of November 5, acknowledging mine of October 23, was the last one received.

A report from the American mission at Cesarea says that about 500 Armenians were killed in the massacre of November 30. * * *

Mr. Wingate stated that no guard was placed at his house until during the afternoon of December 1, although previous to the massacre he had asked the moutessarif for a guard in case of danger, and during the massacre he repeatedly demanded a guard from officers who were passing the house with troops. Several times he was told that it was forbidden to station any guards at any private house. One officer, however, told two of his men to remain at the door of his house. They told Mr. Wingate that they expected to be well paid for being thus deprived of their share of the plunder. He assured them that he would not forget it, but in less than two minutes they ran away. A rioter attacked the door of his house with an ax in the presence of soldiers, who made no attempt to arrest the rioter.

It seems to me that the moutessarif should be surely punished for his gross negligence and utter disregard of the orders sent out for the protection of American citizens. The safety of Americans depends upon such orders being respected.

At Marsovan the missionaries were well protected and escaped without injury, although some shots were fired at the college buildings. Less than 150 Armenians and no Turks were killed there.

At Gurun the number killed is variously estimated at from 1,200 to 3,000. About 1,000 houses were burned. Three Protestant chapels and schools were burned. They were built largely by American money, but only one of them was owned by the American board. The Gregorian and Catholic Armenian churches were protected by the soldiers.

It is reported that at Harpoot the following naturalized Americans suffered as follows: Mardiros Enfiagian, shot by soldiers; Krikor Harajanian, killed; his daughter, killed; his son, Avidis, received eight wounds; his son, Jack H., lost 700 Lt. g.; Haizag Hinthian,

robbed; Hagop Ekizian, lost 5,000 Lt. g. There are doubtless many more in and about Harpoot who have suffered in the same manner.

* * * * *

I am, etc.,

M. A. JEWETT,
United States Consul.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 21, 1895.

It is reported that Mardiros Enfiajian, a naturalized citizen of the United States, was killed by Turks at Harpoot. Ascertain facts. If verified, protest against failure to protect American citizen and reserve demand for satisfaction.

OLNEY.

Macrojeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, December 21, 1895.

MR. SECRETARY OF STATE: I have read with much attention your report of the 19th instant transmitted to the Senate on that day by a message of the President of the United States.

As that report treats solely of matters which concern Turkey in its relations with the American Government and American citizens, I think proper herein to set forth certain considerations which its attentive perusal has suggested to me. In so doing I am actuated simply by a desire to throw all the light possible on the points in dispute.

In the first place, I am happy to state that, notwithstanding the Armenian revolt, which was organized by committees whose centers were not only in Turkey, but also in England and America, and notwithstanding the widespread disturbances which that revolt has necessarily caused, cases in which the interests of American citizens were injured have not been numerous. This result has evidently been due to the peremptory orders of the Sublime Porte and to the vigilance of the Imperial provincial authorities. Yet, notwithstanding these orders and this vigilance, your excellency rightly refers to the destruction of some American property both at Marash and at Harpoot, which destruction took place at the most critical moment of the disturbances provoked by the Armenians. The Imperial Government, after a careful investigation of the incidents in question, will doubtless act just as any other government would act under similar circumstances.

In this connection I think proper to call your attention to an expression used by Mr. Terrell in reference to the alleged attitude of the kaimakam of Hadjin. Mr. Terrell is reported to have declared to the Sublime Porte that if the populace, in time of revolt, did the slightest injury to the American school in the place he, in the name of the United States, would demand "the head of the kaimakam." This expression was used metaphorically, I suppose, by Mr. Terrell. I refer to it, not

because it appears to me to be wholly unusual in diplomatic language, but because, as it has been reproduced and unfavorably commented upon by the press of the United States, I consider that it has injured us in the public opinion of the American people. As the representative of the Imperial Government I am concerned as regards the effect of certain expressions.

Your excellency also cites the case of Lenz, who disappeared in a remote locality of the Empire; that of Stupe, who was killed by a lunatic; that of George Webber, who died in prison; and the attack made upon Mr. Christie. The Sublime Porte naturally deplores any violation of law, and it desires to settle every incident in accordance with the precepts of justice. Acts of the kind in question, however, even those connected with the most horrible murders, are committed in every country in the world. Your excellency is certainly not ignorant of the murder of Galeb Abdullah, an Ottoman subject, which was committed near Susanville, Lassen county, Cal. This murder was not committed recently, but about the 15th of June, 1891, and, notwithstanding the efforts of the American authorities, the murderer is still at large, and probably happy to have escaped with his life, unless he has since died a natural death.

I observe that Mr. Terrell speaks of "appalling massacres," and that he places the number of the killed up to the beginning of the current month at upward of 30,000, which figure you yourself declare to be exaggerated. Mr. E. Bérard, deputy from Lyons in the Chamber of Deputies at Paris, recently wrote to the *Évènement* as follows:

We are told of massacres, of atrocious crimes, of rivers of blood that have been shed. By whom? By the Turks or the Armenians? Every day dispatches are received which, while they refer to the outrages, the acts of plunder, and murder of those in revolt, tell us of the moderation and the conciliatory and peaceful wishes of the Porte. It can not be objected that these dispatches emanate from Constantinople. I deny this. Private information and confidential letters fully corroborate what skeptics are willing to consider merely as a defensive maneuver of the Porte.

Such are the facts. In proof of these facts I ask anyone to tell me whether there would have been any disturbances in Turkey had it not been for the Armenian revolutionary committees. If the repression is severe this is because the insubordination is organized in a cruel manner. The proof that it is organized in a cruel manner is to be found in the letter, a copy of which I deem it necessary herewith to inclose. This letter is from Rev. Cyrus Hamlin himself. What this reverend gentleman says concerning the savage manner of revolt adopted by the Armenian insurgents has been asserted by the Imperial Government ever since the beginning of the trouble at Sassoun. Without meaning to do so, perhaps, Mr. Hamlin describes exactly, in advance, the cause of the occurrences at Sassoun and of those following. The subsequent disturbances would, however, not have been prolonged until this time if the Armenian revolutionists had not found at least a moral support in foreign countries among persons and religious bodies who are opposed to the Turkish Empire, owing to religious and race prejudices. My numerous notes on this subject have, I think, superabundantly proved the correctness of the assertion which I have just made. I can here merely refer to those notes, which were written with a view to fixing the responsibility during the Armenian revolt.

Your excellency likewise refers in the aforesaid report to Article IV of the treaty of 1830. That article has given rise to a controversy which the Sublime Porte is very desirous to settle. Mr. Blaine has thus far been the only Secretary of State who has proposed a method of settle-

ment. By his notes of February 25 and March 15, 1890, he conceded to the Sublime Porte the right to try offenders, provided that the Sublime Porte would concede the right to punish them to the American authorities. Mr. Blaine made this concession to us, as he wrote, "rather as an act of deference to a friendly Government than because I was convinced of the correctness of its contentions." The contention of the Sublime Porte is set forth at length in my two notes to Mr. Bayard of January 10, 1889. Mr. Bayard did not reply to those notes until the 28th of February of that year—that is to say, a few days before he was succeeded by Mr. Blaine as Secretary of State. The two notes of March 25, 1889, which I wrote to Mr. Blaine in reply to Mr. Bayard's note of February 28, 1889, have not yet been answered. Still, as I have already remarked, Mr. Blaine made the concession referred to, rather as an act of deference to a friendly Government, as he said, and, as I add, of justice also. The Sublime Porte then reasoned and still reasons as follows: The United States did not secure, and did not even think of securing, more than other Franks in 1830. Now, the only text that is binding upon the two Governments is, according to their solemn admission, the Turkish text of the treaty of 1830. In that text no mention is made of the right to try offenders. Consequently, this right to try belongs to Turkey, for it is a sovereign right which no independent government can abandon otherwise than by an express and formal declaration, such as does not exist in Article IV of the treaty in question. As, according to the text of the treaty, Turkey has the right to try offenders, she must likewise necessarily have the right to punish them, since one involves the other.

The last phrase of the Turkish text of Article IV does, it is true, contain certain words which, taken by themselves, seem to be at variance with this assertion. These words are, however, themselves in flagrant opposition to the following words of the article: "Following, in this respect, the usage observed toward other Franks." The necessary consequence is that there is an error, as regards the right to punish, in the wording of the final portion of Article IV of the treaty of 1830. There is an error because there is a contradiction of terms, and it is this very error that we ask the United States Government to acknowledge. The Sublime Porte is true to its engagements, which consist of granting to you, in connection with this question of jurisdiction, everything that it now grants and that it granted in 1830 to "other Franks." There is thus, I still hope, a possibility of a full understanding between the two friendly Governments in relation to a controversy which, stripped of its cumbersome and useless accessories, seems to me, after all, to be free from any insurmountable difficulty.

Be pleased to accept, etc.,

MAVROYENI.

[Inclosure.]

Letter from Mr. Cyrus Hamlin in regard to Armenian revolutionary organization.

LEXINGTON, December 23, 1893.

An Armenian "revolutionary" party is causing great evil and suffering to the missionary work and to the whole Christian population of certain parts of the Turkish Empire. It is a secret organization, and is managed with a skill in deceit which is known only in the East.

In a widely distributed pamphlet the following announcement is made at the close: "This is the only Armenian party which is leading on the revolutionary movement in Armenia. Its center is Athens, and it has branches in every village and city in Armenia; also in the colonies. Nishan Garabedian, one of the founders of the

party, is in America, and those desiring to get further information may communicate with him, addressing Nishan Garabedian, No. 15 Fountain street, Worcester, Mass., or with the center, M. Beniard, Poste Restante, Athens, Greece."

A very intelligent Armenian gentleman, who speaks fluently and correctly English as well as Armenian, and is an eloquent defender of the revolution, assured me that they have the strongest hopes of preparing the way for Russia's entrance to Asia Minor to take possession. In answer to the question as to how, he replied: "These Huntchagui bands, organized all over the Empire, will watch their opportunity to kill Turks and Koords, set fire to their villages, and then make their escape into the mountains. The enraged Moslems will then rise and fall upon the defenseless Armenians and slaughter them with such barbarities that Russia will enter, in the name of humanity and Christian civilization, and take possession."

When I denounced the scheme as atrocious and infernal beyond anything ever known, he calmly replied: "It appears so to you, no doubt; but we Armenians are determined to be free. Europe listened to the Bulgarian horrors and made Bulgaria free. She will listen to our cry when it goes up in the shrieks and blood of millions of women and children." I urged in vain that this scheme would make the very name of Armenia hateful among all civilized people. He replied: "We are desperate; we shall do it."

"But your people do not want Russian protection. They prefer Turkey, bad as she is. There are hundreds of miles of conterminous territory into which emigration is easy at all times. It has been so for all the centuries of Moslem rule. If your people preferred the Russian Government, there would not be now an Armenian family in Turkey."

"Yes," he replied, "and for such stupidity they will have to suffer."

I have had conversations with others who avow the same things, but no one acknowledges that he is a member of the party. Falsehood is, of course, justifiable where murder and arson are.

In Turkey the party aims to excite the Turks against Protestant missionaries and against Protestant Armenians. All the troubles at Marsovan originated in their movements. They are cunning, unprincipled, and cruel. They terrorize their own people by demanding contributions of money under threats of assassination—a threat which has often been put in execution.

I have made the mildest possible disclosure of only a few of the abominations of this Huntchagui revolutionary party. It is of Russian origin; Russian gold and craft govern it. Let all missionaries, home and foreign, denounce it. Let all Protestant Armenians everywhere boldly denounce it. It is trying to enter every Sunday school and deceive and pervert the innocent and ignorant into supporters of this craft. We must therefore be careful that in befriending Armenians we do nothing that can be construed into an approval of this movement which all should abhor. While yet we recognize the probability that some Armenians in this country, ignorant of the real object and cruel designs of the Huntchaguis, are led by their patriotism to join with them, and while we sympathize with the sufferings of the Armenians at home, we must stand aloof from any such desperate attempts which contemplate the destruction of Protestant missions, churches, schools, and Bible work, involving all in a common ruin that is diligently and craftily sought. Let all home and foreign missionaries beware of any alliance with or countenance of the Huntchaguis.

CYRUS HAMLIN.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, December 22, 1895.

Damages stated at Bible House as not excessive—for Harpoot, \$87, 985; for Marash, \$10,560. Letters from Gates, Harpoot, charge that orders which controlled movements of attacking party, which resulted in burning, issued from Mustapha Pasha, commander in chief of army division. Telegram from Marash dated 16th reports all safe and protected. Can communicate by mail and telegraph with Marash. Missionaries will not express desire to leave unless instructed.

* * * * *

TERRELL.

Mr. Olney to Mavroyeni Bey.

No. 61.]

DEPARTMENT OF STATE,
Washington, December 26, 1895.

SIR: I have had the honor to receive your special No. 89, of the 17th instant, in which you communicate to me the purport of a telegram received by you from His Excellency Tevfik Pasha, minister of foreign affairs, acquainting you with the substance of notes addressed to him by Minister Terrell, expressing satisfaction with the conduct of the Turkish authorities during the recent disorders and favorably referring in particular to their efforts to protect the lives and property of the missionaries and American citizens at Harpoot, Marsovan, Aintab, and Marash.

The last mail brings me a dispatch from Mr. Terrell, under date of December 5, inclosing copy of a note addressed by him to the minister for foreign affairs of the same date, which appears to be one of those to which your communication refers. Mr. Terrell therein takes occasion to mention five high officers of the Porte, military and civil, at Harpoot, Marsovan, Aintab, and Amassia as, in his opinion, deserving the highest praise for their conduct toward the protection of the lives of American missionaries and expresses his deep satisfaction on hearing of their meritorious deportment. Their names are: Mehmet Bey, alai beyi of Harpoot; the kaimakam of Aintab; Beker Pasha, moutessarif of Amassia; the kaimakam of Marsovan, and the colonel commanding the troops at Marsovan.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 735.]

DEPARTMENT OF STATE,
Washington, December 26, 1895.

SIR: Your No. 710, of December 5, has been received. I had already been informed by the Turkish minister of the receipt by him of a telegram from the minister of foreign affairs informing him that you had addressed to Tevfik Pasha two notes expressive of your satisfaction at the conduct of the Turkish authorities during the recent disorders, and that you particularly commend the efforts put forth by them for the protection of the lives and property of the missionaries and American citizens of Harpoot, Marash, Marsovan, and Aintab.

Your note to Tevfik Pasha, of December 5, of which you send me copy, appears to be one of those referred to in his excellency's telegram to the Turkish minister. In these times of excited fanaticism and sanguinary encounters, when not a few of the higher officers of the Turkish Government rest under the imputation of abetting by indifference, if not aiding by active connivance, the deplorable excesses now rife, it is gratifying to see that you are in a position to commend the exceptional conduct of these officers; and you may inform his excellency, the minister of foreign affairs, that the Department approves your note to him of the 5th instant, and that the satisfaction it feels is coupled with equal conviction that the conduct of other officers, so unfavorably contrasting with that which you have had occasion to praise, will receive the condign punishment you have demanded.

I am, etc.,

RICHARD OLNEY.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, December 27, 1895.

MR. SECRETARY OF STATE: Some American newspapers have stated—I hope without reason—that Mr. Chilton, Chief of the Consular Bureau of the Department of State, has addressed to you a report which is rather unfavorable to the Turkish authorities, concerning the recent disturbances at Trebizond, of which it appears that he was a witness during his brief stay in that city. I therefore consider it interesting herewith to transmit to you, merely by way of information, a translation of a report with regard to those disturbances which I have lately received from the Sublime Porte. This report clearly shows, once more, the necessity under which the Imperial authorities were, at Trebizond also, of repressing by force of arms the disorders provoked by the Armenian revolutionists, who were armed and determined, in pursuance of a preconceived plan, to foment their rebellion at several points in Ottoman territory.

Be pleased to accept, etc.,

MAVROYENI.

[Inclosure.—Translation.]

Report on the Armenian troubles at Trebizond, signed by the civil and military officials, the ulémas, and notables of the vilayet (Mussulman, Greek, Orthodox, and Catholic).

Gen. Bahri Pasha, ex-vali of Van, who spent several days at Trebizond in returning from Van, and Ahmed Hamdi Pasha, commander of the “redifs” at Trebizond, were crossing on Wednesday, the 2d of October, 1895, at about 6 o'clock in the afternoon, in company with Razi Han (the Persian consul at Trebizond), Hadi Omer Effendi (the director of the posts and telegraphs), and Suleiman Bey (the commander of the mounted police of the vilayet), Ouzoun Sokak street, which opens into Charki Square, in the city of Trebizond, when a certain Armenak, a servant in the employ of the Armenian bishop of Trebizond, who was suspected with being affiliated with the revolutionary committees, and another individual, also an Armenian, fired on them several times with revolvers, and wounded Bahri Pasha in the calf and Hamdi Pasha in the foot. Armenak and his accomplice were instantly arrested.

This incident, having been the first to occur in Trebizond since the Armenians, subjects of the Ottoman Empire, had commenced to commit crimes and to enter into rebellion in different parts of the Empire, caused naturally a certain emotion to the population, but it was happily not followed by any other incidents that day. Two days later, however, on the following Friday, at about 9 o'clock at night, several Mussulmans belonging to the trades union, having met in the Aî Vassil quarter, with a certain Hatchik, a son of a barber named Stepan, who was being sought by the police as being incriminated in the attack upon the two pashas, they addressed him in these terms: “Stop! Where are you escaping to? You are sought by the authorities.”

Hatchik, instantly drawing out his revolver, fired upon them a number of times.

Rahmi Effendi, who happened to be passing in a neighboring street, heard the shots, and wishing to know their cause turned into the street from which came the noise, but, being seen by Hatchik, he was instantly shot at and killed.

This second incident following so closely upon the first, with only two days intermission, caused great excitement, and at the sound of the shots the population in the neighboring quarters precipitated itself in the streets, some carrying arms and some unarmed. A rumor having been circulated to the effect that the Armenians had gone to the government house and assassinated the vali, the populace immediately marched in that direction, from which arose great confusion and blocking of the adjoining streets. However, the civil and military authorities, and also the zapties and agents of the police, assisted by the prominent citizens of the city, having stationed themselves at the entrance of the streets did finally succeed, after great difficulties it must be admitted, in calming the mob and dispersing the crowd, by explaining that the shots which had been heard had been of no serious consequence, and that the Armenians had done nothing in the way of violence.

The repetition of the shots by the Armenian conspirators and the nonarrest of one of their number and of his accomplice, had, notwithstanding, the effect of keeping up public agitation. On the other hand, the lack of confidence in the authorities and in the Mussulman population which was exhibited by the Armenians, who no longer opened their shops or bazaars, necessarily greatly accentuated the existing feeling.

In view of this critical situation, a certain Father Mesrob, at the time acting representative of the Armenian bishop of Trebizond, and also the most prominent citizens of the city, were summoned to the government house to a meeting; but only the bishop's representative and one merchant, a certain Mahouhian, answered the summons and presented themselves. They were implored to exert all their influence to prevent the repetition of such scenes, which are of such a nature as to destroy the mutual confidence which should exist between the different populations, and were also requested to state where the two accused were in hiding, the arrest of whom would aid much in restoring calm and tranquillity. In reply to these exhortations, however, the merchant Mahouhian declared that he had never interfered and never would interfere in the affairs of the community, and the priest, Father Mesrob, replied on his side that he did not know the accused, and that judging from what he had heard reported it would appear that the two pashas had been wounded by a soldier, and that Rahmi Effendi had been killed by a Mussulman, and he added that it would be well to arrest the real criminals and allow the arrested Armenians their liberty.

It was observed to them that both of the cases were of public notoriety, and, indeed, the accused had been seen in the act. The first incident had occurred in daylight and had been witnessed by a number of persons, and that as for Hatchik Stepan, he had not yet been arrested and yet inhabited the city itself. It was therefore most improper that they should simulate ignorance and take the part of the criminals, and Father Mesrob and the merchant Mahouhian were therefore again exhorted to heed the counsel of the authorities and to summon the more prominent citizens to meet at their house to discuss the situation and also to reveal the hiding place of the fugitives, and thereby aid the authorities in calming the existing excitement.

These two incidents, having been followed by the news of the riots in Constantinople, brought about by some Armenian vagabonds, the public excitement became greater than ever. Everyone became alarmed, and the Armenians began to walk around armed to the teeth and not to open their stores. As since the day on which the first incident occurred the Armenians of neighboring villages had commenced to swarm into the city, the governor-general, wishing to prevent, if possible, bloody riots, proceeded on the morning of Tuesday, the 8th of October, accompanied by the president of the municipality, to the market square, and there, in one of the principal stores, assembled a large number of prominent citizens—both Mussulmans and Christians—selected from among the members of the trades union, and publicly exhorted them not to cause trouble and to cease the tumultuous excitement of the population.

It was precisely at this moment, however, that shots were heard in every direction in Charki Square. It was then about 10.30 o'clock. Owing to the existing confusion it was impossible to determine on which side the brawl began. In truth it seemed as though the more the Imperial troops, the agents of the police, and the zapties endeavored to suppress the riot the greater became the audacity of the Armenians.

It was from their shops and bazaars, from the windows of the upper stories, and indeed from anywhere and everywhere that they were, that they fired at random on soldiers, police, zapties, and citizens alike. The vali, learning of the troubles, proceeded at once to the scene. Notwithstanding his presence, the shooting continued—directed against the officers of the regular army and of the zapties, who, stationed before the shops, exhorted the rioters to drop their arms and place themselves under the protection of the authorities, who would know how to defend them. Indeed, they did not even respect the person of the governor, at whom they fired several shots. At the sight of one soldier and of two or three Mussulmans wounded, and two others who were already dead, the agitation of the Mussulmans and of the Greeks who had joined the brawl reached its climax. It was 3 o'clock before, with great trouble, they could reestablish order. The corpses lying in the street and in the shops were taken that same night to the untenanted stores, and the wounded were conveyed to their respective homes or to the hospital.

After the riot was put down the Armenians who had remained shut up in the houses and stores were deprived of their arms. Until the calm should be entirely restored they were lodged in the edifices of the civil and military authorities. Those individuals and families who were deprived of means of support were cared for in some Mussulmans' houses and at the Catholic school, and received bread and whatever was necessary for them. When order was finally entirely restored the old

offenders and the accused were handed over to be tried by court-martial, while the others regained their own firesides.

The Ottoman subjects and the strangers who had sought protection at the residences of the foreign consuls at the moment of the riot were conveyed under escort to their homes, and for the purpose of protecting from all attack the foreign consulates and the schools and other religious establishments, as well as the residences of foreigners, these were, while the troubles lasted, guarded by the regular troops and the zapties. Certain particular families were lodged for protection in the houses of prominent Mussulman citizens, and wherever the troops and the zapties failed it was the Mussulman and Christian leading men who took their place. In order to aid the authorities in their work of restoring order, a committee was formed under the presidency of the receiver-general of the vilayet, composed of prominent citizens, both Mussulman, orthodox, and Catholic. Its mission was to reassure the timid, provide for the wants of those in distress, care for the wounded, cause goods to be returned which had been stolen during the riots either on the market square or in the houses, prevent all attacks on the Armenian villages in the neighborhood of the town, find the objects which might have been lost, and, should it learn of any proposed attack of Mussulman or Christian villages by the population of neighboring Armenian villages, to inform the authorities thereof and in concert with the troops and the corps of zapties to take the necessary precautions. The resources of this latter body not being sufficient, 200 more zapties were enrolled provisionally. In a word, all that forethought dictated was done with a view of meeting every possible emergency.

After the complete suppression of troubles an elaborate inquest was held to discover the authors of the first shots. It was discovered that on the morning of Tuesday, the 8th of October—the day of the riot—several conspirators were expected from Constantinople by the Austrian steamer. An unusual assembling of Armenians having taken place near the wharf, popular curiosity was excited. Among the letters distributed was one addressed to a certain Chvarch, of Erzindjan, who lived at the Han, immediately opposite the town hall, which is situated on Charki Square. This letter contained details of the troubles at Constantinople, and announced the death of the brother of the addressee. This latter, the moment he had read the contents of the letter, placed himself at the window of his room and commenced to fire wildly on all the passers-by, contending that it was thus that one should act under such circumstances. Immediately afterwards four or five shots were fired from the stores of Diradourian, opposite the Han, and under the town hall. These shots were followed by others fired by the Armenians assembled at the landing. It was thus that the crowd which found itself in the square and the adjoining streets was obliged to respond.

The fact that some of those who fired during the riots from the windows of Armenian houses were inhabitants of neighboring villages who had only come to town that morning, and that the first shots were indeed fired by them; that simultaneously with the commencement of the riot the shops and bazaars had been closed; that the Armenians themselves had knowledge of all these facts, and, finally, that the officers of the army and of the zapties, who exhorted them to submission and to laying down of their arms, were greeted by shots, and also all that has been stated above proves conclusively that the rioters had decided to cause a great slaughter throughout the country.

It is worthy of remark, however, that the above-mentioned Chvarch, of Erzindjan, from whose room the first shots were fired, notwithstanding that he was proved to be affiliated with the revolutionary committee, and was also proved guilty of several crimes, profited by the amnesty graciously accorded by His Imperial Majesty the Sultan, as did also the Diradourians, who were among the most suspected.

Mr. Terrell to Mr. Olney.

No. 739.]

LEGATION OF THE UNITED STATES,
Constantinople, Dec. 27, 1895. (Received Jan. 9, 1896.)

SIR: I have the honor to inclose herewith the copy of a letter from Rev. Dr. Herrick, of this city (the former president of Marsovan College), requesting that Consul Jewett be sent for a time to Marsovan, and my answer informing Mr. Herrick that the consul had been telegraphed to go. Private advices from Marsovan reveal intense apprehension of danger now among missionaries.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 739.]

*Mr. Herrick to Mr. Terrell.*BIBLE HOUSE, *December 26, 1895.*

DEAR SIR: Mr. Dwight informs me that he has just addressed to you a memorial touching the question of the protection of American interests in this country. I am aware of the tenor of his communication and approve of the same at all points. He undoubtedly represents the judgment of the society under which we both serve, and of the representations of that society in this country.

He has suggested my presenting to you a specific matter which presses upon us, and perhaps peculiarly upon myself—a matter which may be taken as a corollary to Mr. Dwight's paper. This is the adequate protection of our American colony and educational plant and work at Marsovan.

This plant consists of public buildings and residences—some 12 buildings in all—embracing a theological seminary, Anatolia College (for boys), and a girls' boarding school of high grade. Adults and children, the American colony numbers 20 souls. When the storm broke upon the city in the middle of November the college and school premises, with all the American residents and the teachers and pupils of the schools, about 250 persons in all, escaped harm. We now have detailed information up to a full month after the massacre, and although our friends have no complaint to make against the local government, the fear, the sense of insecurity, the threatenings of worse things to come, and the resulting excitement among so many young persons crowded constantly together and under military guard of redifs created a real and it may be serious danger. * * * The object of this writing is to prefer to your excellency on behalf of my associates at Marsovan an important request, and if necessary to urge its acceptance by every consideration of safety to imperiled American interests. As you are aware, Marsovan is in the Sivas province and within the United States consular district of Dr. Jewett. The Americans at Marsovan have asked that Consul Jewett should come to Marsovan for a time. The reason for delivering this request, viz, that Mr. Jewett is needed at Sivas, now appears to be fully met by the presence of the British consul at Sivas.

I respectfully beg you, in behalf of the 20 Americans at Marsovan, immediately to order Jewett to go to Marsovan, where no consul of any power is found, to stay till the present strain is over. I believe, and our friends at Marsovan believe, that as matters now stand this and this alone, whatever else may be done, will so remove the strain as to relieve American interests there from peril.

Very respectfully,

GEO. F. HERRICK.

[Inclosure 2 in No. 739.]

*Mr. Terrell to Mr. Herrick.*UNITED STATES LEGATION,
Constantinople, December 27, 1895.

SIR: Answering your letter of the 26th instant, I have to inform you that this legation has telegraphed Consul Jewett to proceed to Marsovan, and there remain for the present, on account of the request made by yourself and other representative missionary gentlemen here and of the great peril in which Americans there now seem to live. His stay

from his post will from necessity be but temporary, nor can I see, as you do, the great benefit likely to occur from his trip.

My opinion as to what should be done to secure more effectually our friends in the interior will be given at length to Mr. Dwight.

I am, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

No. 740.]

DEPARTMENT OF STATE,
Washington, December 27, 1895.

SIR: I inclose for your information and files a copy of a letter from the Navy Department embodying telegraphic instructions sent on the 17th instant to Rear-Admiral Selfridge in regard to the protection of American citizens by our naval vessels in Turkish waters.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 740.]

Mr. McAdoo to Mr. Olney.

NAVY DEPARTMENT,
Washington, December 18, 1895.

SIR: I have the honor to inform you that the following instructions were cabled on the 7th instant to the commander in chief of the United States naval force on the European station at Mersina, Syria:

The *Minneapolis* ordered to Alexandretta, Syria, Marash, Turkey, center of danger. Suggest the concentration of vessels United States Navy, and taking missionaries and other Americans on board, if necessary. Act promptly if in your judgment advisable to land force. Keep Department fully informed. Acknowledge.

HERBERT.

I am, etc.,

W. MCADOO.

Mr. Terrell to Mr. Olney.

No. 740.]

LEGATION OF THE UNITED STATES,
Constantinople, Dec. 29, 1895. (Received Jan. 13, 1896.)

SIR: I have the honor to inform you that during the three days of my absence to visit Admiral Selfridge it was made known to the legation that our citizens at Marsovan College did not trust the fidelity of the reserve soldiers who guarded them. The same fear existed at Marash. This was corrected on representations made at the palace by Mr. Gargiulo, the dragoman of this legation, and telegraphic orders were issued for furnishing guards of regular soldiers at both cities.

In this connection I should state that on the earnest request of Rev. H. O. Dwight and President Herrick, who represented the great apprehension felt by Americans at Marsovan, I wired a cipher order to Consul Jewett requiring him to go to Marsovan and there remain for a time if he could leave Sivas safely. He has informed me that Turks who are

friendly state that another massacre will soon occur at Sivas, under orders from this city, and in effect that he could not safely leave.

An emphatic representation made thereupon at the palace will, I think, result in assuring safety for the present.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 741.]

LEGATION OF THE UNITED STATES,
Constantinople, Dec. 29, 1895. (Received Jan. 13, 1896.)

SIR: I have the honor to inclose for your information the copy of a letter from ———, dated at Harpoot, December 7, and also a tabulated statement showing the number killed (11,682) and houses destroyed in one province. While the butchery of a Christian race is progressing, it has been deemed proper to furnish you such facts as seem authentic, illustrating this bloody era.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 741.]

HARPOOT, TURKEY, *December 9, 1895.*

DEAR SIR: This is my fourth letter to you. The last was dated December 4. All have been sent by registered post.

Last week we called the attention of the Government to the fact that our garden was being destroyed. Four houses were burned, a fifth pulled down, and now 26 trees have been cut down and carried off. We said that you had demanded protection for us, and the Sultan had promised it; but our houses had been plundered and burned and none had been furnished, therefore evil doers were emboldened and they were now despoiling our garden. The Government sent officers to the garden on Saturday. On the way they met donkeys laden with wood cut from our gardens, and they arrested the owners and sent them to the Belladuya with the wood as evidence. Several persons were arrested in the vicinity of the garden, and they were to have been sent to prison on Saturday. This is the first instance of punishment meted out to raiders. * * * A member of the court of appeals, Haji Khairree, is now in prison on charge of harboring Koords, inciting them to plunder, etc. His brother, Lutfallah, a notorious rowdy, is also in prison on a similar charge. They are doubtless guilty of more than is charged to them. A telegram was sent to Constantinople in their behalf, and the rumor gained currency that Dr. Barnum had sent it. This was false. Haji Khairree sent to Dr. Barnum asking him not to interfere in his behalf, fearing, I presume, that our advocacy would hurt him with Moslems more than it would help him. But he was disposed to be friendly on account of our supposed friendly attitude, and he let drop the remark, "I can prove that the colonel and the soldiers led the attack upon the houses of the Americans and broke open their safes."

On the day of the attack we noticed the village raiders gathered together and holding aloof for a time. We now learn that they were afraid to attack such large buildings belonging to foreigners until the soldiers opened fire upon our houses and encouraged them to attack them.

We also learn that a band of the raiders were gathered in the mosque before the attack. When they came out a member of the court of first instance, Delli Haji by name, one of the leading ulema of the city, spread out his hands and offered a prayer for their success, and said to them, "May your swords be sharp to do their work."

Moreover, the owner of the house occupied by Mustapha Pasha, commander in chief of the division of the army, says that on November 11 Mustapha Pasha watched the attack through a field glass from his house in Wezreh. When he saw the other buildings burning and four of our buildings still intact, he sent word to the colonel commanding in the city, "Why are those houses still standing?" It was upon the receipt of this message that the colonel sent to us to induce us to come out of the college building and intrust ourselves to his protection. When we positively refused to leave the building, even if it should be set on fire, he sent back reply, "They are in the building and will not come out." Mehemet Effendi, the alai bey, who was sent by the acting governor to aid us, has full knowledge of these things if he chose to reveal them, which is not likely.

The Turkish commissioners sent out to investigate these outrages are expected here shortly, and a certain kind of preparation is being made for their reception. In the villages the Christians are being forced to sign papers exculpating the Turks. In Ichuneh, at the point of the sword, the Christians were forced to sign a paper saying that they were about to attack the Turks when the latter attacked them. In many villages the aghas force the Christians to sign that they have suffered no injury from the Turks of their village, and so on.

The official reports of these occurrences are falsified to make it appear that the Armenians were the aggressors. The official report of the killed in this city is, we learn, 23 Christians and 8 Turks.

Now, there were 45 Christians killed in this quarter of the city and about 100 in the whole city, and not one Turk was either killed or wounded. The rowdy referred to above says, "The authorities asked us to find the body of at least one dead Turk, but we could not." In the village of Husenik, a mile distant from the city, the official report says 120 Christians and 80 Turks were killed. The latest returns from the village show that 200 Christians were killed and as many more wounded, and not one Turk was either killed or wounded. So far as I can learn, not one Turk was injured in any way in this vicinity. The fact is that the Armenians have given up their weapons and committed themselves to the protection of the Government. Our own attitude toward the commissioners who are expected is one of distrust. * * *

Another matter to which I should like to call your attention is the interference with our posts. It is very rare that we receive any newspapers. My Semiweekly Tribune comes, perhaps, semimonthly. For weeks we have not seen the New York Independent or Boston Congregationalist, and we have reason to think that our letters also are interfered with. I have already written you of the translation of our English telegrams and their revision by the Government here.

We have been hoping to hear of money for relief work. Winter is upon us and thousands are in danger of starvation. The Government gives a small allowance, 40 to 60 drams daily, and this pittance is seldom continued more than ten days. It is just in order that they may say to the world that the sufferers are being cared for by the Government. We are giving work to needy men and women in clearing away the ruins and in making bedding and underclothing for the destitute.

Our aim is to help without pauperizing, but we have as yet received no assurance that money will be forthcoming for relief work on a large scale. If money is sent to us a very strong order should be secured for permission to engage in such work, to be given by the local authorities, otherwise we should not be allowed to do anything. I should like once more to call your attention to the importance of securing a firman for the college and permission to rebuild. We desire to rebuild in the spring. The work would afford employment to many who are destitute. The local authorities would undoubtedly oppose our rebuilding unless we have permission from Constantinople. We must depend upon the indemnity also to supply the funds for rebuilding. It cost the constant labor of Dr. Wheeler's lifetime to secure the money for the buildings that have been burned, and erect them. If we must appeal to the Christian public in America for these funds the prospect is disheartening in the extreme. The Government ought to pay for these buildings, and I hope our Government will take strong ground in this matter.

As reports continue to come in from the villages they reveal an awful state of things. Everywhere the Christians are being forced to become Moslems. In some places they are circumcised by force. To-day word has come from Perching that this is being done there. A carpenter who was about to come here was thus circumcised.

The same is being done at Reawan, which lies between Sert and Mardin. A sheikh is teaching the Christians there the tenets of Islam.

In Choonkoosh between 600 and 700 Christians were killed, and the neighboring village of Adish was almost exterminated. The Koords set fire to the house of the Choonkoosh pastor, and he thought to perish in his house, but his family gathered at the windows, and the Koords set up timbers and took them out; the pastor then came out with his family. He was at once confronted with the alternative, "Accept Islam or die." He refused to accept. He was badly burned. They kept him alive a few days and then killed him. Many accepted Islam for the sake of their wives, daughters, and sisters—to save them from being carried captive. The Protestant school teacher married one of the pastor's daughters to save her. Another man married his brother's wife. They were married by a moolah.

I do not wish to weary you with the repetitions of the sad tales that come to us day after day, each adding to the burden of sorrow we are carrying. I simply wish to state what is made more and more clear to us, that we are confronting a Moslem crusade, the avowed object of which is to leave no Christians here. My responsibility goes no further. I must leave it to the Christian nations to say whether they will permit Islam ruthlessly to invade Christian homes and by force propagate its faith among Christians. I wish I could picture to you one-fourth of the wretchedness and woe here in the interior. It is awful, awful, awful! If I should simply take our own students—two have been killed; one has lost 25 relatives, including father and brothers; of the family of another only one escaped. Two boys yesterday heard of the death of their fathers; one girl heard of the death of her father, another of the death of her father and two brothers; and so it goes on from day to day. We know of 13 Protestant pastors and preachers who have been killed.

I wrote you last week that the Turks of the city said if war ensued they would slaughter the remaining Christians. We have now proof that in the court of appeals the Turks, members of that court, said,

"If there is any European intervention we shall finish up the Christians."

DECEMBER 10.

Some of the commissioners arrived in Mezorh yesterday, and they have summoned a number of Turks and Christians to meet them. The Christians summoned are in great trepidation, and fear to speak the truth.

DECEMBER 11.

I have just seen two of the Armenians who were summoned. The Moslems and Christians were called separately. They all stood in their presence. After the Moslems had had an interview of about half an hour the Christians were called. The two commissioners and officers of the Government were present. The first commissioner, whose name I have not yet learned, recited the clemency of the Sultan, and the seditious practices of the Armenians, and exhorted them to abandon them. Then the second, Abdulla Pasha, began in a much more violent strain. He accused the Armenians of sending men to Washington and Chicago to agitate, of publishing secret newspapers, of stirring up strife, etc. Then he said if either Turk or Armenian makes trouble hereafter there will be no more imprisonment, but the death penalty, and if the Armenians begin anything of this kind again the name of Armenian will not be left to them. They will all be blotted out. He said, "What we have received we received with blood, and if we give up this morsel we will give it up with blood." Then he signified to the Christians that they might go. This was all. The commissioners harangued the Christians, laying all the blame on them, and gave them no opportunity to answer questions or make any defense. This, I suppose, is the method that has been adopted for restoring tranquillity.

DECEMBER 12.

The commissioners are to leave this morning for Diarbekir. I learn the name of the first one is Sami Bey.

I inclose you a memorandum of the attacks upon different places of which we have knowledge. It shows 138 towns and villages desolated, 5,064 houses burned, and 12,708 persons killed. There are many other places in regard to which we have as yet learned no particulars. Outrages upon women and nameless indignities offered to men were very common. There is still great tension, and danger is not by any means past.

There are hundreds of towns and villages in the Harpoot mission fired. We have at different times occupied some 90 of them for evangelical work. At present less than 60 are thus occupied. We receive reliable reports from few places; but I have compiled what we have received, taking lowest estimates where they differ.

* * * * *

These are the only places in regard to which we can get figures. No one counts the wounded in most places. The number of deaths increase daily. In the villages which I have around Peri and Palu we have no particulars. The sum total must be dreadful in the extreme. I have not tried to keep count of the outrages upon women. They come from every quarter, and hardly attract notice.

Mr. Terrell to Mr. Olney.

No. 742.]

LEGATION OF THE UNITED STATES,
Constantinople, Dec. 29, 1895. (Received Jan. 13, 1896.)

SIR: I have the honor to inform you of my utter failure to convince those charged here with missionary interests of the propriety of withdrawing for a time our American women and children from the interior.

Regarding this matter, I respectfully request a careful reading of the inclosed correspondence between Rev. Dr. H. O. Dwight and myself.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 742.]

Mr. Dwight to Mr. Terrell.

CONSTANTINOPLE, December 26, 1895.

The purpose of this paper is the elucidation in some detail of the principle which underlies the refusal of the American mission at Constantinople to hastily withdraw the missionaries in Asiatic Turkey from their posts, because they are beyond the sphere of the direct influence of the United States Navy. In brief, this principle is that a great American enterprise, and not merely the lives of its agents, is the interest for which protection has been invoked. * * *

During sixty-five years our society has been engaged in its operations in this country. From the point of view of a business enterprise, such as the treaties authorize American citizens to undertake and maintain in this country, the missions must be regarded as a mere association of American citizens which has chosen to invest capital in two main directions:

1. A large educational system embracing common schools, high schools, colleges for men and women, theological seminaries, and medical schools and hospitals.

2. A large publishing and bookselling business.

In order to induce the people of this country to value and pay for the goods which we place before them, Americans, chosen with great care for the purpose, have been sent to live among the people, to cultivate in them understanding of the value both of the education and of the books which we offer. Our aim has been to cultivate in the people not only a desire to buy our wares, but a willingness ultimately to take over the whole financial support and future development of the establishments which the American society has founded and fostered. So far as the business side of this enterprise is concerned, it makes no difference to our Government nor to the Turkish Government under whose local regulations these operations are carried on, that by daily intercourse and example and other instruction we seek at the same time to elevate the moral character of the people as well as their intellectual power. That fact is simply an additional guaranty that our educational and our publishing business is conducted in a way that avoids reasonable objection from a Government really interested in the advancement of its people.

Be this as it may, by incurring an expense for organization, equipment, and maintenance of about \$6,000,000 Americans have built up in Asiatic Turkey a business which already makes an appreciable cash return, and which has promised to realize our hope that it will be taken

over entirely by the people who are our customers. We have 435 schools of all grades in the various provinces of Asiatic Turkey, and these schools are attended by 19,795 pupils of both sexes. We have also (it should be noted that our publications do not include any copies of the Bible, for this is published by the American Bible Society) a book trade with sales rooms and depots in 25 or more of the principal cities and with a somewhat extensive publishing house in Constantinople, which relies for its market mainly upon the customers in the interior provinces of the Empire. For the maintenance and further development of our undertaking many thousands of people in the United States, who may be regarded as the stockholders of the concern, pay annually about \$150,000 in addition to the revenue from tuition and from the sales of books and newspapers in Turkey, which amounts to about \$70,000 a year. The sum of these two amounts may be regarded as the interest on the capital invested in the enterprise, since it is an annual sum put into the business. If we regard this sum of \$220,000 as the interest of a capital which annually produces it we may call that capital \$7,000,000. This is a rough way of estimating the money value of the stock, real estate, equipment, and other property provided by Americans for our present operations in Asiatic Turkey.

The object of this analysis of the business aspects of our mission enterprise is to obtain a basis for a more clear understanding of two points:

1. Our business is of sufficient financial importance to warrant the somewhat persistent demands which we make for protection from the United States Government. During the months of October and November of this year, about 100 of our village schoolhouses and chapels in the various provinces have been pillaged and destroyed or seized by the Mohammedan population and applied to their own uses. Moreover, our books to the value of about \$25,000 (not including books destroyed which belong to other American societies) have been seized and carried off as plunder or used to kindle the fires which destroyed the buildings where they were on sale. These estimates of loss will probably have to be increased with the receipt of more full particulars.

This work of destruction has been done * * * by the aid of the forces whose duty it was under the treaties to have defended this property. Unless the Government of the United States is informed of the nature and extent of this outrageous attack and peremptorily demands that it be ended, our whole equipment, so slowly and so expensively prepared, will be annihilated.

2. When the proposal is made that Americans withdraw from our stations in the interior provinces in order to save their own lives, acceptance of the proposal involves the sacrifice of the whole capital sunk in bringing our business to the prosperous condition in which it was before this disaster was brought upon it. If we now withdraw from the country, the safety of our abandoned property will depend upon the promise of the Ottoman authorities that it shall be protected until our return. The property which has already been destroyed was under a promise of protection as forcibly expressed and as sacredly binding as any that can now be made. If so much of our property has been destroyed in our presence by the very men who were bound to protect it, we should be indeed unsophisticated to hope that the same men, emboldened by the impunity which they have enjoyed, would protect our remaining property in our absence. But even if there were no question of the protection of a large property from destruction, there remains the no less important question of deriving future benefit from past expenditure.

Our business depends upon our retaining the confidence of the people in our moral rectitude and general qualifications to be instructors and leaders of a people seeking manhood. Some hundreds of thousands of people in Asiatic Turkey now have this confidence in us and, from a business point of view, these are our future customers. Accustomed by a certain breadth of experience to regard us as qualified to instruct their young people they look to us in a time, like the present, of deadly peril as persons on whom they can depend for advice in all matters coming within the scope of our proper functions and whom in some degree they may regard as their friends. In better days hereafter these are the people who will patronize our reopened schools and buy our reprinted books. If, for the sake of escaping the difficulties and dangers of the attack upon Christians of every denomination which is now being made in Asiatic Turkey, we should now abandon our posts, with outposts, we would abandon the whole position of influence which has been won by sixty-five years of hard and almost desperate effort. In this case the whole investment will be sacrificed which the American people has made in the enterprise now under our charge. At least no future return can be expected from it for many years. Under these circumstances the saving of the lives of the American citizens now resident in Turkey in connection with these missions should not be regarded as the only, nor, indeed, as the chief point to be aimed at by the intervention of the United States.

Holding these facts in view and inviting anew the attention of our Government to the great interests here at stake, our society at Boston has instructed us that it does not intend to withdraw from its operations in Turkey, nor from any part of them. At the same time it instructs us to take, as heretofore, any measures that may suggest themselves to us for securing the safety of the American men and women who are the agents of the mission enterprise.

Up to the time of this writing we have not seen any effort made by the Ottoman Government to prevent or limit the violence which has attacked our enterprise. Nor have we as yet been made aware of the use by our own Government of the full means available to it for leading the Sultan to see that an end must be made of the apparent disregard for law which threatens our associates and ourselves. We are unable therefore, to regard our case as desperate. When the Ottoman Government has disavowed publicly and punished its Mohammedan plunderers and murderers without thereby restoring security, and when our own Government officially notifies us that it declines to afford protection to our business and our American associates we shall take what steps are necessary for inducing, if possible, American missionaries in exposed posts to abandon the work to which they have given their lives and devoted the whole of their affections.

But we lay great stress, before any such measure can be contemplated, upon the importance of attempting to make it unnecessary by convincing His Imperial Majesty the Sultan that the United States Government is serious in its purpose of protecting these American interests. The dispatch of the Mediterranean squadron to the Levant has been chiefly useful in this direction; and its increase, and especially the stationing of one of the additional ships at Constantinople, will further tend to influence the minds of those in power here, in a deterrent sense. The prompt dispatch to Harpoot and Erzerum of the consuls provided for by the last Congress will act in the same way, besides exercising, by their mere presence, restraint upon the local officials and at the same time obtaining for our Government such information respecting the general tendencies of Turkish policy as is essential

to a proper understanding of the problem before the United States in these matters.

We have reason to believe that the destruction of the colleges at Marsovan and Aintab is still in contemplation. The temporary dispatch of Consul Jewett to Marsovan (which is in the province of Sivas) would enable you to measure, and will tend to remove the danger, so far as Marsovan College is concerned. The pressure for reparation for the destruction of property at Harpoot and Marash will also tend to suppress further official aggression. High officers of the Government at Harpoot and Marash are alleged to be implicated in this destruction of property, and Ottoman soldiers are known to have been implicated in the plunder and arson. Measures to secure the punishment of such and to force them to disgorge the plunder which they took from our buildings we deem essential to the quick and effective protection of that which remains to us. The method used to bring about the destruction of our property has been to excite the Mohammedan people by reports and proofs that we are seeking to slaughter our Mohammedan neighbors or to overturn the Ottoman Government. Thus is turned upon us the blind wrath of men who have been hitherto on the best of terms with us. This process of inflaming the minds of the people by calumny is now in progress at Aintab, Bitlis, Harpoot, and Marsovan, and can only be stopped by insisting on the punishment of all those who engage in it.

To us, who know intimately the feelings and the working of the minds of the people among whom we live, it appears that all of the points of protection above enumerated can be secured without violence, which we do not desire, and without threats save the silent presence in these waters of a very moderate naval force. The choice of such a line of policy, instead of that of inviting American citizens to withdraw from Turkey, will make secure their great enterprise, their establishments and other property, and their lives. Such is our opinion, and if our Government is urged to adopt this policy, and does adopt it, we, on our part, shall feel no hesitancy in accepting the risks of remaining in the country until it shall have its full effect.

[Inclosure 2 in No. 742.]

Mr. Terrell to Mr. Dwight.

LEGATION OF THE UNITED STATES,
Constantinople, December 27, 1895.

SIR: I received yesterday a paper dated the 26th instant, signed by yourself, the expressed object of which is to make clear the principles which underlie the refusal of the American mission at Constantinople to withdraw its missionaries in Asiatic Turkey, who are beyond the direct influence of the United States Navy, from their posts.

The fact that you have presented in this formal manner the reasons for such refusal seems to require from me an expression of opinion in writing, which has already been conveyed to you verbally. The temporary withdrawal of American missionaries from Turkey has not been suggested by me to any missionary except to you, in whom I recognize an intermediary between our missionaries in Asiatic Turkey and this legation. Though you have never been authorized to reveal my apprehensions to your associates here, it was naturally expected that you would inform the boards in America.

While most willing to incur any odium that may attach to a conscientious discharge of duty, I did not deem it prudent either to increase the alarm of those already in peril, by expressing to them fears for their safety, or by requesting them to leave their posts to excite against myself the prejudices of those who desired them to stay.

To you, to the consul-general, to the secretary of the legation, and, I believe, to President Washburn, I expressed four months ago my conviction that the so-called "reforms" would, when announced, be followed by a massacre of Armenians, and a period of great danger to our missionaries. This view was not entertained by those to whom I have referred, nor by my colleagues; but acting on my own convictions, instant measures were taken for the security of our countrymen. A residence in the southern portion of the United States at the close of our civil war prepared me to anticipate the fearful era through which we are now passing here. I had seen the resentful violence of a proud and dominant race, caused by enforced reforms for a subject race, which was increased by the arrogance of the enfranchised negroes, and which resulted in Kuklux outrages.

It was known here that one at least of the great powers would not consent to the use of force to make the reforms proposed for the benefit of the Armenian race effective. And so, on the 21st of October, when very many persons were rejoicing over the irade which proposed to arm and make officers of a race which had for centuries been subjugated and denied privileges, I demanded and obtained on that day telegraphic orders to every civil and military chief in the Ottoman Empire to protect American missionaries. Once before, in anticipation of those reforms, and four times since, like orders were demanded at the Porte by myself, such frequent repetition being necessary to impress officials in the interior.

These facts are not new to you, for with reference to them and other matters affecting American interests, I have, on account of our isolation at this distant post, conferred with you freely, and thus derived benefit to my countrymen and to myself.

When it is remembered that religious fanaticism has inspired with frenzy multitudes of Mohammedans in whom resentment was excited by the reforms demanded by European powers, some idea of the danger to which missionaries are now exposed can be understood.

Those who profess to know inform me that among many Mohammedans the killing of a Christian becomes a virtue when it tends to advance the cause of Islam. If this be so, those in America who control the movements of their missionaries here must see the danger to which they are exposed in the interior provinces.

The solicitude of our own Government for the protection of our citizens here is continually shown; but while peace between the two Governments continues, and so long as Turkey gives assurances for the protection of our citizens, the United States can not be expected to interfere between the missionary boards and their teachers here, and advise the latter to leave the Ottoman Empire.

I know the magnitude of the interests, pecuniary and moral, which you and your associates are attempting to safeguard here. I understand the self-sacrificing spirit which caused men and women of rare culture to come here and labor to educate and elevate an ignorant race of primitive Christians. And it is because I do appreciate the good work attempted in Asiatic Turkey by our countrymen that I wish to see them removed from posts where they can now do no good to places of safety. In my opinion the Turkish Government should be required

to place and keep a guard over all missionary property in the interior, and wherever it is practicable our American teachers should temporarily withdraw from the interior until tranquillity is restored; unless, indeed, it is deemed more important to keep our people at their posts at the risk of being killed by Turkish soldiers, detailed to protect them, than to preserve them for future usefulness. These are no times for school-teaching, especially when the instructors have no power to protect their pupils.

It is known to you that our missionaries have, in many places, looked down from their windows upon the massacre of the people they came to aid; that mobs have time and again sought to destroy the missionaries and their houses, and have been prevented only by soldiers who joined the mobs in plundering; that a bloodthirsty rabble and the more cruel Koords are waging a war of extermination, in which perhaps 50,000 Christians have already perished; that this day a Turkish guard protects every missionary in the disturbed provinces; that the guards are distrusted, and Christian Europe, after exasperating the Turks with compulsory reforms, now looks with folded hands and does nothing to stop this carnival of blood.

If inspired by that lofty zeal which incites to martyrdom—our grown missionaries prefer to risk destruction rather than withdraw—I have nothing to say, but the little children (and there are many among those 170 missionaries) should be saved. They are not missionaries. Painful as it is to differ with those who think they should remain exposed, I can not abandon the exercise of independent judgment, and I say that the sacrifice of those helpless little ones (who have no volition) through the neglect of those who have power to save them by a timely removal will be done without my approval.

They may, providentially, escape by remaining where they are—some even now it may be impossible to remove—but in my judgment the risk in remaining is too great, for if these massacres continue the Central Government may soon be unable to restrain the fanaticism of the very soldiers I have secured as guards.

Miss Strawn, now in this city, witnessed at Marsovan the repeated rush of an angry mob that sought the destruction of our missionaries there. She looked down on the slaughter of helpless Armenians and heard the wife of Professor Smith say, when death seemed at hand, "Husband, is it not time to kill the children to save them from the Turks?" In that very city renewed apprehensions caused me only yesterday to telegraph Consul Jewett, at the request of President Herrick and yourself, to leave Sivas and go there, unless some peril at his post detained him; and now, while I write, he wires me that another massacre is threatened at Sivas and he can not leave. If those children perish while I have yet power to get safe conduct for them to the seacoast, I could not sleep under the reflection that I failed to offer my assistance to save them. Our physical aid is on the other side of the world and could only be made available in future. The danger is present. If His Imperial Majesty the Sultan is not already convinced "that the United States Government is serious in its purpose of protecting these American interests," it is because he does not understand the force of language already used by me.

All that you have written about the value of American investments in Turkey, of the injury that would result from a suspension of your enterprises and of the duty to remain among the people whom you have come to elevate, is fully appreciated. But the work of destruction goes on, our people are powerless to stop it, winter is upon us and

I can not see how our own Government could give relief in time, even if its entire resources were actively employed.

All your suggestions, relating to diplomatic action, are fully appreciated, for I know the motive that prompts them. The Ottoman Government has been officially notified that when full data showing the value of destroyed property is received, the payment of indemnity with promptness will be demanded. "That the United States Government is serious in its purpose" of protecting American interests is known to Turkey, as shown by the presence of a Turkish guard at every American house in the interior.

Whether the United States will use (as you say) "the full means available to it for leading the Sultan to see that an end must be made to the apparent disregard of law" which threatens your associates and yourself, or will content itself with indemnity for pecuniary losses so long as no missionaries of our people are killed, it is needless to inquire.

Turkey, by the treaty of Berlin, as you know, is under the quasi-guardianship of the great powers of Europe, and it does not seem probable that the United States will assume the burden of correcting that "disregard of law" to which you refer, and which the powers tolerate, so long as Turkey protects American citizens. Compensation can be made for the destruction of property and of business interests, but no adequate measure of value can be found for the destruction of human life. It is precisely for this cause that I think our people should withdraw for a season, for even if they do not value their own lives they should regard the peace of nations which their sacrifice would jeopardize.

I quite sympathize with your desire to see calumniators punished on account of my own experience at this post, but when you reflect that the rival Christian churches of eastern and southern Europe would rather see Asia Minor controlled by Turks than by American Protestants, that this prejudice is so strong that the consuls of one great Catholic power officially reported to their ambassador that our missionaries had encouraged the Armenians to aspire to state autonomy, you will readily understand that the most dangerous calumniators are beyond the control of the Turkish Government.

Impatience under despotism is the natural result of enlightenment. The education of the Armenian race has naturally engendered a desire for larger freedom. Though our missionaries have discouraged sedition and are now in danger from an undeserved popular prejudice which has been fostered by calumnies, a present remedy in this era of suspicion and massacre is not apparent. Those calumnies have been denounced by me to the Porte in a written note. A demand for punishment would be answered by a proposal for a judicial inquiry. Such an inquiry at such a time, and conducted in the interior among the calumniators, I can liken to nothing except suing the devil and trying the case in hell.

I will be excused from expressing an opinion as to whether our naval force in the Mediterranean will be increased.

* * * * *

If, as you suggested, missionaries can not now leave Harpoot on account of the severe winter, the same difficulty would seem to render impracticable your suggestion that a consul should go there. The failure of the two consuls to reach their posts from Trebizond was neither their fault nor that of the United States, nor of the legation.

Your request that those who plundered American property at Harpoot and Marash should be compelled to disgorge it, would require that

its value, which has been itemized, should be stricken from my claim for indemnity. If you prefer that course it can be adopted.

Other suggestions made in your note will, at your convenience, be made the subject of a personal conference, for, though I must be loyal to the convictions of my own judgment when we disagree, it would be regarded as a misfortune if, for that reason, I should be deprived of your suggestions and large experience.

I know that the Department of State feels the utmost solicitude for the protection of all American interests. It has sustained me in every responsibility assumed, which had that protection for its object, and I can not, even by implication, concede that it has neglected the interests of your associates and yourself. It surveys the whole vast field of our nation's complicated embarrassments and duties. Our vision is circumscribed by our isolation.

The interests which you supervise are the chief American interests in Turkey, and are the same interests which I am here to protect. Hence I have departed from my custom and written to you with the utmost freedom, for I know both your prudence and devotion to duty. In the future, as in the past, I shall hope for your suggestions during these perils, even if I shall sometimes disagree with you.

Very truly, yours,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 743.]

LEGATION OF THE UNITED STATES,
Constantinople, December 29, 1895. (Received Jan. 13.)

SIR: I have the honor to call your attention to the inclosed copy of a letter from ———, dated Marash, November 28, which contains a graphic statement of the horrible events there during last month, and which shows the heroism of American womanhood during the massacres. Such letters I send as I can, to keep your Department informed of facts, chiefly valuable as historical data and illustrative of the methods by which the Armenian troubles are being disposed of.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 743.]

Copy of a letter from ———.

MARASH, November 28, 1895.

* * * * *

For four weeks we have been having a reign of terror. Armenians were shot down at sight in the streets, shops and houses were plundered, children disemboweled (I know of two), men's heads put on poles or used as balls in the streets, and every other horrible thing. We were powerless to do anything, but had no fear of our personal safety until the 18th, when we saw all the different parts of the city where Armenians are in flames. The sound of guns continually and the sight of the mobs told us a massacre had begun. We took the girls and ran quickly over to the ——— yard, and were not a minute too soon. I think I have told you about the situation of our premises before. We are the last in the city to the north. There are mountains back of us,

and the city is on land sloping away to the south so we can look down over it. Everybody here has a wall of some kind around the yard. Ours is of the better class; of course, of mud, brick, and stone, from 8 to 12 feet high. However, it would not keep anyone out who wanted to get in, for it is not built to stand much. Well, our college yard is at the west, then a lane, and then the theological seminary yard, as large as from your house to the road; then another lane, then the ——— yard. There are high, strong doors in the wall, and a beam of wood to draw across and lock. When we got over to the last yard they broke into the one we had just crossed and commenced plundering two buildings of ours there. They were occupied by a native professor and his family, who took care of a great number of boys here to be educated. It is the academy—a part of our work here.

Now, in this country they don't have places where you can buy wheat flour and other provisions any time in the year, so the people have to store it away in their houses for the whole winter. The premises were broke into the one we had just crossed and commenced plundering two buildings of ours there. They were occupied by a native professor and his family, who took care of a great number of boys here to be educated. It is the academy—a part of our work here.

We were peeping through a shutter and saw them seize the woman and hold a sword over her. She pulled herself away, pointed to another part of the yard where there was a cave and ran away. They rushed to the cave, dragged out two theological students, shot them over and over again, and then held them up and hacked them with a sword, but finally left them to help carry away plunder. There were several native houses looking over the walls and we could see the soldiers in them all. Ten people had fled to us, so that in the two houses in the ——— yard there were 200, mostly women.

The fray became wilder. They set fire to the theological seminary, and we had no more hope of living then. Well, it seemed madness to think of hope. We knew that they would leave no foreigner alive to testify to that day's work; but the bloody work and pillage dragged on for eight hours. They had to carry things quite a distance to the barracks. There seemed to be some kind of order among them, different bands coming at different times, but some there all the time. It came to me that this was God's way of helping this poor land. If we were killed, of course America would have a hand in this question, and we had come here to give our lives for them anyway; only, instead of dragging out long years of weary and imperfect labor, it was to be one great sacrificial day. I don't think I prayed much to be spared. It seemed so sure that we were not to be, and I dared not ask anything more than that His will might be done. I thought of all the dear friends who had done so much to make my life happy, and I thought of the things I had left undone and the things done amiss. Oh, how trivial things look when one is facing eternity that seem so important at other times!

It was as much my last hour as any I shall ever face. The seminary was flaming near us; the smoke came up from the city and, with the coming darkness, was closing over us like a funeral pall. I had said,

"They will send a larger detachment here, because they may think we will resist;" and just as the last had left the seminary yard, behold, as if by magic, the street was full of Arabs, each with his gun ready to fire. My associate turned from the window quietly toward me and said, "They have come." I also turned to go downstairs and be with my dear girls at the last. Oh, if it was nothing worse than death awaiting us at the hands of those fiends! There was loud knocking and voices—friendly voices. What did it all mean? Someone opened the gate and women were coming in and our native professor. Had I gone mad? I did not faint, but I will not answer for what would have happened if I had not seen them bearing in the wounded theological students. I rushed past Miss B. saying, "Go to the girls, I must attend to their wounds." They brought one into the kitchen and another in another room. The native mattress is thick, and they put it on the floor—there are no bedsteads here but ours—and the room filled to overflowing with men mourning in a truly oriental fashion. It was no use to tell them to get out; I had to use physical force to put them out. Someone called out, "It is a guard!"

I built a fire and rolled bandages and tore away the clothing almost while I am telling it. They were cold, terribly cold, from the loss of blood, and in a few moments more the stove covers were wrapped in paper and cloths and put by them, and brandy and laudanum followed. One Samuel Hoja had the viscera protruding from his side, and I saw that death was near. He said he had not so much pain now, but was cold and tired—so tired! He insisted it was the only wound he had, but I could see others cut to the bone, but they were not bleeding. I did all I could for his comfort and rushed back to Stillione, the Greek. My! And such a brave fellow as he was! The number of shots and cuts he had was a curiosity, and his clothes were soaked in blood! Yet three of his wounds escaped by a fraction of an inch of being fatal. A bullet struck a rib and, glancing, went out 2 inches beyond; his foot was shot through, but no bones broken, while a great gash in his head showed plainly how dulled the sword had become. His hands and foot had bad gashes, too. The blood had covered him and dried on so that he was a dreadful sight. He kept telling me that he was going to live—to go to Samuel; but wouldn't I give him some more of that medicine, "laudanum." I got his wounds pretty well dressed, left a school-mate working at his head and hair, and went to Samuel.

Turning him to put a bandage firmer, I found my arms and hands saturated with blood. The bullet had come out the center of the small of his back. It was a bloody baptism I can never forget. He begged me to give him hope, called for his mother, and spoke to his Savior, and after hours—near midnight—he died, or rather began to live. Both were young men of 25 or 26, college graduates, and would have become ministers when they finished here. I closed his eyes and hurried back to Stillione. His foot had troubled me greatly, for I could not stop the bleeding, and I told him I must sew it. Washing some of the blood from my hands, I proceeded with embroidery silk to take two deep stitches. I heard him grate his teeth, but that was all. I had kept the room very hot for his benefit, and took such a severe cold that I was confined to my bed several days. Next day the army doctor came. He was a Greek, too, and a Christian. He told of some cases he had—houses full of the wounded, and scenes to wring a heart of stone. Stillione is living, and will get well we trust.

Just below us, and in plain sight, was a large house, the home of our Miss Nuritza. She was educated at the capital and speaks English as

we do, and is one of the sweetest girls I ever knew. She is our teacher, and her mother, a widow, had been our teacher, too. Miss Nuritza was with us, but her mother, grandmother, grandfather, uncle, and his family were in the house. She stood at her window here and heard the mob beating down the gates, heard the shots, and every single one above named was killed; the aunt only escaped with her little girl who was murdered. Then the house was plundered of everything and burned with their bodies. Next to them was an Armenian merchant. His wife was the daughter of the richest man in the first church. (He was killed and mutilated, to begin with, four weeks before.) This woman's husband was killed, the house robbed and burned, and she was there quieting her hungry children.

But there are hundreds and hundreds. The people have mattresses on the floor and quilts which they fold and put into niches in the wall. Of course they were all taken, and their dishes, clothes, provisions—every single thing.

Many times houses were not burned because they were near Moslem dwellings. Two Armenian churches were burned, in one of which women and children had taken refuge. They were all lost, of course.

The Government has had experience in burning American property in Turkey before, and they invariably have to pay; so, when our building was burning they made up their minds after all not to have any more damage done to our property. They seemed to be so intent on plunder that they did not make killing their principal business at the last, but they themselves report 4,700. That is too many altogether, we think. They seemed to pick for leading men; but, for all that, spared none they could lay their hands on. There seems to have been some order to spare the women, as not many of them were killed, if not too handy, I suppose, and many were burned in the church. * * * In one place the soldiers were drawn up in line, and the bugle sounded, and they rushed to their work of plundering and murder.

Of course there is famine here already. We are doing all we can, but what is a little among so many?

Oh, if help could only come from America! I suppose our board would send a cablegram to our treasurer in Constantinople and it would be telegraphed us. It is astonishing how little it takes to keep life in the body here. I suppose 10 cents a week would do it. Oh, it is so pitiful to see our little school girls hungry, their fathers killed, their houses gone, and dozens crowded into a miserable house, so hungry, and without fire, without shoes, beds, or bedding!

Mr. Olney to Mavroyeni Bey.

No. 62.]

DEPARTMENT OF STATE,
Washington, December 30, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant, in which, in view of an unfavorable report alleged to have been made to this Department by Mr. Chilton on occurrences at Trebizond, you inclose, by way of information merely, the report of the local authorities of Trebizond, making it appear that force of arms had to be resorted to in order to put down rebellion of Armenians.

Mr. Chilton's reports of events of which he was an eyewitness during his stay in Trebizond have not been printed, and the statement in

the press that they were "rather unfavorable to the Turkish authorities" was not authorized. The Department is satisfied of the impartial fidelity of the narratives furnished to it by Mr. Chilton.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 749.]

DEPARTMENT OF STATE,
Washington, December 30, 1895.

SIR: I have to acknowledge the receipt of your No. 719, of the 12th instant, and to approve your course in addressing to the minister for foreign affairs your appreciation of the gratifying conduct of the Turkish officers and soldiers in protecting American citizens and their property during the disturbances at Aintab on the 16th ultimo.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, December 31, 1895.

Missionaries at all interior posts reported safe and protected by soldiers. Bloody outbreak Ourfa 28th. Safe-conduct promised for Miss Shattuck, who is there alone, to Aintab. Porte agrees that relief for destitute at Harpoot may be extended under a commission of three—Barnum, one Turk, one native Christian. He has American and English charity funds. The Porte denies complicity of officers or soldiers in destroying American property. Am ready with data as to damages to demand indemnity. Shall I do so now and consent to send a commission to inquire if requested, or wait for further instructions?

TERRELL.

Mr. Terrell to Mr. Olney.

No. 751.]

LEGATION OF THE UNITED STATES,
Constantinople, January 1, 1896. (Received Jan. 17.)

SIR: I have the honor to inform you that a telegram, just received from Consul Jewett at Sivas, informs me that he has left Sivas for Marsovan.

The apprehension of a renewed massacre which prevented him several days ago from going under my telegraphic order to Marsovan, temporarily, on the application of missionaries here, no longer exists, I presume, at Sivas.

I have, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 2, 1896.

Your 725 shows that promised protection was not given to American citizens at Cæsarea until danger was virtually over. Represent this

strongly, and ask signal rebuke of delinquent officer and peremptory orders for instant protection in any threatened quarter at the first sign of disturbance. The assurances of the Porte must be supported in fact in order to satisfy this Government.

OLNEY.

Mr. Olney to Mr. Terrell.

No. 751.]

DEPARTMENT OF STATE,
Washington, January 2, 1896.

SIR: I have received your Nos. 700 and 703, both of the 3d ultimo, reporting Turkish charges of sedition against American missionaries at Bitlis.

The Department recognizes the wisdom of your suggestions and approves your course in denouncing the charges as false.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 755.]

DEPARTMENT OF STATE,
Washington, January 2, 1896.

SIR: Your dispatch No. 716, of the 10th ultimo, reports the communication received by you from Admiral Selfridge, commanding the United States naval force on the European station, with which is inclosed a letter addressed by him on the 30th of November to the vali of Aleppo in regard to the destruction and pillaging of a part of the American missionaries' premises at Marash.

Since your dispatch was received the Secretary of the Navy has advised me of a subsequent report from Admiral Selfridge, under date of December 2, stating that in consequence of receiving later information of a more favorable character from Marash, he recalled his letter of November 30 to the vali of Aleppo, which had not yet been forwarded from Alexandretta, and has substituted for it another letter of December 2 in somewhat modified terms. I inclose for your information copy of this later communication to the vali, although I presume you will have received it in due course from Admiral Selfridge. It is observed that, besides more accurately stating the character and extent of the injuries suffered by American citizens at Marash, it omits reference to treaty obligations in the premises, and this bears less appearance of inviting international discussion with a provincial authority.

In acknowledging the last letter of the Secretary of the Navy occasion has been taken to intimate that diplomatic discussion of the character in question between the naval agents of this Government and the provincial authorities of the Empire may not be expedient or necessary, in view of the ordinary conduct of such correspondence through the regularly accredited channels, unless some emergency should render the usual resort impossible and require instant action on the spot to prevent imminent peril to American citizens or their interests.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 755.]

*Mr. Herbert to Mr. Olney.*NAVY DEPARTMENT,
Washington, December 27, 1895.

SIR: I have the honor to transmit herewith, for your information, a copy of a letter from Rear-Admiral Thomas O. Selfridge, commanding United States naval force on European station, dated the 2d instant, inclosing a translation of a letter written by him to the vali of Aleppo, in regard to the plundering and burning of the American mission station at Marash.

I have, etc.,

H. A. HERBERT,
Secretary.

[Subinclosure 1 in No. 755.]

*Rear-Admiral Selfridge to Mr. Herbert.*U. S. S. SAN FRANCISCO,
Alexandretta, Syria, December 2, 1895.

SIR: In consequence of receiving later information of a more favorable character from Marash, I recalled my letter of November 30, 1895, to the vali of Aleppo, a translation of which was sent to the Department with my letter No. 20. The letter to the vali had not been forwarded from Alexandretta.

I have this day written the vali of Aleppo another letter in regard to the plundering and burning of the American mission station at Marash, and inclose herewith a translation of the same.

Very respectfully,

THOMAS O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Subinclosure 2 in No. 755.—Translation.]

*Rear-Admiral Selfridge to Moustapha Zihni Pasha.*ALEXANDRETTA, SYRIA, *December 2, 1895.*

SIR: I learn with deep regret, through the American consul at Aleppo, that, notwithstanding the orders from His Majesty the Sultan to the different valis to protect the property of foreigners in his dominions, the establishments of the American mission at Marash have been plundered and a portion burned by Turkish soldiers.

It becomes my duty as commander in chief of the United States naval forces to state strongly to your excellency that my Government will hold those responsible to a strict accountability for injury done to American citizens and their property.

I expect that you will, in accordance with the orders from the Sultan, at once arrest and punish those persons engaged in this outrage, and that you will take more strenuous efforts to protect Americans and their property residing in your vilayet.

I have, etc.,

THOMAS O. SELFRIDGE,
*Rear-Admiral, U. S. N.**Mr. Olney to Mr. Herbert.*DEPARTMENT OF STATE,
Washington, January 2, 1896.

SIR: With your letter of December 23, the receipt of which I had the honor to acknowledge on the 26th ultimo, you communicated copy of a report from Rear-Admiral Selfridge, commanding the United States naval force on the European station, under date of November 30, to which was appended copy of a communication addressed on that day

by the admiral to the vali of Aleppo in regard to the burning and plundering of the buildings belonging to the American mission in Marash. I have now received your later letter of the 27th ultimo, by which it appears that, under date of December 2, Admiral Selfridge recalled his letter of the 30th of November to the vali of Aleppo, and substituted another letter under date of December 2.

In a dispatch, No. 716, of December 10, 1895, Mr. Terrell communicates to the Department copy of the first letter written by the admiral to the vali, which he had received from the admiral. It is presumed that in due course Mr. Terrell will inform the Department of the withdrawal of that letter and the substitution of the later one of December 2.

As to the substance of the two letters written by the admiral to the vali, the later communication appears, on several accounts, to be the more preferable, in that it more correctly recites the injury done to the establishments of the American mission at Marash and omits reference to treaty guarantees, which might have opened the way to unnecessary discussion of a diplomatic question between himself and a subordinate official of the Turkish Government.

Without being aware how far the instructions given to the admiral contemplate direct correspondence by him with provincial governors, it may be observed that independent local treatment of diplomatic questions, which are necessarily the subject of direct correspondence through the accredited channels of international communication, may be as a general thing undesirable in dealing with a government like that of the Ottoman Empire, in which power and responsibility are centralized at the capital; and that it would seem preferable that correspondence affecting the international rights of our citizens in Turkey, or of this Government as their protector, should be conducted through diplomatic channels, unless some emergency should render that course impossible and make immediate action on the spot necessary to avert imminent peril.

This Government had already through the minister at Constantinople notified the Government of the Porte that it would be held to strict accountability for injury to American citizens and their property, and a suitable demand in the premises, through the same channel, only awaits ascertainment of the measure of reparation to be asked.

I highly appreciate the zeal and energy shown by Admiral Selfridge in his efforts to further the interests of American citizens in that locality; and I doubt not that, occasion arising, his cooperation toward the attainments of the ends in view by this Government will be energetic and effective.

I have, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, CONSTANTINOPLE, *January 2, 1896.*

Barnum distributes relief without restraint at Harpoot. Statement published that I advised missionaries to leave is not true. Have not given opinion, except privately to Mr. Dwight. Such publication weakens my power to protect if they remain. No concert to enforce tranquillity by the Powers; the Sultan knows this.

TERRELL.

Mr. Terrell to Mr. Olney.

No. 755.]

LEGATION OF THE UNITED STATES,
Constantinople, January 2, 1896. (Received Jan. 17.)

SIR: I have the honor to inclose for your information copies of two letters just received from Rev. C. S. Sanders, a British subject, who is doing missionary work at Aintab and other places in the province of Aleppo.

His letter of the 12th ultimo reveals his belief that all our people at Aintab would at once be sacrificed by the populace if the Turkish soldiers who guard them were withdrawn. He also announces that notwithstanding this it is thought best not to place the women and children in a place of safety.

I heartily indorse the desire of Mr. Sanders that some recognition of the services of Mr. Poche be tendered to him, in view of the faithful service rendered by him in protecting the interests of Americans. He is an Austrian subject and has been for many years indefatigable in the discharge of his duty as our consular agent at Aleppo.

Mr. Sanders's letter of the 18th gives me uneasiness, for if the troops there prove false our people will be butchered. I will at once have stringent orders renewed, and if possible have regular troops stationed at Aintab.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 755.]

Mr. Sanders to Mr. Terrell.

AINTAB, December 12, 1895.

DEAR SIR: You will wish to hear from us by each mail. Last week I repeated my letter of the week previous. We find our letters to Mr. Poche are delivered all right, and hope our letters to you are delivered likewise.

This past week has been uneventful. An investigating committee has come, but so far seems to have done nothing. We are also protected by the military so far; our faithful Baridjik troops are doing finely by us, but on the other hand their numbers are rapidly decreasing, and most of the poor fellows left are half dead with the exposure incident to standing guard in the open space between our college and our other buildings. Our kaimakam is a good fellow, and our Moslem neighbor Haji Hasseyn Agha continues his kindness. So far we are all right, but were the military withdrawn to-day I doubt if one of us would survive twenty-four hours. It is extremely likely an effort will be made to mix our college up in so-called rebellion. The reason, however, why the Hunchagian Society had so little success in it is the determined opposition it encountered from the college crowd. We would all welcome an impartial investigation. There was a little coquetting at first, but finally it became very strong opposition.

As far as our ladies and children going to the coast is concerned, we have decided that it is not best, just now at least. We wish Miss Shattuck to come in from Ourfa, and she wishes to come in. We wired Mr. Poche, but so far without response. She can not honorably leave her three native teachers, and I presume that this may be the trouble. She also does not wish to leave her servant and his family. Mr. Poche is as watchful and careful of us as ever. Is it utterly impossible to

get the United States Government to do something handsome for this man, who has served her so faithfully for so long a period?

We can not sufficiently express to you our thanks for the firm stand you have taken for us, which probably has saved our lives, as well as the lives of scores of other Americans.

A year ago we were absolutely safe among the Moslems; now the rise of fanaticism and hate on one side and of Hunchagism and hate on the other has made a pretty mess of everything.

Yours, in haste,

C. S. SANDERS.

[Inclosure 2 in No. 755.]

Mr. Sanders to Mr. Terrell.

AINTAB, TURKEY, *December 18, 1895.*

DEAR SIR: I believe a telegram was received from you since the last I wrote you, informing us of renewed assurances of protection from the Government, etc. For all these assurances we thank you very much. We are so much hated now that were it not for the protection which the pressure you bring to bear causes to be afforded us we would have been finished up long ago. As it is, we are entirely safe through your efforts.

The Beridjik regiment continues to be the one to guard our part of the city, and we are entirely safe with them, but the Aintab regiment is not at all good. Aintab would be much safer were they sent away or even disbanded. While they defended us well the day of the first outbreak, Saturday, November 16, their rifles helped on the infernal work in the city, with no effort whatever to stop it. They seem also to have done considerable looting on their own account. The past week there has been considerable tendency on the part of the people to rise again against the Christians. The vigilance of the military has averted it. They did rise once but were scattered before they could get to the Christian quarter.

Eleven boys, including an assistant teacher and a cook, ran away from the college in two bands. Mr. Fuller gave the Government notice, and since then one has been captured; the others were at last accounts unaccounted for. The Government seem to take no special notice of it—at least have no special spite against the Americans so long as they gave notice of the affair to the Government—but it will probably go hard with the boys if caught. Otherwise the week has been without incident. The number of slain seems to be just about 400. The money loss is very, very heavy. I am trying to get some trustworthy estimate. Probably it will go above 100,000 Turkish pounds. When you think that in Aintab a single Turkish pound represents at least twenty-five days of labor, you can realize how crushing is the disaster which has befallen our city.

Yours, truly,

C. S. SANDERS.

Mr. Terrell to Mr. Olney.

[Telegram.]

PERA, *January 3, 1896.*

Instructions in telegram of 2d anticipated and executed. Nine hundred just killed between Ourfa and Aintab. Road is not safe for Miss Shattuck, who wires she is well, but distressed. Porte declares mis-

sionary statement that soldiers pillaged boarding school at Marash to be calumny, and says missionaries sent address of thanks for protection there afforded. It may have been sent, for the poor men were in fearful duress.

TERRELL.

Mr. Olney to Mr. Terrell.

No. 762.]

DEPARTMENT OF STATE,
Washington, January 4, 1896.

SIR: Your Nos. 705 and 709, of December 4 and 5, respectively, in regard to the destruction of American property at Harpoot, have been received. With the former you inclosed a statement of the American losses, which foot up \$87,985, and with the latter a letter from Rev. Mr. Barnum, which circumstantially shows the connivance of the higher military officers at Harpoot in the attack on the Christian quarter and their responsibility for the unchecked destruction of the American buildings.

The Department approves your announced intention to demand indemnity for these losses and those at Marash as soon as the amount of the latter is known.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 756.]

LEGATION OF THE UNITED STATES,
Constantinople, January 4, 1896. (Received Jan. 20.)

SIR: I have the honor to inclose for your information a letter from Admiral Selfridge, dated Smyrna, 25th ultimo, which incloses the copy of a letter from the vali of Aleppo without date, in which the latter denies that the soldiers were responsible for the burning and pillage at Marash.

I also inclose a copy of my response to the letter of Admiral Selfridge.

I have, etc.,

A. W. TERRELL.

[Inclosure 1 in No. 756.]

Admiral Selfridge to Mr. Terrell.

U. S. S. SAN FRANCISCO,
Smyrna, Asia Minor, December 25, 1895.

SIR: I have the honor to inclose you a letter from Moustapha Zehni Pasha, the vali of Aleppo.

You will see that not only he denies that the mission buildings at Marash were set on fire by Turkish soldiers, as intimated by Mr. Lee in his narrative of the events that took place at Marash, but the vali adds that a testimonial of satisfaction was given to the Turkish commander by the American missionaries.

Very respectfully,

THOS. O. SELFRIDGE,
Rear-Admiral, U. S. N.

[Inclosure 2 in No. 756.]

No. 319.]

Vali of Aleppo to Consul at Aleppo.

I have noted the letter of Admiral Selfridge, commander of the American fleet, which was sent to me from Alexandretta through you.

In this letter the admiral brings to my knowledge that the establishments of the American missionaries were pillaged by Ottoman soldiers and a portion of them burned, and states that he holds the authors of these damages responsible, and requests the protection of the lives and property of the Americans residing in this city.

In reply to the admiral's letter, I bring to your knowledge that the houses and schools of the missionaries, surrounded by walls, were protected by soldiers and gendarmes, so that no one could enter them from outside. It is unknown since then how it was that a fire broke out in one of the establishments. The fact is that as soon as the fire broke out the troops, led by officers, entered to localize and put out the fire. As to the sacking of the establishments, it has been reported to me that it was an unfounded and false invention.

I also have to inform you that I have been notified that the commandant of Marash, Ferik Pacha, has received from the American missionaries a testimonial of satisfaction for the good services rendered by the soldiers.

I also have to tell you that during the preceding troubles the foreigners have suffered nothing, and that at present all foreigners and natives are very particularly placed under Government protection.

I take, etc.,

MOUSTAFA ZEHNI,
The Vali of Aleppo.

[Inclosure 3 in No. 756.]

UNITED STATES LEGATION,
Constantinople, January 4, 1896.

SIR: Your delayed letter of December 25 is received, which inclosed one from Moustafa Zehni, vali of Aleppo, to the United States consul, in which the vali denies that the soldiers pillaged American property at Marash, or were responsible for the fire there.

The missionaries there say that their property was burned and pillaged by Moslems. A commission to ascertain the facts may become a necessity. Those who commit arson are quite as likely to lie about it as those who suffer from it. The telegraphic news from the interior is still terrible. Until conditions improve I regard the presence of your boats in the eastern Mediterranean as of the utmost importance.

Very truly,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 758.]

LEGATION OF THE UNITED STATES,
Constantinople, January 6, 1896. (Received Jan. 20.)

SIR: In connection with my No. 703, of December 3, I have the honor to transmit herewith for your further information copy of a dis-

patch from the British consul at Erzeroum to the British ambassador, relating to the position of the American missionaries at Bitlis.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 758.]

Mr. Cumberbatch to Sir Philip Currie.

No. 312.]

ERZEROU, *December 16, 1895.*

SIR: With reference to my dispatch No. 289, of the 25th ultimo, I have the honor to report, for the information of the United States minister, that Her Majesty's vice-consul at Van informs me that Dr. Raynolds has returned to that place, but that the American missionaries in Bitlis have decided to remain in the latter town for the present, in the hope of a change for the better, though their position is very unpleasant, especially that of Mr. G. Knapp, who, though he has a strong guard on his premises, has not been able to venture outside his house since the massacres, as it appears that the vali and the Moslem population are still greatly excited against the Christians, and especially against him.

I have, etc.,

H. A. CUMBERBATCH.

Mr. Terrell to Mr. Olney.

No. 757.]

LEGATION OF THE UNITED STATES,

Constantinople, January 6, 1896.

SIR: Referring to my No. 756, of January 4, which inclosed the copy of a letter from the vali of Aleppo, who denied all connection of the Turks with the burning at Marash, I now inclose the copy of a letter just received from Rev. L. O. Lee, with his estimate of loss. * * *

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 757.]

Mr. Lee to Mr. Terrell.

MARASH, TURKEY, *December 9, 1895.*

DEAR SIR: I have previously written you of the burning of our theological seminary by soldiers on the afternoon of November 18, when we were left without a guard during three-fourths of the time during which the massacre of 9,000 or 10,000 Christians was in progress. It is true that some officer was seen about noon to enter the seminary grounds and drive off the soldiers who were plundering everything, but the moment his back was turned they proceeded with their work, and in the end fired the building. They also robbed the academy boarding house and then attempted to fire it. Some soldier of their number seems to have opposed the deed, as we observed him throw out burning materials and prevent another soldier from returning to repeat the act. The captain who had been our guard for three weeks says that he found combustibles on fire when he arrived, and extinguished them. I have

in my possession partially burned books from the building and the fire marks in the closet still remain. A summerhouse of ours in Kerhan, three hours distant, is burned, together with the guardhouse near by. There could hardly be a clearer case for reparation all round.

I inclose a careful estimate of all our losses, and reserve a copy. The losses are divided into three classes, numbered 1, 2, and 3, respectively. When the reparation is granted, it will only be necessary to state how much is granted under each head. I can go into much fuller detail, if necessary. I have taken pains to prepare the lists in such a way that if any Turkish commission visits us for investigation we can stand questions.

Hoping that the case will be pushed along at a rapid rate, so that we can rebuild at an early date,

I remain, etc.,

L. O. LEE.

My telegram in answer to your inquiry said that our loss was 2,400 Turkish pounds. It arose from a mistake in addition that I reported too much.

[Subinclosure in No. 757.]

Inventory of American property lost by fire and robbery at the hands of soldiers in Marash, Turkey, November 18, 1895.

	Turkish pounds.
Theological Seminary building.....	600
Lumber belonging to the Girls' College of Marash, stored in the building...	100
Furniture, tables, library cases, bedsteads, benches, stoves, lamps, black-boards, tableware, kitchen utensils, firewood, charcoal, provisions, and smaller items of this sort belonging to the seminary.....	57
Maps, 3½; four pictures, 1; three clocks, 2; panorama of Jerusalem, ½; organ, 5; paint, 5; books of Mr. Lee and Miss Blakeley, 4½; telescope, 10.....	31½
Library of 1,500 books.....	1,000
Furniture and provisions in the academy boarding house.....	22
One summerhouse in Kerhan and watchman's house near by.....	63
Losses of six students in the Theological Seminary of bedding, clothing, books, and other property.....	103
Losses of the preacher of the Third Church, rooming in the seminary building, and books there belonging to the Third Church.....	44
Losses of two academy teachers in American employ and rooming in the building.....	81
Loss of Mr. Simon Terzian, a teacher of the seminary, books remaining in the building.....	1
Losses of 12 students rooming in the academy building.....	36½
Loss of Prof. Elisha Roobian, teacher of the girls' college and residing in the academy building as supervisor of the academy students there.....	70
Robberies by soldiers a day or two later from an American house in the same grounds with the seminary and occupied by Mr. Terzian.....	5½
Total.....	2,214½

L. O. LEE,
American Citizen.

F. W. MACALLUM,
British Citizen.

Mr. Terrell to Mr. Olney.

No. 761.]

LEGATION OF THE UNITED STATES,
Constantinople, January 6, 1896. (Received Jan. 20.)

SIR: I have the honor to inclose herewith translation of a note I have received from the minister for foreign affairs, denying complicity of the Ottoman troops in the recent outrages at Marash.

I have written to Marash to inquire of Mr. Lee the circumstances under which the missionaries sent their "address of thanks" to the military commandant, and requesting that a copy of the same be forwarded to me.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 761.—Translation.]

Tevfik Pasha to Mr. Terrell.

MINISTRY OF FOREIGN AFFAIRS, SUBLIME PORTE,
December 30, 1895.

MR. ENVOY: I have received the note, No. 101, which your excellency was pleased to address to me on the 4th of December, relating to the pillage of the American seminary and boarding school at Marash and to the fire in the seminary.

The governor-general of the vilayet of Aleppo being questioned on this subject, answers by telegraph that the above-mentioned seminary and boarding school, which were already guarded by the mounted gendarmerie, were, on the day of the disturbance, also protected by troops in sufficient number.

As for the fire, which started in the interior of the school itself, it was, thanks to the immediate measures adopted by the local authorities, put out, after having destroyed only one wing of the building and occasioned a loss which may be estimated at the very most at 150 Turkish pounds.

On the 20th of November (old style) Capt. Abdul Kadir Effendi, who was charged with the protection of the missionaries, on being notified by them that a fire had just broken out in the seminary, established the fact that [a constaté que] a certain quantity of charcoal and hay piled up in the stable had been set on fire. Happily, this attempt in like manner failed and caused no damage.

As for the alleged pillage of the seminary and boarding school by soldiers of the Imperial army, that is an entirely uncalled-for calumny, and your excellency will be the first to acknowledge the groundlessness of this allegation when you learn that the missionaries themselves sent an address of thanks to the military commandant for the aid and protection which had been afforded them on the day of the fire by the Imperial troops. Their seminary and school are still looked after by the gendarmerie.

An answer in the same sense as the preceding has already been given by the Imperial authorities of the vilayet to the United States consul in the capital of the province, who had sent a statement to them, together with a letter on the subject from the commander of the American war vessel which was then at Alexandretta.

Such being the facts in their true light, I feel sure that your excellency, with your sentiments of equity and enlightened appreciation, will bring them to the knowledge of your Government for its full edification.

Receive, etc.,

TEVFIK.

Mavroyeni Bey to Mr. Olney.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, January 8, 1896.

MR. SECRETARY OF STATE: It was rumored some time ago that real property belonging to the foreign missionaries at Harpoot had been burned down in sight of the Imperial troops.

Now, here is what the Sublime Porte writes to me under date of December 21, 1895:

The governor-general of the vilayet of Mamouret-ul-Aziz, who had been asked for information on the subject, replies that this assertion is destitute of all foundation. In short, during the disturbances caused by the Armenians of Harpoot, the Imperial troops did not fail to do everything in their power for the protection of the foreigners, and it was only due to the efforts made by them that the fire which originated in the houses of certain residents of Harpoot was not communicated to the greater portion of the property of the missionaries. Moreover, a company of soldiers is still ordered to watch over the safety of the said missionaries.

Accept, etc.,

MAVROYENI.

Mr. Olney to Mr. Terrell.

No. 776.]

DEPARTMENT OF STATE,
Washington, January 10, 1896.

SIR: I inclose for your information a copy of a letter of the 4th instant from the president of the Massachusetts Agricultural College at Amherst, and of my reply of the 8th, in relation to the protection of the American citizens who reside in the interior of Asia Minor and devote themselves to missionary and educational enterprises among the local Christian population in that quarter.

I am, etc.,

RICHARD OLNEY.

[Inclosure 1 in No. 776.]

Mr. Goodell to Mr. Olney.

MASSACHUSETTS AGRICULTURAL COLLEGE,
PRESIDENT'S OFFICE,
Amherst, Mass., January 4, 1896.

SIR: I am president of the Massachusetts Agricultural State College. I am a son of William Goodell, the missionary, who for forty years labored in the Turkish Empire, frequently at the risk of his life. I was born in the city of Constantinople, living there sixteen or seventeen years prior to coming to this country. My sister, Mrs. Barnum, her husband, and daughter are shut up in the city of Karpoot, having lost everything they possessed. I understand that an assurance has been given them and their associates of a safe conduct to the seacoast if they will abandon their posts.

Realizing fully the deadly peril in which they are placed, and understanding, as no one can who has not lived in the East, the utter irresponsibility of the fanatics by whom they are surrounded, I must still protest against such an alternative being urged upon them. I am not aware that a single individual among the 300 citizens of the United

States laboring on Turkish soil has ever expressed a wish to accept these terms. I am not aware that the American board itself, under whose auspices they are prosecuting their missionary work, has ever felt it wise to advise their removal. A far deeper question is involved than that of abandoning an enterprise because there are risks attached to it. If that consideration obtained, there would be no progress in the world, for all enterprises are attended with risks.

Of the value of this work undertaken by missionaries there is no uncertain testimony. Permit me, sir, to transgress on your patience by quoting from a recent article of the bishop of Ripon, England:

In the report of the secretary of state for India, 1871 and 1872, we read:

"The Government of India can not but acknowledge the great obligation under which it is laid by the benevolent exertions of missionaries, whose blameless example and self-denying labors are infusing new vigor into the life of the great populace under English rule, and are preparing them to be in every way better men and better citizens."

The report of the Indian educational commission for 1883 tells us, "The most successful efforts yet made to educate Indian women have been conducted by missionaries."

"Notwithstanding all that the English people have done to benefit India," said the late Lord Lawrence, "the missionaries have done more than all other agencies combined."

To the practical benefits Charles Darwin bore this testimony:

The lesson of the missionary is the enchanter's wand. The march of improvement consequent upon the introduction of Christianity throughout the South Sea probably stands by itself, unique in the records of history.

An article in the *Revue des Deux Mondes*, the 15th of June, 1866, says:

Before the arrival of the missionaries the natives had no word to express home comfort. How different is the case now!

Mr. Wallace writes, speaking of Minnehassa in Celebes:

The missionaries have a right to be proud of this place. They have helped the Government in a remarkably short time to convert savage tribes into a civilized people.

To the testimony of Lord Stratford de Redcliffe to the value of the missionary work in Turkey I need not allude, for it is known to the whole civilized world.

Is the average of risk in missionary enterprises any greater than in the ordinary enterprises of war, of traffic, or of discovery? Were these missionaries peaceful traders plying their vocations in the Turkish Empire, would there be the slightest hesitation on the part of our Government to demand in the most emphatic manner protection for their persons?

To evangelize is, with Christianity, the necessary outcome of her spirit. It can never cease as long as Christianity is a living religion. Missionary work can only perish with the death of the Christian faith. For the missionaries to withdraw from their posts in the Turkish Empire, centers of humanizing and Christianizing influence, is to abandon those rights and privileges which they have hitherto enjoyed under existing treaty between Turkey and the United States and sanctioned by the unbroken usage of well-nigh seventy years. Nay, more. It is to surrender those principles of civil and religious liberty guaranteed by the hatti sherif of Gul Hane in 1839, confirmed by the pledge of the Ottoman Porte in 1844 in these words: "Henceforth neither shall Christianity be insulted in my dominions, nor shall Christians be in

any way persecuted for their religion;" reaffirmed by the firmans of 1850-1853, and finally "confirmed and consolidated," to use the words of the act, by the celebrated Charter of Civil and Religious Liberty in the Hatti of Humayounn of 1856, pledging that "No subject of my Empire shall be hindered in the exercise of the religion that he professes, nor shall he be in any way annoyed on this account."

For these reasons, I ask, sir, that the missionaries remaining in the Turkish Empire be protected to the fullest extent. Their missions are addressed, not to the Turks themselves, but to the Christian subjects, whose rights have been guaranteed in the most absolute manner by the charters above named.

I am, etc.,

HENRY H. GOODELL.

[Inclosure 2 in No. 776.]

Mr. Olney to Mr. Goodell.

DEPARTMENT OF STATE,
Washington, January 8, 1896.

SIR: I have received and considered with interest your letter of the 4th instant, in relation to the protection of those American citizens who reside in the interior of Asia Minor and devote themselves to missionary and educational enterprises among the local Christian population in that quarter.

Your letter presents various considerations tending to show the inexpediency of removing those beneficial agencies from their fields of labor. I note, however, that your remarks are based upon your understanding that an assurance has been given to your relative, Mrs. Barnum, who with her husband and daughter are shut up in the city of Harpoot, and to their associates, of a safe conduct to the seacoast "if they will abandon their post," and I infer that you suppose that a similar course has been pursued with respect to other American citizens similarly situated in the cities of the disturbed district of Asia Minor.

You are quite mistaken in supposing that the alternative of abandonment of their post is being urged upon American missionaries in Turkey. The real position is stated in the report which, under date of December 19, 1895, I had the honor to submit to the President in answer to a Senate resolution of the 4th ultimo. Quoting from recent advices received from the United States minister, Mr. Terrell, I observed:

He says that if the missionaries wish to leave Turkey he can obtain their transportation to Christian ports; if the men wish to remain he can get escort for all to the seacoast, whereupon the men can return, but he adds that the women and children should quit Turkey.

This Government, acting through its agencies in Turkey, has no desire whatever to constrain the movements of the missionaries or prescribe to them the course that they should pursue in this time of evident peril. It stands ready to protect them and their wives and children and it has obtained assurance of proper escort should they or their families desire to seek temporary safety at some less exposed point. It is likewise exerting itself to secure the safety of those who remain at their posts of residence. The missionary boards of which those American citizens are dependents are fully informed of the position of this Department in the matter, and now that Mr. Terrell has succeeded in

reopening telegraphic communication with the several points, it is presumed that the missionaries will act in conformity with advice from headquarters.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 764.]

LEGATION OF THE UNITED STATES,
Constantinople, January 10, 1896. (Received Feb. 1.)

SIR: I have the honor to inclose for your information the copy of a letter from Harpoot, written on the 18th ultimo by ———, and also a tabulated statement showing that in the vilayet of Harpoot alone there had been at that date 7,054 houses burned and 15,845 Armenians slain, which Mr. ——— considers an underestimate.

There are six vilayets in which massacres have been general.
* * * You will observe from its date that this table of the massacres was made before your report to the Senate in which you stated that my report of 30,000 slain was perhaps an overestimate. * * *

The inclosed statement is furnished by a reliable gentleman, and is almost identical with the information obtained by one of my colleagues through Catholic sources.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 764.]

Mr. ——— to Mr. Terrell.

HARPOOT, TURKEY, *December 18, 1895.*

DEAR SIR: Yesterday we received the following telegram from you:

His Imperial Majesty has given repeated orders for protection of all Americans. Are you safe? Let me know what you need.

To-day we sent the following reply:

Protected on premises since riot. Venture out little. Boxes lost en route from Angora. Newspapers don't come. Can supply necessities here. Letters from you and Peet by every mail.

As I have written you, we have a guard of soldiers, but the Turks continue to threaten that in case of any interference by the European powers they will cut off every remaining Christian. These threats are made both by officials and by citizens.

Dr. Barnum has not been out since the riot. I have been to the market several times, likewise to Mezreh. Yesterday I visited the village of Kesarik, near Mezreh, and bought some timber. This morning we sent an ox cart to bring the timber, but the Turks of the village beat the driver and took the timbers by force. To-morrow I shall address a communication to the vali in regard to it. This vali, Raouf Pasha, late governor of Dedegatch, arrived here a few days since. We know nothing of him yet and can not tell what his disposition is toward us. We said in our telegram, "Boxes lost, etc.," because nine boxes were sent from Angora nearly ten weeks ago and no news can be gained of them; hence it seems useless to order goods sent to us now. We have been able to buy clothing and the things most necessary for our

comfort here. When the present stock of goods in the market is exhausted it will be difficult to get anything, for confidence is dead and trade paralyzed.

We said, "Letters for you and Peet by every mail," because we have written you very full details week by week, judging that you would wish the fullest information. It will be a great relief to us when we learn that these letters are received.

By the last post we learned of the receipt of my letter of November 6 and a later one written immediately after the attack. By the following post I sent a very detailed account; since then I have written every week.

I inclose a continuation of the memoranda begun last week. The number of houses burned has now reached 6,628 and the killed 14,096. This is manifestly an understatement, for I have not counted the dead in villages from which I could get no reliable estimates, even though the population is said to be wholly exterminated, as is the case in some.

The official report for the Harpoot Kuzza is 600 Christians and 250 Koords and 30 Turks killed, and one or two houses in every 100 burned.

The work of obtaining the signatures of Christians to papers exculpating the Government and Turks still goes on. In the present state of things any number of signatures can be obtained for any paper presented, especially as a soldier accompanies the bearer of the paper. One such paper has been extensively circulated in Mezreh, and will doubtless soon be published in Constantinople.

The marrying of Christian women to Turks still continues, and cases of this kind come to our notice almost every day; also accounts of barbarities committed which I have no wish to write. Our schools are in session, save the lower grades for girls, for whom we have no place.

Sincerely, yours,

I inclose a table revised and corrected down to date.

[Subinclosure in No. 764.]

Memorandum No. 2.

In No. 1 we reported 5,064 houses burned and 12,708 persons killed. Later reports necessitate some changes, but they increase our figures rather than diminish them.

Place.	Number of houses.	Houses burned.	Killed.	Place.	Number of houses.	Houses burned.	Killed.
Brought forward.	4,000	5,064	12,708	Bedretil	30	27	.....
Arabkir .....	.....	950	1,000	Garmuri	45	.....	.....
Ambergo	40	.....	50	Palu .....	.....	.....	.....
Shepik	85	65	37	Navad .....	.....	.....	.....
Aghun	40	.....	12	Apacod	70	30	6
Vakhshen	60	10	32	Baghun	130	110	80
Enetzik	35	.....	.....	Eski Malatia	20	.....	.....
Kushnee	40	.....	.....	Hoghi	250	.....	40
Mashgird	90	25	3	Kope	250	230	32
Savmuga	32	.....	66	Percheng	250	5	30
Anchurtee	90	.....	.....	Ichmeh	112	10	.....
Hazaree	80	.....	.....	Total .....	.....	6,628	14,076
Genrigeo	50	50	.....				
Moornaco	40	40	.....				

¹ Shops.

Exhibit of houses burned and persons killed.

Place.	Number of houses.	Houses burned.	Killed.
1. Adish	310	310	13
2. Aivosa			244
3. Aghansi	{ 47	1	70
4. Arabkir	{ 4,000 Ym.	3,700	12
5. Bizmishen	{ 5,000 Y.		4,000
6. Chemishgesek	{ 530	500	
7. Moma	270	190	23
8. Kutturbul		40	16
9. Karabash	{ 100	50	
10. Choonkoosh	{ 200		
11. Chermook	{ 430 Y.		
12. Diarbekir	{ 1,000 Ym.	103	680
13. Egin	{ 700 Y.		
14. Gamirgab	{ 400 Ym.	300	
15. Garmuri		(¹)	2,000
16. Hohn	{ 1,000 Y.		
17. Hooeloo	{ 1,000 Ym.		
18. Haboosi	90	32	7
19. Hulakegh	{ 45		
20. Havao	{ 150 Y.		
21. Husenik	{ 125 Yn.	30	62
22. Ichmeh	{ 15 Y.		
23. Komk	300 Yn.	263	30
24. Malatia	180	90	75
25. Ozoonoba	150	11	16
26-89. Peri and 63 villages	{ 280	260	110
90. Palu	{ 120 Y.		
91. Kapon Achmaz	{ 650 Yn.	9	260
92. Khoshmat	{ 60 Y.	112	
93. Nurkhi	200 Yn.	10	60
94. Shenaz	300		
134. Forty villages	1,500		5,000
135. Severeck	100		65
136. Sara Karmish	{ 90 Is.		8
137. Sheikhaaji	{ 400 Yn.		
138. Iadem	400		1,580
139. Upper Mozreh	90	75	
140. Amberg	160	80	
141. Shopik	100	90	
142. Aghun	80	45	
143. Vakshen			
144. Enetzik	350 Yn.		750
145. Kushna	80		6
146. Mashgira			
147. Savmuga	{ 300 Yn.	250	270
148. Anchurteo	{ 4 I.		
153. Five villages plundered	20	11	
154-170. Sixteen villages near Chemishgesek; 3 wholly destroyed.	40		50
Gemijel	85	65	37
Moornao	40		12
Bedretil	60	10	32
171. Apaood	35		
172. Baghun	40		
173. Eski Malatia	90	25	3
174. Hoghi	-32		66
175. Korpi	90		
176. Perchong			
Total	22,978	7,054	15,845
Less Turkish	7,019		
	15,359		

¹ Shops.

Mr. Olney to Mavroyeni Bey.

No. 66.]

DEPARTMENT OF STATE,
Washington, January 14, 1896.

SIR: I have the honor to acknowledge the receipt of your note, special No. 4, of the 8th instant, in which, by way of contradicting what you characterize as a rumor (bruit) that the buildings belonging to the foreign missionaries at Harpoot were set on fire "under the eyes of the Imperial troops," you communicate the text of a telegraphic report received from the governor-general of the vilayet of Mamouret-ul-Aziz to the effect that the Imperial troops did not fail to do everything possible for the protection of the foreigners and that it was through their efforts that the conflagration did not spread to the greater part of the missionary property; adding that a company of soldiers is still charged with watching over the security of those persons.

From information in the possession of this Department, the statements in the governor's telegram unquestionably relate merely to the later incidents of the Harpoot disturbance, when, after the unchecked destruction, pillaging, and burning had lasted for some hours, a guard was furnished to the American missionaries residing in that city upon their repeated request, and the assistance of the soldiers was lent to help the students and servants to confine the fire to the school buildings and dwellings already in flames and to save the few remaining houses from destruction.

A copy of your note will be sent to the United States minister at Constantinople for his information, together with a copy of my present reply.

Accept, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 783.]

DEPARTMENT OF STATE,
Washington, January 14, 1896.

SIR: I inclose for your information a copy of a letter, with its accompaniments, received under date of January 8, 1896, from Rev. Judson Smith, foreign secretary of the American Board of Commissioners for Foreign Missions.

Your attention is directed to Mr. Dwight's statement, which has doubtless also been directly made to you by him, that the soldiers in Harpoot openly appeared making use of the goods which have been stolen from the houses of the American missionaries. It seems to be established by concurrent testimony of weight that during the interval of several hours which passed before the Porte's assurance of military protection to the missionaries was effectively made good, the soldiers participated in the pillage at Harpoot; and Mr. Dwight's assertion that officers are using the furniture and bedding of the missionaries, while the missionaries are suffering for the want of these stolen goods, is so circumstantial as to admit of ready verification. If verified, exemplary punishment of the offenders should be demanded. The mere restoration of the stolen property would be but a small measure of reparation under the circumstances stated.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 783.]

*Mr. Judson Smith to Mr. Olney.*AMERICAN BOARD OF COMMISSIONERS
FOR FOREIGN MISSIONS,*Boston, Mass., January 8, 1896.*

SIR: Referring to your communication of January 6, just received, I beg to assure you that I did not for a moment attach authority to the statement in the newspaper press, to which I called attention, but simply made its appearance the immediate occasion of communicating with our Government in regard to a matter deemed by us of the greatest importance—the maintenance of our missionaries in their just rights of residence and legitimate work within the limits of the Turkish Empire. I had then, as I have now, ample reason to believe that the policy of our Government in this matter was the same as that which has guided our Government in all similar cases in the past—the dignified and vigorous and efficient protection of American interests in Turkey.

I beg to submit herewith a copy of an important letter just received from Rev. Henry O. Dwight, of Constantinople, who writes for himself and his associates and for the other American missionaries resident in Constantinople. There is important information in the letter, which undoubtedly reaches our Government through the legation at Constantinople, but which it will not be amiss should come directly to you through my hand. Mr. Dwight writes with the freedom of an habitual correspondent to his regular correspondent here, and some allowance must be made for the forms of expression used in the letter on this account. At the same time he makes very plain the critical condition of our missionaries at Harpoot, and the importance of every exertion in their behalf which it falls within the power of our Government to make. It can not escape attention that the soldiers in Harpoot openly appear making use of the goods which have been stolen from the houses of our missionaries. Whatever may be the best way of bringing them and the Government which is responsible for them to account, we can not but hope a remedy may be promptly applied.

The continued circulation of calumnies against the missionaries by officials, with the certain if not the intended result of awakening a popular indignation against them, is a most unfriendly act, and I am sure our Government will find some way in which both to rebuke it and bring it to an end.

Communications which have come to me from Americans residing at nearly every one of the points where massacres have occurred in full detail confirm every word which Mr. Dwight writes respecting the exposure of our missionaries during the entire period of the massacres. This is not protection; it is not the protection which Mr. Terrell has demanded; it is not the protection which the Sultan has promised. It seems plainly to mark an unfriendly attitude toward these Americans on the part of the Government itself, for in no instance has a rebuke to the soldiers or their commanding officers or the offending governors been addressed by the Government at Constantinople. The direct part which the soldiers had in the destruction of buildings and property at Harpoot and at Marash is too plain to require a word of additional proof. Messrs. Gates and Barnum and Allen at Harpoot, over their own names, have given this testimony. Mr. Lee and Mr. Macallum, of Marash, have reported the same facts in regard to that place. But I do not need to dwell upon these points. The letter of Mr. Dwight will speak for itself, and the situation is plainly one requiring the most

careful, prompt, and determined treatment. There can be no question that the Porte will promptly respond to the rightful demands of our Government, both for indemnity for losses experienced and for additional and adequate security to our missionaries and the property of which they are in charge.

Rejoicing in the assurance already afforded that our Government has a face of indignation toward every foe of its citizens and of friendliness and help toward all who trust in its protection,

I am, etc.,

JUDSON SMITH,
Foreign Secretary A. B. C. F. M.

[Subinclosure in No. 783.]

Mr. Dwight to Mr. Smith.

CONSTANTINOPLE, December 21, 1895.

DEAR DR. SMITH: The situation in the interior stations gives ground for anxiety. The western stations are better off than the eastern, and of the eastern stations those where foreign consuls are stationed are far better off than those where no consul is near, for in Turkey one consul can hold in check, without lifting a finger, a horde of ruffians. He is like a policeman in a mob. In this city the Moslem population is all armed, and frankly admits the hope that the Sultan may be induced to give the dictum, "Killing is lawful." That word is not now likely to be spoken, I think, for the foreign ships will exercise a strong deterrent influence in this matter.

At Baghchejik there is reasonable quiet, although the presence of a company of Turkish troops outside of the town is a constant menace to the peace. Adabazar seems quiet, also, and I think there will be no authorized attack there. Smyrna is held down by the fleets and Brusa by a strong-handed governor. At Manissa there have been threats of massacre within a week, but the governor-general is Kaimil Pasha, the ex-grand vizier, who, I am confident, will use all his power to prevent such a thing. Trebizond is pretty well recovered from the terror that followed the massacre there, and Dr. Parmelee, Mr. Crawford, and Miss Chambers are hard at work in distributing relief to about 4,000 destitute people. They work with the aid of the Armenian clergy, and when the people here sent by Mr. Peet a considerable sum of money to the clergy there for relief work the favor was asked of Dr. Parmelee to keep it and use it with the other funds indiscriminately. Adana and Hadjin are also quiet, but full of threats. The presence of the *Marblehead* at Mersine has been a powerful influence for the preservation of the peace in all that region. We learn by telegraph this week that Mr. Christie, of Tarsus, has left that place, with his family, for safety, but do not know what it means. I think it is a pity that Mr. Mead did not go to Adana, since the place is so near the coast that while a United States war vessel is at Mersine there is little fear in the way of attacks on the persons of the missionaries. His presence there would much comfort the missionary women who are alone. Mardin and Van have not been touched by the storms of blood, but they are full of refugees and have suffered terribly in their villages. Fear exists lest they be attacked even now. Erzeroum and Sivas are slightly recovering from the reign of terror. The missionaries can go about the city at both places and are doing relief work. But in neither place is it possible to go out of the city for any purpose.

At Harpoot the missionaries are guarded by 100 men, but can leave their premises but cautiously. If our Government would do something to express its indignation at the outrage there; if it would demand, for instance, that the officers who are using the furniture and bedding of the missionaries while the missionaries are suffering for the want of these stolen goods, should be punished and compelled to disgorge, it would have a salutary effect.

The impunity allowed the military pasha and his associates in the sack of the mission premises has a very bad effect on the security of the missionaries. At Bitlis the danger of assassination of Messrs. Knapp and Cole seems diminished. The houses are protected by a strong guard, but the missionaries have very little liberty of motion beyond the limits of the premises. At Marash a company of troops guards the mission premises and escort the missionaries when they wish to go into the streets. The government there seems to be trying to restore confidence, but the missionaries have been warned by friendly Turks that "the next time" no one who refuses Islamism

will be allowed to live. At Aintab the mission premises are guarded by troops, but no one can go into the city until after satisfying the government that the object is a reasonable one and obtaining formal permission to go under escort. Reports of sedition are circulated against the missionaries in an underhanded way, so that they can excite the people and at the same time be intangible for anyone who seeks to disprove or suppress them. At Marsovan about 35 men guard the mission premises, and they are under orders to allow no one to enter or leave the premises without the permission of the officer in command. Every Friday the city is in fear of massacre, and calumnies against the missionaries are constantly circulated. The authorities are polite enough, but there is hardly a doubt that if they were to be directed to do so they would be glad to cut the throats of the whole band.

The situation at Marsovan is the most dangerous in the whole field, perhaps, because the anarchist committee in the town is actively seeking to make trouble, while the large collection of young men in the college has in it some who sympathize with the anarchists and require constant watching. If it were not that the students would probably be killed or otherwise attacked on leaving for their homes, I should be inclined to advise the disbandment of the college classes. Of course, the attempt to carry on studies under existing circumstances does not amount to much, while the strain of watching that falls upon the mission circle is dreadful.

From this hasty survey of the field you will see that Marsovan, Harpoot, Marash, Aintab, and Bitlis are at present the stations most severely tried and in greatest danger. At Bitlis the danger arises from the thirst for vengeance upon the missionaries for sympathy with the Sassoun sufferers. At the four other places the feeling against the missionaries arises from the wish * * * to crush out our educational centers. The inaction of the European powers partially removes for the moment the danger that the missionaries will be sacrificed. * * * Calumnies against the missionaries are circulated by officials with the direct object of exciting the people against them. The month of religious fasting (Ramazan) now approaches. * * * Delay on the part of our Government is therefore a great element of the danger that overhangs the interior stations.

Let me show you how the action of our Government looks from here. The Turkish Government chose to order a massacre of its own subjects. Our people, however, were entitled both by treaty and by the repeated promises of the Porte while the massacres were in progress to be guarded from all attack. Excepting at Erzeroum, where the missionary is a British subject, and at Sivas, where there is an American consul, I do not remember a case where a guard was furnished until after the expiration of the time limit set for the massacre by the authorities. That is to say, in violation of treaties and promises the Turkish Government left the people free to treat the missionaries as they were ordered to treat all the Armenians. At Harpoot the attack on the mission premises was directed by Mustapha Pasha, the commander of the military division, and he and his officers are using to-day the goods plundered from the missionaries, and for the lack of which the lives of several of those ill-fortified against privation might easily be lost. In Marash, Ottoman troops were openly sent before the eyes of all the people to sack the seminary premises and to burn the seminary building. The troops are to-day in possession of the goods carried off from those premises. In all the stations the schools have been broken up. At least 100 chapels and schoolhouses in the outstations have been burned or pillaged. Almost our whole stock of books on sale in the interior has been carried off, and the missionaries have been shut up like prisoners in their houses. * * * We wait for a vigorous demand on the part of our Government for reparation for the violation of treaties, for instant payment of damages, for restoration of stolen goods, for punishment of guilty officials, and for full protection for the missions in future. We await this because the enterprises thus attacked and ruined are the fruit of the investment of American capital, during sixty years, to an amount reaching above \$6,000,000. We await some utterance of our Government that will call a halt and protect the remnants of the crushed enterprise.

* * * If both the Turkish Government and the Turkish people believe that impunity will follow attacks upon American missionaries, the missionaries are in danger as never before.

After writing thus far I read my letter to Dr. Herrick and found that he had already admirably said what I had in mind briefly to touch upon—namely, that so far as able-bodied men are concerned the stations simply can not be abandoned. I therefore close my own letter, referring you to Dr. Herrick's note of the same date for our unanimous views on this point.

Yours, very sincerely,

HENRY O. DWIGHT.

Mr. Herbert to Mr. Olney.

NAVY DEPARTMENT,
Washington, January 14, 1896.

SIR: I have the honor to acknowledge the receipt of the Department of State's communication of the 2d instant, and to advise you that a copy thereof has been transmitted to the commander-in-chief of the United States naval force on the European station for his guidance.

I am, etc.,

H. A. HERBERT,
Secretary.

Mr. Olney to Mr. Terrell.

No. 790.]

DEPARTMENT OF STATE,
Washington, January 15, 1896.

SIR: I have to acknowledge the receipt of your No. 740, of the 29th ultimo, reporting apprehensions of further disorders at Marsovan, Marash, and Sivas, and to approve your urgent representations at the palace.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 772.]

LEGATION OF THE UNITED STATES,
Constantinople, January 15, 1896. (Received Feb. 3.)

SIR: I have the honor to inclose the copy of a letter just received from Miss Cofling, at Hadjin, which tells of her fears and surroundings. I will at once comply with her requests. My conditional demand for the head of the governor has done good in securing a humane successor for him and in saving Hadjin, thus far, from massacre, while all the surrounding country has suffered and is desolate.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 772.]

Miss Cofling to Mr. Terrell.

HADJIN, December 19, 1895.

DEAR SIR: For your prompt and efficient action on reception of my telegram of Tushruni Sani 25, I send my hearty thanks and those of my associates, Miss E. G. Bates and Miss A. E. Gwenson. Believe me that what I am about to write is the greatest proof of the sincerity of those thanks, for those whom we have found able and willing to help in one crisis we turn to in another.

We know that in God's hand are all our lives, but we believe that you have been used as His instrument, and that, as ruler of heaven and earth, He would not have us neglect the use of means. Therefore the following statements and suggestions:

You doubtless have learned that Hadjin is a town in the very heart of the Taurus Mountains, whose inhabitants are almost entirely Arme-

nian Christians. Besides those in direct connection with the Government, there are not more than 15 non-Christian families in the place, and with the exception of perhaps a dozen men all are poor and poverty stricken. But we have to the north and west of us numerous non-Christian villages—Turks, Koords, and Circassians. These have of late been much inflamed against the Christians here.

Besides the causes existing everywhere throughout the country and which exist, I fully believe, in a much less degree in Hadjin than elsewhere, there are other causes in this region.

First. The non-Christians in these villages are themselves very poor; we should in Ohio call them "land poor."

Second. They have a very exaggerated idea of the money stored away in Hadjin.

Third. They have heard very exaggerated reports of the riches others have obtained by killing and sacking, and are vexed at anything which holds them back from obtaining their share of the booty.

Fourth. And stronger than any of the preceding, the very efforts of our new kaimakam to do justice have enraged them more than before he came.

Fifth. I must not fail to state that much of our danger arises from the fact that the very servants set to guard us have for months received no pay.

Now let me say a few words in regard to our new kaimakam, Ismael Bey, himself a Circassian.

I believe that he came here with a determination to do justice to all, and that he still wishes to work on that line if he is upheld by his superiors. * * *

I need not tell a servant of our own United States Government that there are times when moral suasion is the very strongest kind of force. Then what more would I have you do for us here?

First. I would have you urge that Ismael be sustained by his superiors in Sis * * * and Odana in his efforts to do justice to all non-Christians and Christians alike. I would have you in some way make it known to the Government in Constantinople that you are constantly on the alert to see that the kaimakam is thus sustained, and that you will consider it as a personal favor if this town is spared the calamity that others have suffered.

In this I do not ask that guilty ones (if there are such) should be spared—only that the innocent suffer not with the guilty. This people have always been a quiet, law-abiding community.

* * * * *

If Uncle Sam thinks this telegraphing rather expensive, tell him that 25 of my near kin laid down their lives for him between 1861 and 1865.

One other thing I must speak of. You offered to procure an escort to the coast for us three. If it comes to that, we will apply to you for it, but please do not intimate to Turkish officials that it would be a possible thing for us to leave here. Not as long as our staying here can protect one of our large household (we are 60 souls) would we think of leaving. Not since my great-grandfather was faithful as a steward on General Washington's farm has one of our name deserted the post of duty, and I shall not be the first to do so. Miss Bates's family presents no less honorable a record, and our younger sister is no less true to the colors, though she can reckon her American citizenship but two generations back.

Oh, that we could at least see some news in regard to our dear home land! But even that is denied us. Not a newspaper for months.

Mr. Martin was more despondent last evening than I have yet seen

him, feeling that there was nothing more that he could do, and yet that the danger to Hadjin was as great as ever. If he telegraphed to you or his own ambassador (British), he would offend the kaimakam here, which would at least be very impolitic. I felt that something more might be done; therefore this letter, which I shall not show to him till it is far on its way to you, thus leaving him at liberty to do what he can with the governor.

By having it stamped, I hope to be able to send it so that it will reach you a week earlier than if sent by the regular mail.

Yours,

J. L. COFFING.

P. S.—Since finishing this I have heard that there is a report that the kaimakam who was removed from here a few weeks ago is to be sent back. If you can possibly prevent this, I beg of you to do so.

J. L. COFFING.

DECEMBER 21, 1895.

DEAR SIR: Since writing on the 19th, I have learned that Mr. Martin's fear for our safety at present arises from the fact that the Kol Aghase Haji Halil Effendi does not work in harmony with the kaimakam, Ismael Bey. So far as we can learn, the kaimakam is in the right every time when any difference arises between them. The other has said more than once that the kaimakamluk of Ismael Bey is only a three days' affair.

Yours,

J. L. COFFING.

Mavroyeni Bey to Mr. Olney.

[Translation.]

TURKISH LEGATION,
Washington, January 16, 1896.

MR. SECRETARY OF STATE: His Excellency Tevfik Pasha has just informed me that the Sublime Porte regrets that it can not comply with Mr. Terrell's request for permission for the *Bancroft* to pass through the strait, that vessel having been authorized to remain at the disposal of the United States legation at Constantinople.

Your excellency knows perfectly well the earnest and sincere desire of the Imperial Government to do all in its power to strengthen if possible the ties of friendship which unite the two countries, but in this case a certain fact is involved, to wit; that only the signatory Powers of the treaty of Paris enjoy the right to have vessels of war permanently at Constantinople at the orders of their respective embassies. Now, the United States Government does not appear in the number of the signatories of that treaty. I am, consequently, sure that your excellency will be pleased to take the foregoing into consideration.

Accept, etc.,

MAVROYENI.

Mr. Olney to Mr. Terrell.

No. 794.]

DEPARTMENT OF STATE,
Washington, January 16, 1896.

SIR: I have received your No. 742, of the 29th of December last, communicating copy of correspondence between Rev. Dr. H. O. Dwight and yourself, in regard to the protection of American missionaries and their

families at their places of residence in Turkey in times of crucial peril like the present.

The Department's instructions have lately communicated to you copies of correspondence with Rev. Judson Smith, of Boston, in correction of a supposition on his part that it was the policy of this Government to make the protection of American missionaries in Turkey dependent upon their withdrawal from their posts of duty. It has been made clear to Dr. Smith that there has been no change of policy whatever in this regard. As in China during the recent war with Japan, when mob violence and anti-Christian spirit ran high in the remote interior provinces, this Government stands ready to use its influence and its agencies to assert its rights by every permissible means to insure the safety of resident American citizens in Turkey, aiding them to reach places of safety should they voluntarily desire to do so, and exerting diplomatic pressure for their protection should they remain at their posts. If it aids those devoted men or their families to reach a place of temporary shelter, that in no way implies a condition of abandonment of their employment. Like yourself, this Department sympathizes very keenly with the perilous situation of the nonworkers, the helpless women and children, who are not reasonably to be regarded as tied to their posts by obligations of duty, and would be glad to see them shielded from harm which may possibly befall them. It understands that your advice as regards removal has been confined to those nonworkers, and that you have been unremitting in your efforts to protect the effective personnel of the missions at their posts under any and all circumstances. The Department would be glad to learn that you have made this clear to Mr. Dwight also.

The communication of Mr. Dwight is interesting in that it brings prominently forward the commercial aspects of the American missionary enterprises in Turkey, a point of view of much importance in dealing with the problems presented; but not, according to his exposition of the matter, dissociated from the obligations of duty which in his view constrain his agents to personally remain among the communities where those interests of trade have been built up in order to afford moral protection to the native classes with whom they have been associated in their enterprises. The latter consideration is a matter of conscience as to which the representatives of American enterprises must follow their own judgment or the judgments of the boards which employ them. This Government can not and should not assume to influence them in this regard. Whether as traders in vendible merchandise, according to Mr. Dwight, or as teachers in legitimate fields of instruction, they are entitled to the same protection as other American merchants or professional men, pursuing their trades or avocations peaceably under the guaranty of law, of existing capitulations, and of that usage which in Turkey has grown to have the force of conventional law.

No problem of modern intercourse has more forcibly presented itself to this Government or more earnestly engaged its attention than that of the situation of our citizens in Turkey at the present time, and its determination to act without hesitancy and effectively as occasion may demand is as fixed as your own endeavor to aid the Government in the accomplishment of its purposes has been zealous and unflagging.

Copy of this instruction to you will be sent to Rev. Judson Smith for his information. Copy of your dispatch with inclosures is not sent, as the Department is in receipt of a communication from Mr. Smith inclosing the document signed by Mr. Dwight entitled "American missions in Turkey and their protection."

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 804.]

DEPARTMENT OF STATE,
Washington, January 20, 1896.

SIR: I have received your No. 755, of the 2d instant, touching the situation in the province of Aleppo.

The Department heartily approves your purpose to ask to have regular troops detailed for the protection of American citizens at Aintab, and I observe with no slight degree of satisfaction your strong commendation of the action of Mr. Frederick Poche, our consular agent at Aleppo, in behalf of our citizens there. It is most cordially appreciated by the Department.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 773.]

LEGATION OF THE UNITED STATES,
Constantinople, January 20, 1896. (Received Feb. 3.)

SIR: I have the honor to inclose for your information the copy of a letter from Rev. H. O. Dwight, dated the 11th instant, which shows that the Turks at Bitlis continue their effort to hold Rev. George Knapp responsible for massacres there, and which requests me to ask a public retraction, and in default thereof to demand a commission.

Feeling the extreme danger of obtaining a fair inquiry through a commission, it will not be applied for; but the Grand Vizier has been told by me that I knew it was duress and terrorism which had caused the Armenians to lie on Mr. Knapp; that it must cease; that he was sick, and I desired to send him to Persia, but Americans had not learned to run when slandered, and he should stay at Bitlis until the calumnies against him were retracted. I requested the Grand Vizier to rebuke the corrupt officials at Bitlis, and require them to retract charges against Knapp, that he might depart for a time and recover his health. He professed ignorance of the matter. * * *

In this connection I should state that the ——— ambassador informed me that his consul in Asia Minor reported that American missionaries were in many places unable to leave their houses for fear of the resentment of the Armenians, caused by the fact that our missionaries had encouraged sedition and had promised more than they could perform.

* * * The safety of our people requires me to assume the falsehood of the charge, and so to denounce it, which I have done at the Porte. The advice given to all missionaries two years ago, to refuse to instruct the children of known conspirators, which at the time provoked against me the resentment of Armenians and also some of our own citizens, was followed at Marsovan, and the Turkish guard which I have so long kept there before massacres is now my chief object lesson to prove the peaceful nature of our missionaries. I have requested from both the French and Russian ambassadors specific statements as to seditious advice from American missionaries, with a view to future inquiry.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 773.]

*Mr. Dwight to Mr. Terrell.*CONSTANTINOPLE, *January 11, 1896.*

SIR: The following extracts from a letter from ———, of Bitlis, throw light on the situation there respecting the effort being made by the officials at that place to inflame the populace and to mislead the Sublime Porte, to the detriment of our missionaries there:

You have no idea how extensive is the effort to make Mr. George P. Knapp responsible for all of these calamities. From most reliable sources we have information, which we are forced to believe, that, from the governor down to ordinary Turks and Koords, all are determined to prove Mr. Knapp instigator of all that has taken place.

— Bey confesses that the Government officials are all against him. Conversation between Turks on the subject has been overheard. In the affair of the shooting of Kevork Bakalian they are trying to show that Mr. Knapp planned the affair. The Armenians are so dominated by terror for their lives that the number is not small who would perjure themselves to save their lives. A large number of official declarations have been seen with Mr. Knapp's name on them. We have grave reason to believe that one signed by 30 Armenians, to save their own lives, has been sent within a few days to Constantinople. The names of our informants can not be given here. Can nothing be done to counteract these slanders at Constantinople? I wish Judge Terrell could understand these things. * * *

From Flezoun and other places come notes of warning. We are warned to allow no one to enter the house who has not some special work. Even in these places remote from here the ears of the people are filled with these same slanderous stories against Mr. Knapp.

* * * Of course, neither Mr. Knapp nor Mr. Cole can leave Bitlis until their honor is vindicated, else the same process of slander will be used elsewhere to drive out missionaries.

* * * * *

Yours, very truly,

H. O. DWIGHT.

Mr. Olney to Mr. Terrell.

No. 806.]

DEPARTMENT OF STATE,
Washington, January 20, 1896.

SIR: Referring to the recent correspondence with the Turkish minister here (of which copies have been sent to you) in regard to the denial by the local Turkish authorities of the statements made, on the authority of the missionaries who were witnesses of the occurrences, that the Turkish soldiery had not efficiently protected them or their dwellings at Marsovan and elsewhere, I now send for your information copy of a communication addressed by the vali of Aleppo to the United States consular agent at Aleppo in reply to a letter from Admiral Selfridge, in which that report was mentioned.

The vali, Moustafa Zehni, it may be observed, does not mention the locality where the efficient protection of which he speaks was afforded, but his statements are presumed to have regard to the occurrences at Marash. Respecting the alleged acts of pillage which you have reported, it is noticed that the vali's denial is by no means explicit. He merely says, "As to the sacking of the establishments, it has been reported to me that it was an unfounded and false invention." If the lately preferred charge that bedding and other property of the missionaries stolen during the outbreak at Marash are in open use by Turkish officers be verified, the value of the reports made to the vali on the subject becomes questionable.

I am, etc.,

RICHARD OLNEY.

[Inclosure in No. 806.]

The Vali of Aleppo to the United States Consul at Aleppo.

I have noted the letter of Admiral Selfridge, commander of the American fleet, which was sent to me from Alexandretta through you.

In this letter the admiral brings to my knowledge that the establishments of the American missionaries were pillaged by Ottoman soldiers and a portion of them burned, and states that he holds the authors of these damages responsible, and requests the protection of the lives and property of the Americans residing in this city.

In reply to the admiral's letter I bring to your knowledge that the houses and schools of the missionaries, surrounded by walls, were protected by soldiers and gendarmes, so that no one could enter them from outside. It is unknown since then how it was that a fire broke out in one of the establishments. The fact is that as soon as the fire broke out, the troops, led by officers, entered to localize and put out the fire. As to the sacking of the establishment, it has been reported to me that it was an unfounded and false invention.

I have also to inform you that I have been notified that the commandant of Marash, Ferik Pasha, has received from the American missionaries a testimonial of satisfaction for the good services rendered by the soldiers.

I have also to tell you that during the preceding troubles the foreigners have suffered in nothing, and that at present all foreigners and natives are very particularly placed under Government protection.

I take this occasion, etc.,

MOUSTAFA ZEHNİ,
The Vali of Aleppo.

Mr. Terrell to Mr. Olney.

No. 774.]

LEGATION OF THE UNITED STATES,
Constantinople, January 20, 1896. (Received Feb. 3.)

SIR: I have the honor to call your attention to the inclosed clipping from the New York Daily Tribune of the 2d instant, in which it is stated that "the apathy of the Washington Government in not filling the Erzeroum and Harpoot consulates is the subject of harsh criticism in diplomatic circles here." This was a telegram from this city.

The falsehood of this charge is apparent, so far as concerns the Government, from an inspection of the instructions to me of your Department under which it was expected that every effort would be used to secure the recognition of Vice-Consuls Chilton and Hunter. Efforts to secure exequaturs for these gentlemen by me were persistent from the time of their arrival. When they arrived here the Turkish Government was being pressed by the great Powers of Europe for reforms, and manifested from the first a disposition to postpone the issuance of exequaturs. An application to the minister for foreign affairs under various excuses remained unanswered. It was referred to the grand vizier, then to the council of ministers, then to the palace. The Sultan requested delay for a time. Pressure was renewed. Then the excuse was made that we had no commerce at either Erzeroum or Harpoot. Then the position was assumed that under our treaty no consuls could be appointed as matter of right unless the Turkish Government con-

sented, etc. Your Department knows the endless delays and obstacles that always retard the transaction of business here.

The first massacre occurred in this city September 30. The day before that an application for a traveling *teskéré* for the vice-consuls was declined. Then on October 2, two days after the massacre, while terrorism existed in Stamboul, after going to the Armenian quarters to visit terror-stricken American ladies there, I drove to the quay and in person placed the vice-consuls on a Russian ship, without even traveling *teskérs*, and started them for Trebizond.

Two days, I think, after their arrival in that city these vice-consuls saw a terrible massacre of Armenians and narrowly escaped with their lives. Here the pressure for the reforms which were soon announced became more determined. I saw, with a vision which proved to be prophetic, that a general massacre would follow, and declined to order the vice-consuls to continue their journey to Erzeroum and Harpoot without even the protection of a traveling permit, which the Turkish Government declined to give on account of the condition of the country.

I would so act again. If there is any fault, it is mine. The missionaries' desire that they should continue to their posts without protection I disregarded. I would do so again, and the vice-consuls should have disregarded my instructions to go forward without protection if I had given them. The unsettled condition of popular feeling was given as the excuse for declining to give permits. The charge that "harsh criticism" was inculged in in diplomatic circles here is utterly false. One of the great European Powers was watching my efforts with interest, for her ambassador desired to establish a consul at Harpoot if I could succeed; but when he was unwilling to make the effort for his own Government, it is not perceived why my failure should have justified harsh criticism.

I have been verbally informed at the Porte that our consul to Erzeroum, when sent here, would receive his *exequatur* now. Before starting another please wire me, that I may be certain of it.

I, and not missionaries, must be responsible for my action here in matters which rest in discretion, and I must follow my own convictions.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 774.]

From the New York Tribune, January 2, 1896.

LONDON, *January 1.*

The Constantinople representative of the United Press telegraphs, under the date of December 31, that the apathy in regard to the consulates authorized to be established by Congress is the subject of much comment and harsh criticism in diplomatic circles here, the consulates at Harpoot and Erzeroum not having been filled.

Mr. Olney to Mr. Terrell.

No. 810.]

DEPARTMENT OF STATE,
Washington, January 21, 1896.

SIR: I have to acknowledge the receipt of your No. 758, of the 6th instant, inclosing copy of a dispatch from the British consul at Erzeroum to the British ambassador at Constantinople, relating to the position of American missionaries at Bitlis.

The considerate kindness of the British ambassador and of Mr. Cumberbatch in furnishing information of this character is highly appreciated.

I am, etc.,

RICHARD OLNEY.

Mr. Olney to Mr. Terrell.

No. 812.]

DEPARTMENT OF STATE,
Washington, January 21, 1896.

SIR: I have received your No. 761, of the 6th instant, inclosing the minister of foreign affairs' denial of complicity of Ottoman troops in the outrages at Marash.

In this denial Tewfik Pasha states that the missionaries themselves sent an address of thanks to the military commandant for the aid and protection afforded them by the Imperial troops. The Department observes that a similar statement is made in the letter of the vali of Aleppo inclosed with your No. 756, of the 4th instant.

Your letter to Mr. Lee, inquiring as to the circumstances under which the missionaries sent their "address of thanks" and requesting a copy of it, is approved.

I am, etc.,

RICHARD OLNEY.

Mr. Terrell to Mr. Olney.

No. 779.]

LEGATION OF THE UNITED STATES,
Constantinople, January 23, 1896. (Received Feb. 7.)

SIR: I have the honor to inform you that Rev. Mr. Saunders has gone from Aintab to bring away an American missionary lady from Ourfa who is there alone, though thus far well protected with a Turkish guard. I regret his departure (for he is suspected both by Armenian revolutionists and Turks), and telegraphed him that I would send a gentleman from here who would go with vizierial protection. That gentleman was Hon. Truxton Beale, former minister to Persia, who, knowing my anxiety and inability to go myself, promptly proposed to defray his own expenses and bring the lady to Alexandretta.

After obtaining a vizierial permit, and preparing to leave to-day, a telegram came announcing that Mr. Saunders had gone.

The manly conduct of Mr. Beale deserves notice, for he did not know the lady and offered his services only because she is an American woman who needs help.

I have, etc.,

A. W. TERRELL.

Mr. Terrell to Mr. Olney.

No. 782.]

LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1896. (Received Feb. 10.)

SIR: With reference to your instruction, No. 776, of the 10th instant, inclosing copy of President Goodell's letter to you and your answer thereto, I have the honor to request that you inform that gentleman that I have never at any time advised any missionary man in Asia Minor to quit his post. It is against me personally and not against

your Department that the charge to which President Goodell refers is directed.

The intermediary here of the foreign board between the missionaries and this legation was told that while I had no advice to offer about missionary men leaving the country, their women and children should leave; that boats would be ready to convey them to a Christian port, and, as you have stated, an escort for the men to return if they desired. Mr. Dwight was informed by me that I would secure a permanent guard for missionary property at every post, and if the men also desired to withdraw for a time the governor of each province would be ordered to receive the keys to missionary houses and be held responsible for their contents until the owners returned. It is easier to protect the houses than the missionaries. Only last week I was informed from Aintab that they would not live twenty-four hours without a guard.

A regiment, perhaps, of soldiers now guard our people, and those troops are in full sympathy with the populace who seek their destruction. If our missionaries covet the crown of martyrdom, they are now well situated; but their little children are not missionaries, and I do not intend to share with their parents the responsibility for their sacrifice by withholding either my advice or assistance to remove them from danger.

These American missionaries, while acting in the midst of carnage as picket guards of education, are "permitted" by their American boards "to leave in their own discretion." Of course, under such circumstances, they will die, if need be, at their posts. And then, if the worst shall come, not a bayonet would be lifted by Christian Europe to avenge.

Whether, even for the crown of martyrdom, it is right to incur the risk of plunging their own country in war, by remaining at their posts to be slain, is a question for them to determine.

The Armenians, among whom our American missionaries labor, have been Christians for fourteen hundred years. Their education, and not their conversion to Christianity, is the chief missionary work now being done. Their bishops participated in all the early councils of Christian churches except that of Chalcedon, and during all these centuries they have had their patriarchs, bishops, and priests, and have worshiped the same one God and His Christ that missionaries do.

For the mere education of a race thus spiritually enlightened I am not willing by my silence to become a party in the work of exposing American children to butchery. I admire as much as President Goodell can the intelligence and zeal of our American missionaries here, but a decent regard for my own reputation did not permit me to remain silent regarding the safety of American children.

I have, etc.,

A. W. TERRELL.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1896.

What is the situation of Harpoot indemnity; also of Marash indemnity?

OLNEY.

Mr. Olney to Mr. Terrell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 29, 1896.

Knapp, at Bitlis, charged with murder and inciting rebellion. See Dwight for specifications. If practicable, have immediate investigation and report thereon made by Consul Jewitt. If impracticable for Consul Jewitt to immediately act, ask British ambassador to kindly permit British consul, Van, to investigate and report upon charges.

OLNEY.

Mr. Terrell to Mr. Olney.

No. 790.]

LEGATION OF THE UNITED STATES,
Constantinople, January 29, 1896. (Received Feb. 15.)

SIR: I have the honor to call your attention to the copy of a letter from Rev. P. McNaughton, dated Manisa, January 22. His views of missionary duty in this crisis, it must be presumed, have reference to adult people and not to their children, who are equally exposed.

I have, etc.,

A. W. TERRELL.

[Inclosure in No. 790.]

Mr. McNaughton to Mr. Terrell.

MANISA, January 22, 1896.

DEAR SIR: Your kind letter of January 1, bearing greetings for the new year, was duly received. I can assure you that we reciprocate your generous feelings and appreciate your earnest endeavors on behalf of our safety. Your prompt and energetic intervention when needed has doubtless saved the missionaries, especially those of the interior, much inconvenience, discomfort, and, very probably, in some cases their lives.

While deeply deploring the sad series of massacres that occurred throughout the Empire, and the evident impotency of the European Powers to agree on any action tending to allay these cruel wrongs, we have great cause for thankfulness that the lives of all the missionaries have been protected.

I believe the brave, unselfish conduct of our missionary brethren and sisters in the interior, who, at the risk of their lives, have stood faithfully at their posts, must evoke from every generous nature praise and admiration. In reading home news we see that different views of the situation prevail.

One view is that missionaries have no right to remain in their fields of labor under conditions that make their personal safety precarious. I admit that circumstances must often be a guide to action, but on broad principles I believe it to be as inexcusable for a missionary to desert his post in time of danger as it would be for a captain to desert his storm-tossed ship and leave the passengers and crew to perish, or for a general in the heat of battle to flee and leave his soldiers to the merciless cruelty of their enemies.

The presence of the missionaries at their posts has saved hundreds of lives during this sad period of bloodshed, and will now, as relief agents, save thousands of others.

Your continual interference in their behalf has done much to make their work of mercy possible, and I am very sure your endeavors will be deeply appreciated by every one of them.

Very sincerely, yours,

JAMES P. McNAUGHTON.

REFUSAL TO ISSUE EXEQUATORS TO UNITED STATES VICE-CONSULS AT ERZEROUH AND HARPOOT.¹

Message of the President.

To the Senate of the United States:

In response to the resolution of the Senate of the 21st instant, relative to the refusal of the Turkish Government to grant exequators to the vice-consuls of the United States at Erzerouh and Harpoot, I transmit herewith a report from the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 30, 1895.

Report of the Secretary of State.

The PRESIDENT:

The Secretary of State has had the honor to receive, by reference from the President, a Senate resolution of December 21, 1895, which is in the terms following:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the Senate whether the exequators of the American vice-consuls duly appointed to the consulates of Erzerouh and Harpoot have been withheld or refused by the Turkish Government, while exequators were granted to the consuls of other nations at the same points.

The facts respecting the new consulates at Erzerouh and Harpoot, temporarily filled by the appointment of Mr. Robert S. Chilton, jr., as vice-consul at Erzerouh and of Mr. William D. Hunter as vice-consul at Harpoot, have been fully set forth in the report of this Department annexed to the special message of the President of the 19th of the present month.²

Since the making of the report, however, attention has been called to an error of slight importance, but which it may be well to take the present opportunity to correct. Instead of Messrs. Chilton and Hunter departing for Turkey early last autumn, they were commissioned in June, immediately started on their journey, reached Constantinople in July, and after waiting there for two months for their exequators were, on September 11, directed to go to their respective posts without them.

The statement of the same report that consulates of Great Britain and France are already established at Erzerouh and Harpoot was made

¹ Reprinted from Senate Document No. 49, Fifty-fourth Congress, first Session.

² Printed on page 1256.

on the authority of early advices. It has since been ascertained that no foreign consular representation of any kind exists at Harpoot. That town lies in Koordistan, a district comprising the vilayets of Harpoot, Diarbekr, Sort, Moosh, and Van. It is embraced in the consular jurisdiction of a British consulate for Koordistan, the residence of the principal officer being at Erzeroum (which, however, lies north of Koordistan proper), with subordinate vice-consuls at the towns of Diarbekr and Van. At both of these latter places, as also at Mosul, in the eastern part of Koordistan, vice-consulates of other Powers are established, although as regards lack of foreign trade they are in much the same case as Harpoot.

At Erzeroum consulates are maintained by Persia and Russia, and vice-consulates by France and Italy.

RICHARD OLNEY.

DEPARTMENT OF STATE,
Washington, December 28, 1895.

TREATMENT OF AMERICAN CITIZENS OF ARMENIAN ORIGIN.¹

Message of the President.

To the Senate:

I transmit herewith a report from the Secretary of State in answer to a resolution of the Senate of the 16th instant, requesting information in regard to the treatment of naturalized citizens of the United States of Armenian origin, and their families, by the Turkish Government.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 23, 1896.

Report of the Secretary of State.

The PRESIDENT:

The undersigned, Secretary of State, to whom was addressed a resolution passed in the Senate of the United States on the 16th instant, directing the Secretary of State—

to inform the Senate, if consistent with the public interests, first, whether naturalized citizens of the United States of Armenian birth are allowed to visit Turkey on business or to visit their families, and whether United States passports held by them are recognized by the Turkish Government; secondly, whether the families of such naturalized citizens residing in Turkey are permitted to leave that country and come to the United States; also, whether naturalized citizens of the United States of Armenian birth have the same rights and protection in that country as have naturalized citizens of Great Britain, France, Germany, or Russia—

has the honor to lay before the President the following report upon the subject-matter of the aforesaid resolution, to the end that the same may be transmitted to the Senate in answer thereto, should such course not be deemed incompatible with the public interests.

In answer to the first inquiry, the published correspondence in the volumes of the Foreign Relations for the past to years, together with

¹ Reprinted from Senate document No. 83, Fifty-fourth Congress, first session.

the statements made by the President in recent annual messages, show that the Turkish Government claims the right to exclude from the Ottoman territories, or to deport in case they be found therein, naturalized citizens of the United States of Armenian birth who have become such naturalized citizens without Imperial consent since the year 1869. This right is claimed in exercise of a prerogative of sovereignty as an executive measure in regard to aliens whose presence in the Empire may be deemed prejudicial to the public interest. Its enforcement in regard to such persons has not been opposed, nor has remonstrance been made save in the case of arrest or punitive proceedings against the parties on the ground of their having become citizens of the United States without Imperial permission. United States passports held by persons so situated are recognized by the Turkish authorities as evidence of the fact of naturalization and citizenship, but the recognition so accorded does not prejudice the exercise of the sovereign right of exclusion or expulsion for the causes stated.

The law of Turkey, like that of Russia and some other countries, does not recognize unpermitted change of allegiance by a Turkish subject; but, although no treaty of naturalization exists between the United States and Turkey in regulation of this point, no instance has yet been pressed by the Turkish Government in assertion of a right to treat the individual as a Turkish subject or to punish him for the alleged offense of becoming a citizen of a foreign State without permission.

The second branch of the Senate inquiry covers two distinct matters. It is asked, in the first place, whether the families of such naturalized citizens residing in Turkey are permitted to leave that country and come to the United States. By "the families of such naturalized citizens" the resolution is presumed to mean the wives and minor children, who alone might, when within the jurisdiction of the United States, be held to acquire citizenship through the naturalization of the husband or father.

The naturalization laws of the United States being obviously framed to permit the bestowal of the franchise of citizenship upon certain persons of alien birth who are within its jurisdiction, and the application of these statutes being intrusted to the judicial branch, it is clear that they can not operate to naturalize by indirection or by executive interpretation a person who is an alien by birth and origin, who has never been within the jurisdiction of the United States, and who at the time may be dwelling within a foreign jurisdiction.

The Turkish Government has on several occasions permitted the emigration of the wives and children of Turkish subjects who had come to the United States and here acquired citizenship, leaving their families behind them. It has even permitted the emigration of other kinsmen of a degree not within the purview of the naturalization laws of the United States. It has also, asserting a discretionary power in the premises, refused to permit the emigration of the families of naturalized Armenians, even within the marital or filial degree. The good offices of the United States minister are uniformly exerted on all proper occasions to assist the emigration of such persons, upon permission properly secured from the Turkish authorities, and, when funds have been assured to pay the journey, he has assisted their departure. He has likewise assisted the coming to the United States of the wives of citizens of Armenian origin, who, being in this country at or subsequent to the naturalization of their husbands, have returned to Turkey; and of the children of such citizens, born abroad subsequent to the naturalization of the father or who may have acquired American citizenship

by actual presence in the United States subsequent to the father's naturalization, and in such instances permission for the families to emigrate has been demanded as of right. These latter instances, however, are relatively few in number compared with the cases in which good offices have been exerted, with varying success, to procure the emigration from the Turkish dominions of the kindred of a naturalized Armenian, including the parents, brothers, and sisters, and even relatives of remoter degree, who could not become citizens of the United States except by individual naturalization.

The resolution further inquires:

Whether naturalized citizens of the United States of Armenian birth have the same rights and protection in that country as have naturalized citizens of Great Britain, France, Germany, or Russia.

As to this, the privilege claimed by the Government of the United States for such citizens by naturalization in the country of origin is greater than that claimed by any one of the four Governments named. A very general rule among Governments of the European continent, and one which obtains in principle with respect to Great Britain also, is that no alien may be admitted to become a citizen of the State by naturalization except upon production of proof that his change of allegiance is permitted by the sovereign of whom he is already a dependent.

In the case of Great Britain this rule is somewhat differently applied. The British statute of naturalization prescribes that the naturalization of an alien shall be without force and effect should he return to the country of his original allegiance, unless by the laws thereof or by treaty between that country and Great Britain his change of status is recognized, and an indorsement in the language of the naturalization act is made upon all British passports issued to aliens as follows:

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 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 United States minister at Constantinople has heretofore reported that naturalized Armenian or other Turkish subjects of Great Britain, France, Germany, or Russia returning to the jurisdiction of Turkey are not claimed by their adopted Governments as citizens, nor protected as such, except upon proof that their change of allegiance has been permitted, or is recognized, by the Government of Turkey.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,
Washington, January 22, 1896.

F R 95—93

VENEZUELA.

PROTECTION OF VENEZUELAN INTERESTS IN FRANCE.¹

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA,
Washington, D. C., March 12, 1895.

SIR: I have the honor to request, in the name of my Government and under the head of friendly service, that your excellency may be pleased to authorize by cable the ambassador of the United States at Paris to assume charge of the protection of Venezuelan interests in France in the event of the minister of Venezuela making such a proposition by reason of his having to leave that country.

I avail myself, etc.,

JOSÉ ANDRADE.

Mr. Uhl to Mr. Andrade.

No. 3.]

DEPARTMENT OF STATE,
Washington, March 12, 1895.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, asking that our ambassador at Paris be instructed to assume protection of Venezuelan interests in France, in the event of his being so requested by the minister of Venezuela at that capital, and in reply to inclose copy of Department's telegram, of to-day's date, to Mr. Vignaud, our chargé d'affaires ad interim, directing him to use his friendly good offices in behalf of Venezuelan citizens in France.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

RUPTURE OF RELATIONS BETWEEN VENEZUELA AND FRANCE AND BELGIUM.²

Mr. Rojas to Mr. Andrade.

[Translation.]

[Handed to Mr. Gresham by Mr. Andrade, March 28, 1895.]

MINISTRY OF FOREIGN RELATIONS OF VENEZUELA,
Caracas, March 7, 1895.

SIR: No. VI of the documents of the Green Book of the Kingdom of Italy contains a protocol, signed by the representatives of France, Germany, Spain, and Belgium in Venezuela, which was sent by them some

¹ See also under France, page 424.

² See also under Belgium, page 40, and France, page 422.

time since to their respective Governments, and which was evidently designed not only to insult the Republic, but to cause strong pressure to be exerted upon it in order to induce it to accept certain onerous conditions. Two of the signers left the country many months ago and their places have been filled, but the other two, viz, the Marquis de Ripert Monclar, representative of France, and Mr. H. Ledeganek, chargé d'affaires of Belgium, continued to discharge their functions; wherefore, the President of the Republic, being mindful of his duties as guardian and custodian of the national dignity, resolved to declare that they were unsuitable persons to act as mediums in our political relations with those two States, and to send them their passports.

This measure of the Government has been received with unanimous approval by the whole country, in which public excitement had reached such an extreme, owing to the statements made by those gentlemen, that the most energetic measures were absolutely necessary to prevent a serious conflict.

In informing you of this occurrence, and in inclosing to you the official newspaper containing the principal documents relating to the matter, I have the honor to beg you to be pleased to do all in your power to prevent the circulation of inaccurate news on the subject in the United States of America, inasmuch as serious difficulties will thus be avoided.

Our relations with the French Republic and with the Kingdom of Belgium are in no wise impaired by the unavoidable measure which has just been taken by the President, since it has reference solely to the personality of the gentlemen who saw fit to render themselves unsuitable to continue to treat with the Government of Venezuela.

The telegram which I addressed to you yesterday had reference to this annoying incident. It was as follows:

The publication signed by the ministers of France and Belgium in the Italian Green Book is highly insulting to the Republic and its government. Consequently, in order to uphold the national dignity and prevent, at the same time, conflicts, owing to the excitement which prevails among our citizens, it has been absolutely necessary to declare those gentlemen unsuitable to sustain friendly relations with Venezuela, and their passports have been sent to them. This measure is purely personal. We shall continue to cultivate cordial relations with the countries which they have represented. Please try to have correct reports concerning this matter published in the American newspapers.

By the clipping which I inclose, and in which the article in question appears, you will see that the purpose to act inimically toward the Republic is therein manifested, as is the determination to create a body whose irrevocable decisions, besides infringing our laws, are to lower our national dignity. The intention is therein seen to form a powerful alliance against an American State, which, as its main source of strength, has nothing but the fundamental provisions of international law, which have been sadly disregarded in the principal portion of the protocol.

All this must be considered as being a matter of the utmost gravity, and it is consequently of the highest importance that you, having examined the case and fully understanding its nature, should solicit a special audience with the honorable Secretary of State for the purpose of informing him both of the cause of the step taken by Venezuela and of the danger to which the independence of these Republics is exposed if those purposes are accomplished, since they would constitute a coalition like any other against the free nations of America.

In treating of this matter with Mr. Gresham, it will be well to convey to his mind the conviction that Venezuela, for many weighty reasons, regards the United States as a nation that is called upon to watch over the political and territorial integrity of the other American peoples.

He should further be informed that, in the opinion of this Government, this incident will in no wise impair the friendly relations of Venezuela with France and Belgium, since the governing powers of those countries can not regard the measure which has been adopted otherwise than as the fulfillment of a sacred duty, viz, the vindication of the honor of the Republic.

I am, etc.,

P. EZEQUIEL ROJAS.

A copy.

JOSÉ ANDRADE.

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA,
Washington, D. C., May 11, 1895.

SIR: In connection with the diplomatic controversy now pending between Venezuela and France, of which your excellency already has knowledge, I have received instructions to communicate to the United States Government the contents of the dispatch which I have the honor herewith to inclose, together with the documents therein mentioned, with the exception of the Italian Green Book, which I have deemed it unnecessary to send to your excellency, since I know that the said publication is in the library of the Department of State, and since what is essential in relation to the controversy in question is found in Inclosures V and VI.

The American embassy at Paris was authorized, when the difficulty began, through the well-timed kindness of your excellency's Government, and at the instance of that of Venezuela, to take Venezuelan citizens residing in France under its protection. The friendly feelings of which the United States then furnished evidence to my country lead it to hope that the request now made will be followed by an equally speedy and satisfactory result.

Accept, etc.,

JOSÉ ANDRADE.

[Inclosure.]

Mr. Pulido to Mr. Andrade.

MINISTRY OF FOREIGN RELATIONS OF VENEZUELA,
Caracás, April 17, 1895.

SIR: The matter to which this note relates is deserving of special attention.

The rupture of relations with the French Republic was not, as is well known, occasioned by Venezuela. Urgent necessity and the requirements of the national honor decided the Chief Magistrate to declare the representative of that nation unfitted to act as the medium of the friendly relations cultivated by the two Republics. The measure was one of a purely personal character; and the acts and explanations which followed it, and which the French Government would not await before breaking off its diplomatic intercourse with us, are manifest evidence of the conciliatory spirit by which Venezuela, from the very outset, wished to be guided, provided always that the national dignity should not be in the slightest degree impaired.

This Government is of the opinion that, if the French Government had awaited the special communication which was addressed to it by

this ministry on the same day that his passports were sent to its minister at Caracas, which communication set forth, more fully than could be done by cable, the reasons which led to the adoption of the measure, that rupture, which Venezuela, from the very first, has regarded as an act for which there was no necessity and no cause, would not have occurred; the more so, as affection for France is with us an almost inborn feeling, as is proved by the recent public demonstrations on the occasion of the murder of President Carnot.

It by no means becomes either Venezuela or France to prolong this state of ill feeling. The causes which gave rise to the attitude assumed by this Government toward the person of M. Monclar are discussed by the publicists and authorities of the greatest note, and not one of them expresses any views which can be used as an argument against the procedure adopted in this case by Venezuela.

As the action of the President of the Republic was justified by a series of weighty circumstances, as has been understood and declared by the American press and a considerable portion of the European press, it is well to attempt some friendly action which may put an end to the dispute and restore harmony between two nations who have long been living in sincere friendship with each other. To this end this Government attaches great weight to the friendly intervention of the United States, both on account of the high esteem which that great Republic enjoys among other civilized nations and because it is the chief nation of America, and the one called, so to speak, to exercise its good offices most effectually in any difficulty that may arise between the countries of this continent and the powerful States of the Old World.

In requesting the United States Government to be pleased to authorize its embassy in Paris to ask for the reestablishment by honorable means of the relations between Venezuela and France, the executive power thinks that it is giving a very convincing proof of the interest which it feels in that European Republic, and of its earnest desire to continue to cultivate close and cordial relations with it. The service which the United States will thereby render to Venezuela will constitute both an act deserving of all our gratitude and a species of homage to those principles of civilization which tend to the establishment of permanent harmony between enlightened nations, without prejudice to the political equality prescribed by modern (international) law.

The documents bearing most directly upon the diplomatic incident in question should accompany the petition of Venezuela, and, as you will have to make a formal application on the subject to the Department of State, inclosing a copy of this communication, I send you¹ herewith the following documents, in order that you may annex them to the petition above referred to:

I. The Italian Green Book, containing the protocol which occasioned the step taken with reference to the French minister. The document in question appears on pages 11-18.

II. Documents of a public nature, connected with the incident and with the order issued by the Venezuelan Government on the 5th of March, published in the *Gaceta Oficial* of that day.

III. Resolution of the National Congress, approving the steps taken in the matter by the President of the Republic. (*Gaceta Oficial* of March 7.)

IV. Circular of the minister of interior relations. (*Gaceta Oficial* of March 8.)

¹ Inclosures not printed.

V. Communication from the minister of foreign relations to the president of the National Congress, concerning the rupture of political relations between Venezuela and France. (*Gaceta Oficial* of March 18.)

VI. Reply of the president of Congress to the foregoing communication. (*Diario de Caracás*, No. 444.)

VII. Certified copy of the diplomatic note addressed to the minister of foreign affairs of the French Republic on the 5th of March, giving an explanation of the circumstances which had occasioned the dismissal of M. Monclar, the latter part of which note contains an expression of the pleasure which it will afford Venezuela to see a new representative of the French Republic accredited to her.

As Belgium has not as yet made any demonstration incompatible with the perfect harmony which Venezuela wishes to maintain in her relations with that European State, the good offices of the United States ambassador at Paris might be confined, on this point, to conveying to the representative of His Majesty Leopold II, near the French Republic, the expression of the pleasure with which a new minister from that Kingdom will be received here, and of the earnest desire of the Venezuelan Government that the ties of friendship uniting the two nations may be strengthened and perpetuated. For your better information, I inclose a certified copy of the communication which was addressed on the 5th of March to the department of foreign affairs of Belgium, upon sending his passports to the chargé d'affaires of that Kingdom at Caracás.

It is well to recall here, as applicable to this case, the friendly action taken formerly by the United States in settling the difficulty which had arisen between Venezuela and France in 1881, when M. Tallenay, the chargé d'affaires at Caracás, left the country because the demands which he had presented in the shape of an ultimatum were not granted. The kindly feeling then displayed by the United States in reconciling the conflicting interests has always been remembered by Venezuela with sincere gratitude.

I am, etc.,

LUCIO PULIDO.

Mr. Uhl to Mr. Andrade.

No. 10.]

DEPARTMENT OF STATE,
Washington, June 5, 1895.

SIR: I have the honor to acknowledge the receipt of the two notes which you addressed to this Department on the respective dates of March 7 and May 11 of the present year, touching the differences between your country and France and Belgium, arising from the dismissal from Venezuela of the diplomatic representatives of those States.

In your note of May 11 you transmit documents in the case, and communicate the desire of your Government that the ambassador of the United States at Paris be authorized to invite, in all proper ways, the reestablishment of relations between France and Venezuela.

The President has been pleased to direct that Mr. Eustis, our ambassador there, will accede to this request, taking an early occasion to state to the French Government, through its minister for foreign affairs, the great pleasure it would afford the Government of the United States to see such restoration of necessary and friendly intercourse between the two countries, and its readiness to bring about so desirable a result.

Your note further suggests that as Belgium has not, in terms, broken off diplomatic relations in response to the action of Venezuela, the good

offices solicited of our ambassador in Paris could be limited on this point to expressing to the Belgian representative there the gratification with which Venezuela would receive a new minister from Belgium, and the interest that Republic feels in strengthening and making permanent the cordial ties that unite the two peoples.

It has been thought more prudent that this intimation should be conveyed to the Belgian Government through the United States minister at Brussels, and he has been instructed to make known to it the wish of your Government in this regard.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Olney to Mr. Andrade.

No. 13.]

DEPARTMENT OF STATE,
Washington, June 20, 1895.

SIR: I have the honor, in connection with the Department's note of the 5th instant and our interview of this morning, to apprise you of the receipt of a dispatch from the United States ambassador at Paris, No. 311, of the 6th instant, in regard to his friendly action, under the Department's instruction, looking to the restoration of amicable diplomatic relations between the Governments of Venezuela and France.

Mr. Eustis sought an interview with Mr. Hanotaux, the minister for foreign affairs, who, although he accepted the ambassador's official statement with courtesy, failed, much to the Department's regret, to give Mr. Eustis any encouragement to believe that the French Government was inclined to change its present attitude in the matter. Mr. Eustis then unofficially discussed with Mr. Hanotaux, at some length, the whole subject, but the impression left on his mind was that the Government of France was not at present disposed to resume its diplomatic relations with your Government.

Accept, etc.,

RICHARD OLNEY.

Mr. Uhl to Mr. Andrade.

No. 15.]

DEPARTMENT OF STATE,
Washington, July 3, 1895.

SIR: With further reference to the subject of your recent interviews concerning the desire of the Venezuelan Government for the restoration of diplomatic relations with France and Belgium, and referring, also, to my note to you of the 20th ultimo, communicating the unfavorable report of our ambassador at Paris in regard to the disposition of the French Government in the matter, I have now the honor to inform you that I have received a report from the United States minister at Brussels, under date of June 14. Mr. Ewing communicates the reply of the Belgian minister for foreign affairs, to the effect that, as the representative of France had been treated in the same manner as the agent of Belgium, the Belgian Government wishes, in the first place, to have an understanding on the subject with the French Republic, and is, moreover, awaiting the expected arrival of Mr. Ledeganck, its consul-general and chargé d'affaires at Caracas, who, for family reasons, was unable to leave that city as promptly as did the envoy of France.

In acknowledging the reports of Mr. Eustis and Mr. Ewing, I have taken occasion to express the sincere hope of this Government that by

the continued and discreet use of their good offices they may contribute to the desired restoration of the relations of Venezuela with France and Belgium.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Andrade to Mr. Olney.

[Translation.]

LEGATION OF VENEZUELA,
Washington, August 12, 1895.

SIR: Referring to the result of the first steps taken by the diplomatic representatives of the United States in France and Belgium, the object of which was to bring about a restoration of harmony between Venezuela and those European States, the minister of foreign relations at Caracas instructs me to convey to your excellency the warmest thanks of the Venezuelan Government for the good offices used in the matter by the United States Government, and to express to you the hope that the aforesaid representatives will avail themselves of any fresh occasion to ventilate the matter under more favorable auspices.

I avail, etc.,

JOSÉ ANDRADE.

VENEZUELA-GUIANA BOUNDARY CONTROVERSY.¹

Mr. Rojas to Mr. Andrade.

[Received from Mr. Andrade, April 12.—Translation.]

MINISTRY OF FOREIGN RELATIONS,
Caracas, March 29, 1895.

SIR: I have the honor to inclose a duly certified copy of the resolution passed this day by the Congress of the United States of Venezuela, expressing its gratitude to the Congress and President of that Republic (the United States of America), in the name of this Republic, for the interest which they have displayed by official acts of recent date with regard to the subject of the Guiana boundary and its speedy and amicable adjustment.

I send you this resolution to the end that, in conformity with article 2 of the resolution itself, you may transmit it to the Department of State with the earnest request that it will immediately communicate it to the honorable Congress of that Republic and to its President, His Excellency Mr. Cleveland.

Your obedient servant,

P. EZEQUIEL ROJAS.

[Inclosure.]

The Congress of the United States of Venezuela, in view of the special message of the citizen President of the Republic, and

Whereas the Senate and House of Representatives of the United States of America, in Congress assembled, have resolved that the suggestion made by the President in

¹ See also under Great Britain, p. 542 et seq.

his last annual message to that body is most earnestly commended to the favorable consideration of the parties interested, the said suggestion being that Great Britain and Venezuela submit their boundary dispute in Guiana to friendly arbitration; and Whereas that resolution is in harmony with the firm purpose repeatedly expressed and maintained by the Venezuelan Government; and

Whereas the attitude of the high authorities of the great North American Republic is deserving of singular gratitude and appreciation on the part of the Government and people of Venezuela,

Resolves: ARTICLE 1. To tender, for so just a reason, its thanks, in the name of the Government of Venezuela, to the Congress and the President of the United States of North America.

ART. 2. This resolution shall be communicated to the National Executive, in order that it may be transmitted by him to the high authorities of that great nation.

Done at the hall of sessions of the Congress, at Caracas, this 29th day of the month of March, 1895, in the eighty-fourth year of independence, and the thirty-seventh of the federation.

MARIANO ESPINAL,

President of the Congress and of the Senate Chamber.

J. FRANCISCO CASTILLO,

Vice-President of the Congress, President of the Chamber of Deputies.

FERMIN BELLO,

First Vice-President of the Senate.

J. AROSTEGUI,

First Vice-President of the Chamber of Deputies.

FRANCISCO ALVARADO,

Second Vice-President of the Senate.

A. RAMELLA,

Second Vice-President of the Chamber of Deputies.

FRANCISCO PIMENTEL,

Secretary of the Senate.

MIGUEL CABALLERO,

Secretary of the Chamber of Deputies.

Federal palace of the capitol at Caracas, March 29, 1895, eighty-fourth year of independence and thirty-seventh of the federation. Let it be executed, and let care be taken that this be done.

JOAQUIN CRESPO.

Countersigned:

P. EZEQUIEL ROJAS,

Minister of Foreign Relations.

A copy:

[L. S.]

ROJAS,

Minister of Foreign Relations.

CARACAS, March 29, 1895.

Mr. Gresham to the Minister for Foreign Affairs of Venezuela.

DEPARTMENT OF STATE,

Washington, April 15, 1895.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 29th ultimo, with which was inclosed an exemplified copy of a resolution of the Venezuelan Congress, under the same date, expressing appreciation of a resolution of the Congress of the United States, approved February 20, last, whereby that body earnestly recommended to the favorable consideration of both the parties in interest the reference to arbitration of the boundary dispute between Great Britain and Venezuela.

I shall be pleased to bring your letter and its inclosure to the knowledge of the President.

Accept, etc.,

W. Q. GRESHAM.

Mr. Pulido to Mr. Andrade.

[Handed to Mr. Uhl by Mr. Andrade, May 13, 1895.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS OF VENEZUELA,
Caracas, April 17, 1895.

SIR: It is seen, from the context of your communication of the 27th ultimo, No. 81, that His Excellency Mr. Gresham still thinks that it is proper and necessary for us to send a Venezuelan representative to London in order that he may reach a direct understanding with England in relation to the boundary question in Guiana. With a view to securing a modification of the view expressed by that eminent statesman, my predecessor addressed to you the dispatch of March 20 (No. 355), to which I must add a few considerations.

When, in 1890, I was appointed confidential agent, in order that I might seek a peaceful settlement of this long-standing dispute, I passed through the United States, where I was treated with the utmost kindness by Mr. Blaine, then Secretary of State, who even went so far as to instruct Mr. Lincoln, the minister of that Republic in London, to offer to England the good offices of the United States for a mutually satisfactory settlement of the dispute. The foreign office did not accept those good offices, nor did it accept general arbitration, although it did agree to enter into negotiations with me. The result of those negotiations was that the foreign office declared its willingness to give up the mouths of the Orinoco to Venezuela in exchange for other territory, which, in the opinion of the British commissioner, would compensate Great Britain for the entire abandonment of the entrance to that river and the adjacent territory. Lord Rosebery left this circumstance wholly out of consideration when, three years afterwards, a new commissioner from Venezuela proposed arbitration as a means of final and satisfactory settlement. Then, as before, England excluded from arbitration the territory within the Schomburgk line, and no willingness was manifested to accept that method of settlement, except as regarded territory lying on this side of that line, to which Great Britain had laid no claim until a few years previously.

This mode of proceeding shows that the conditional acceptance of arbitration by England is nothing but a diplomatic expedient, designed to create the impression that she desires or is willing to have the case subjected to an examination such as justice demands. The opinion which I formed when I had charge of the matter in London leads me to believe that England will hardly accept any arbitration whatever as regards the territory within the Schomburgk line, unless her acceptance is demanded in a way that will show her the danger of a refusal, either from a political or a commercial point of view.

In order that Venezuela should determine for the third time to send an agent accredited as minister, it would be necessary for the United States to say that Great Britain is prepared to modify, in some measure, the claims which she has hitherto advanced.

The good offices of that Republic would be, to a certain extent, nugatory, if Venezuela, after resuming diplomatic relations with Great Britain, should thereby secure no evidence of good will save the acceptance of arbitration as regards the territory situated on this side of the Schomburgk line, and therefore not involved in the dispute. The resumption of diplomatic relations would then be equivalent to an additional source of embarrassment to the Republic, which would have no reason to regard England, notwithstanding the existence of apparently friendly relations, otherwise than as the seizer of a portion of her territory, and as the violator of her dearest rights and privileges.

The foregoing considerations are based, to a great extent, as I have already remarked, upon my private opinion. I do not wish, however, to withhold these views, as I think that the subject under consideration, which is most highly important, should be examined from a practical point of view, since we are aiming to secure the most positive result possible from the friendly interposition of the United States of America.

You are requested to bring the contents of this dispatch to the knowledge of His Excellency Mr. Gresham, and to leave a copy of it in his hands if he desires it.

I am, etc.,

LUCIO PULIDO.

Mr. Pulido to Mr. Andrade.

[Handed to Mr. Uhl by Mr. Andrade, May 23, 1895—Translation.]

DEPARTMENT OF FOREIGN RELATIONS OF VENEZUELA,

Caracas, April 18, 1895.

SIR: The Government was informed, about the middle of January, that a small part of the military force which was stationed on the left bank of the upper Cuyuni had committed an act of insubordination, the details of which were not accurately known until some days afterwards. The case in question was the seizure of a house situated on the right bank of the aforesaid river and inhabited by British subjects, whom the parties guilty of the seizure placed under arrest and at once sent to the locality known as Upata. When they arrived there, and the General Government was informed of what had been done, it sent peremptory orders for their release, and ordered the officer in command of the station and the subordinate officer, who were considered as mainly responsible for the reprehensible act, to come to Caracás in order to give an account of what they had done.

According to the statement of the so-called inspector, who was one of the prisoners, they were informed, on arriving at Upata, that they were to be released; they were further informed that, if they desired to return to their residence on the upper Cuyuni, they were at liberty to do so, and that they would be accompanied thither by a special commissioner, who would take them back with every guaranty of their safety. They preferred then to go to Georgetown, not by the same route, but via Trinidad and Barbados. Subsequently, however, the British again occupied the post on the right bank of the Cuyuni.

As you will see, the act took place in an uninhabited region, at a very great distance from the capital of the Republic, and even from the district over which the executive Government has immediate jurisdiction. The guilty parties acted solely on their own responsibility, for while it is true that the house occupied by Barnes and his companions is situated in territory to which Venezuela has a good title, neither had the Venezuelan forces orders to cross to the right bank of the Cuyuni, nor could they be authorized to commit acts like the one in question, which has, from the very outset, been most strongly condemned by the Government.

As a result of the measures taken by the department of the interior and by that of war and marine as soon as the facts of the case were known, Señor Domingo Sifontes, the officer who had command of the station, and Captain Dominguez are now here. The former has already been cashiered, not because of his direct guilt, but because of his lack of zeal and interest in the discharge of his duty, since, when the incident occurred, he was at a great distance from the place which it was his duty to watch. Captain Dominguez is now on trial, and the private

soldiers who appear to have abetted an act of spoliation, and who are now fugitives from justice, will be taken and brought to trial, to which end letters rogatory have been issued.

The Government is acting with all the rigor that the law requires, and in the sphere of its duty it has already fulfilled all its obligations. Of the inventory which was taken at the time when possession was taken of the house, a certified copy was sent to the legation of Germany in Venezuela, under whose protection British interests were. It is to be observed that the signature of the so-called inspector (Barnes) is affixed to that document. A list of the effects was taken in his presence, according to the report that was afterwards sent to the department of the interior by the commissioner-general of the Cuyuni.

The region in which the lamentable and lamented incident occurred is still inaccessible to traffic or regular travel. Many days are required to reach it, and even persons arriving there from Georgetown, which is distant from it 300 miles or more, almost always make the journey via Ciudad Bolivar. The official station established there communicates with the department of the interior by means of correspondence, but letters from there are always received so long after they were written that, in order to provide for the needs of the service, it is necessary to make the necessary calculations a long time beforehand, with the aid of the experience acquired by those who dwell in those desert regions.

It would be much to be regretted if Great Britain should seek to make a matter which came to pass under such circumstances the subject of an international claim. The affair was explained in time through the proper channel (the German legation) and a statement was furnished of the measures taken by the Government in order to punish the guilty parties. Nevertheless, the English press speaks so persistently of the purpose of Her British Majesty's Government to assume an openly hostile attitude toward Venezuela that it has been deemed prudent and necessary fully to inform the United States Government, in case of hostile action, in violation of the principles of right and justice, on the part of that European power. Venezuela, firm in the consciousness that she is right, and feeling sure that she has fulfilled the duties which, in this case, were incumbent upon her as an enlightened country, expects that these rumors will prove to be unfounded, since there is no comprehensible basis and no justification on the part of England at a time when the entire civilized world is in favor of peaceful methods, and is pleading for the adoption of such means as will facilitate the settlement of differences among nations, without an appeal, in any case, to the odious methods of force.

You are requested to state the substance of this dispatch to his excellency the Secretary of State, and to leave a copy of it with him if he desires it.

I am, etc.,

LUCIO PULIDO.

Mr. Andrade to Mr. Gresham.

[Translation.]

LEGATION OF VENEZUELA,
Washington, D. C., April 22, 1895.

SIR: On one of my recent visits to the Department you asked me how much truth there was in the rumor coming from London and published in some American papers in regard to certain repressive steps

taken by the Government of Great Britain against Venezuela in consequence of the imprisonment of an inspector and other police employees of the British colony of Demerara accused of committing acts of aggression in the Venezuelan territory of Cuyuni against citizens of Venezuela, and of seeking to occupy by force the bluff on which the latter were peaceably working. Touching the report in question the minister for foreign relations of my country now writes me the following, which, in my judgment, confirms the doubts I expressed to you at the time in answer to your inquiries:

The report which has been spread with respect to the hostile attitude of England because of the Cuyuni incident appears to be without foundation. Everything rather leads to the presumption that the results of the investigations ordered in regard to the matter are awaited with tranquillity.

Be pleased, etc.,

JOSÉ ANDRADE.

Mr. Uhl to Mr. Andrade.

No. 6.]

DEPARTMENT OF STATE,
Washington, April 26, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, in which you advise the Department that you have been informed by the minister of foreign relations at Caracas that the report of the hostile attitude of England, because of the Cuyuni incident, appears to be without foundation.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Mr. Andrade.

No. 8.]

DEPARTMENT OF STATE,
Washington, May 25, 1895.

SIR: I duly laid before the President the translation of an instruction dated April 17, addressed to you by his excellency the minister for foreign affairs, which you did me the honor to communicate to me in our interview of the 13th instant, in relation to the present aspects of the boundary dispute between Venezuela and Great Britain.

The President directs me to say that his view of the convenience and necessity of resuming diplomatic relations between your Government and Great Britain remains unchanged. Only through the direct negotiations of an accredited envoy with Her Britannic Majesty's foreign secretary does it appear practicable to initiate and accomplish an agreement for the arbitration of this long-protracted controversy.

Although the British Government has more than once intimated their indisposition to negotiate for an arbitration as to the right to certain indicated parts of the disputed territory, it does not appear to have been made a condition precedent to the renewal of diplomatic intercourse that Venezuela shall waive any part of her territorial claim. Believing that the unconditional resumption of such relations between the two countries is a proper and necessary step toward the eventual settlement of the question that has so long disturbed them, and that it offers, furthermore, a better opportunity for the friendly offices of this Government to bring about such a result, the President is prepared to again instruct our ambassador at London to contribute his personal

efforts to the end that fully accredited representatives may be speedily sent and received by the two countries, respectively, upon being informed that this will be agreeable to your Government.

When the diplomatic relations are so restored, this Government will be in a position to urge upon that of Great Britain the submission of all the territorial questions involved to impartial and conclusive arbitration, and I have pleasure in assuring you that its earnest endeavor will thereupon be put forth to bring about that desirable and honorable result.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Pulido to Mr. Andrade.

[Handed to Mr. Adee by Mr. Andrade, August 10, 1895.—Translation.]

CARACAS, July 10, 1895.

SIR: The council of ministers, presided over by the chief magistrate, have taken into consideration the idea, often suggested to Venezuela by the United States, and persistently maintained by the President and Government of that Republic, of opening direct negotiations with Great Britain in order to bring to a peaceful and honorable termination, by means of arbitration, the pending differences as to the boundary between our Guiana and Her Majesty's colony. The refusal of Venezuela to act upon this suggestion has hitherto been supported by facts of experience, which need not be repeated, since, while they constitute what is conceived to be a potent argument in support of the attitude of this Government, they have failed to lead to any modification of the opinion held by the Department of State on this subject.

In view of these circumstances, and of the last declarations and promises made to you, by direction of His Excellency Mr. Cleveland, especially those contained in Mr. Uhl's note of the 25th of May last, and being actuated by motives of respect and deference, the President, acting in concert with the council of ministers, has resolved to accept the suggestion of the United States. He is therefore willing to send a minister to London, who shall present his credentials simultaneously with those presented here by an agent of like character duly accredited by Her Majesty Queen Victoria. Venezuela would then at once propose, through her representative at the Court of St. James, to settle, by a treaty of arbitration, the vexatious boundary question, always effectively assisted by that great Republic, in the manner already promised and now solemnly reiterated.

This step, which is due to a feeling of respectful deference to the United States, is taken with some apprehension lest Venezuela may soon be placed in a truly embarrassing position, such as would be the result of her again disagreeing with England, by reason of the insistence of the British Government upon excluding from arbitration territories which the Republic considers as its own. In that case her minister accredited in London would have to be recalled, and it would be necessary to give the British representative here his passports at once. This apprehension is enhanced by the recent fact of Her Britannic Majesty's undersecretary of state having expressed in the House of Commons, on the 17th of June last, views with reference to the friendly mediation of the United States, showing England's determination not to submit to arbitration any territories but those beyond the Schomburgk

line, which were never included in the dispute with Venezuela previously to 1890, but which England has now sought to include in her claim, possibly for the purpose of appearing not absolutely to reject the offer of arbitration.

At all events, however, the good will of the Republic and its sincere desire to proceed in harmony with the action of the Government at Washington would be manifested, even though by means deemed beforehand to be likely to produce an effect contrary to the one had in view.

In order to avoid the difficulty of a new rupture, it is deemed indispensable that the United States ambassador be assured beforehand of England's readiness to submit the dispute to general arbitration, without exclusions likely to cause more vexatious differences.

When informed of the result of the steps to be immediately taken by Mr. Bayard in virtue of our assent to the view held by that Republic, Venezuela would forthwith proceed to name her representative in London and arrange to receive the one to be simultaneously accredited here by Great Britain.

In order to give to this decision of Venezuela a still more solemn character, you are instructed to transmit a copy of this note, together with an English translation, to the Department of State.

I am, etc.,

LUCIO PULIDO.

Mr. Andrade to Mr. Olney.

[Translation.]

LEGATION OF VENEZUELA,

Washington, October 21, 1895.

SIR: The leading organs of the press in this country have recently published the information taken from the *St. James Gazette*, of London, respecting a dispatch of Mr. Joseph Chamberlain, secretary of state for the colonies, recommending that the government of British Guiana increase its police force, purchase two Maxim guns, one of which is to be placed at the Yuruan station, and open a road through the interior from Barima to the Yuruan and the Cuyuni. The said dispatch is said to have been followed by a cablegram, addressed by the said Mr. Chamberlain to Sir Cameron Lees, with regard to the said three points.

Your excellency will find in the appended copy of the *Daily Chronicle*, of Georgetown, issue of Friday, the 27th of September, the full text of the dispatch referred to, as well as the proceedings of the session of the combined court at which it was discussed and from which the existence of the cablegram subsequent to the dispatch, which embodied special instructions that the secretary of the colonial government thought he should not disclose, seems to be equally well established.

Although the three above-mentioned propositions appear therein to be denied, yet another was passed at the same session authorizing the government to build a police station on the Yuruan, in the place of that now existing, on a more healthy spot. And all this indicates that Great Britain still persists in considering beyond dispute as a part of the colony of British Guiana the territory that Venezuela has been contending for during fifty years and more and in administering according to her own exclusive will.

Accept, etc.,

JOSÉ ANDRADE.

Mr. Palacio to Mr. Andrade.

[Received from Mr. Andrade November 22, 1895.—Translation.]

CARACAS, November 5, 1895.

SIR: Some organs of the English press have recently attributed to His Excellency Mr. Bayard, ambassador of the United States in Great Britain, the idea that the (in London so-called) incident of the Yuruan River has no connection with the boundary dispute between Venezuela and the colony of Demarara. The Government of Venezuela has thus far had no reason to give credit to the news; but if it is true, or if his excellency the ambassador has expressed anything more or less clear in that sense, it seems opportune to bring to the attention of the Secretary of State, as a proper means of carrying the matter back to its original condition, the proof that said matter, such as Great Britain apparently wishes or designs to consider it, so far from being foreign to the boundary question, is included in it as the part in the whole, as the effect in the cause, as the accessory idea in the main one, which gives it peculiar existence. It is well, before anything else, to remember the territory where the incident occurred, the circumstances which led to it, and the character given to the measures which the Government thought proper to take, when it heard of it, as required by its responsibility and in obedience to its duty as a faithful custodian of order and discipline in general. Of the details relating to these measures and of those connected with the event itself, the Department must have been informed by the communication addressed to you by Dr. Pulido on April 18th of this year, No. 495, a copy of which you handed to Mr. Uhl, together with an English translation of it on the 23d of May following.

The Government, from the outset, saw nothing in the matter but an act of insubordination committed by subordinate agents to the injury of several British subjects who inhabited a house on the bank of the Cuyuni River, to the ownership of which territory Venezuela has a valid title. The reparation made by the Government was made on the spot, and was as prompt and effective as the case demanded.

To propose now, as it is said England does, to confound the damage already repaired, which was sustained by the aforesaid inhabitants of the English house, with a violation of territory or with an alleged insult to the British authorities, would be to distort matters and to manifest a desire to convert into a boundary dispute what was nothing but an isolated occurrence, due to a mere act of disobedience, which was punished without delay.

The true nature of the incident which occurred on the 2d of January is already sufficiently known. If it is perverted in such a way as to make the matter the cause of a grave incident, this can be done only with a view to justifying, even though indirectly, the British jurisdiction over territory which Venezuela has always considered to be hers. Let it therefore be considered how impossible it is to separate, even for a moment, the so-called Yuruan River incident from the boundary question in the significance and extent which Great Britain apparently seeks to attribute to it.

This explanation is now considered to be highly important, and I therefore instruct you, in obedience to orders from the Chief Magistrate, to transmit it to His Excellency Mr. Olney, with whom you may, if he desires it, leave a copy of this dispatch, together with the English translation.

I am, etc.,

MANUEL FOMBONA PALACIO.

Mr. Olney to Mr. Andrade.

No. 31.]

DEPARTMENT OF STATE,
Washington, January 18, 1896.

SIR: The Commission appointed by the President of the United States "to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana" has organized by the election of the Hon. David J. Brewer, Justice of the Supreme Court of the United States, as its president, and is entering upon the immediate discharge of its duties.

Since its organization I have received a letter from the president of the Commission in which, while pointing out that it is in no view an arbitral tribunal, he nevertheless suggests that Great Britain and Venezuela, the parties immediately interested in the subject-matter of the Commission's inquiry, may both or either of them desire or see fit to aid the labors of the Commission and facilitate their reaching a correct conclusion by giving it the benefit of such documentary proof, historical narrative, unpublished archives, or other evidence as either may possess or control.

Justice Brewer adds that "it is scarcely necessary to say that if either should deem it proper to designate an agent or attorney whose duty it would be to see that no such proofs were omitted or overlooked, the Commission would be grateful for such evidence of good will and for the valuable results which would be likely to follow therefrom."

Either party responding affirmatively to the Commissioner's invitation would do so, of course, as *amicus curiæ*. As the president of the Commission declares in the concluding sentence of his communication, "the purposes of the pending investigation are certainly hostile to none nor can it be of advantage to any that the machinery devised by the Government of the United States to secure the desired information should fail of its purpose."

Requesting you to bring the matter to the attention of the Venezuelan Government at your earliest convenience,

I avail myself, etc.,

RICHARD OLNEY.

Mr. Andrade to Mr. Olney.

[Translation.]

LEGATION OF VENEZUELA,
Washington, February 1, 1896.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 18th ultimo, relative to the organization of the Commission appointed by His Excellency the President of the United States to examine the true boundary line between the Republic of Venezuela and British Guiana, and to report concerning the result of their examination.

Your excellency refers to various suggestions made in a letter from Hon. David J. Brewer, the presiding officer of the Commission, concerning the propriety of the parties immediately interested in the matter intrusted to said Commission assisting it by furnishing to it such documentary evidence, historical narratives, and unpublished archives

as may be in their possession or at their disposal, and by appointing an agent or attorney to see that such evidence is furnished.

I transmitted a copy of your excellency's aforesaid note to the ministry of foreign relations on the 22d ultimo, and I did so with the more pleasure, since the contents of that note are in perfect accord with the voluntary offer which my Government had already made to the Department of State, through this legation, to furnish all the data collected by it relative to its boundary dispute with Great Britain, which offer is the best pledge of the good will with which it should be considered as being prepared to comply with this just desire of the Commission.

I avail, etc.,

JOSÉ ANDRADE.

Mr. Rojas to Mr. Olney.

[Translation.]

MINISTRY OF FOREIGN RELATIONS OF VENEZUELA,
Caracas, February 5, 1896. (Received Feb. 18.)

YOUR EXCELLENCY: The Republic of Venezuela has been for a long time regarding its boundary dispute with the English colony of Demerara as a cause of constant disturbance to the tranquillity of its civil life, and as an insuperable obstacle to its present and future prosperity. Aware of its rights, desirous of securing its own repose, and, at the same time, convinced that the danger to which it is exposed constitutes a common menace to all the states of this hemisphere if the controversy is not decided in accordance with the laws of justice, it has not hesitated to request the cooperation of the other American Governments in order to arrive at the adjustment or settlement of the dispute by means of the certain and peaceful methods suggested by modern international law.

One of the most earnest requests on this subject was addressed to the United States, and the Venezuelan Government, when reiterating it, with sanguine confidence, during the course of the last three years, has never failed to see, in the replies received, the flattering prospect of the vigorous and generous action of your great Republic in the attainment of a fair and reasonable settlement of this old and dangerous difference. Recent events and, with them, the phase which, according to public opinion, the dispute has reached, a phase which promises well for the prevalence of the right and for the preservation of the peace of the continent, fully justifies the hopes cherished by Venezuela of the efficient aid of the United States.

Those views which urge us to seek in the Guiana boundary dispute arguments of legal or historical force, instead of those based upon fortuitous circumstances or upon the fact of local occupation, and to deduce from them, by means of a fair and rigid investigation, the rights of the two parties to the dispute, are a convincing proof of the assistance rendered by His Excellency the President of your Republic, with the wise cooperation of the high legislative bodies and with the energetic action of the Department of State.

The manner in which your Republic has exerted its powerful influence in this vexatious controversy well deserved, on the part of Vene-

zuela, the eloquent public acknowledgments which are well known to have been made; but it likewise demands the respectful thanks of those who, in their political capacity, represent the authority of the nation; and this is the object of the present letter, which is intended as a special tribute of gratitude both to His Excellency Mr. Cleveland and to your excellency, in the name of the Venezuelan Government.

Señor José Andrade, envoy extraordinary and minister plenipotentiary of Venezuela, has special instructions to place this communication in your excellency's hands.

It gives me great pleasure to avail, etc.,

P. EZEQUIEL ROJAS.

INDEX.

	Page.
Abdication of Queen Liliuokalani of Hawaii.....	820
Administration of the Crockett estate in Madagascar by John L. Waller.	282, 386-396
Agreement:	
between France and Santo Domingo, adjusting differences between, text of..	400
giving to Americans benefit of German patent law, Germany refuses to	
enter into an	528
made by the Hawaiian Government for the construction of a cable to San	
Francisco, provided United States joins in undertaking.....	864
Alaska, alleged attempted establishment of post routes in, by Great Britain.	577-580
Aliens and naturalization, Mexican laws concerning, text of.....	1013
Allen, Richard. (<i>See</i> Haiti.)	
Alliança, United States mail steamship: firing upon, by Spanish gunboat dis-	
avowed and regretted by Spain.....	1177-1185
Amapa, disputed territory, conflict in, between natives and a French force....	70
Amatongaland, British protectorate established over.....	721
American college for girls at Scutari, iradé issued for.....	1232
Anniversary of the proclamation of the Brazilian Republic, celebration of....	74
Ansley, Aurelio A., Joseph A., and Maria Luis, expulsion of, from Cuba....	1229-1231
Antiforeign riots in China. (<i>See</i> China.)	
Arakelian, Krekor. (<i>See</i> Arrest.)	
Arbitration:	
award of the President in the boundary dispute between the Argentine	
Republic and Brazil, text of.....	1
by the president of the Cerruti claims (Italian) against Colombia requested	
and accepted	957-960
text of protocol	957
of boundary controversy between Venezuela and Great Britain....	562, 575, 1480
of conflicting territorial claims of Ecuador, Peru, and Colombia, treaty	
for, signed.....	250
of disputed ownership of the island of Trinidad proposed by Great	
Britain and declined by Brazil	69, 70
of United States and Chilean claims, proposed establishment of a new	
commission for.....	77-84
treaty between France and the United States proposed by French	
Chamber of Deputies	427
Argall, W. H. (<i>See</i> Guatemala.)	
Argentine Republic:	
award of the President as arbitrator of the boundary dispute with Brazil.	1
proposed restoration by Congress of duty on wools	4
tariff	3
Armenian riots. (<i>See</i> Riots in Turkey.)	
Arms and ammunition:	
observance of the Brussels act concerning, in Ethiopia	960
restrictions on the importation and sale of, in Samoa	1130,
1134, 1137, 1141, 1142, 1143, 1147, 1150, 1151, 1152, 1153, 1154, 1157, 1158	
Arrest of Krekor Arakelian in Turkey on ground of complicity in an assassina-	
tion by Armenian revolutionists.....	1260, 1295-1300
Arrest and maltreatment of W. H. Argall, Henry Thomas, and Robert Pardee	
in Guatemala	771-775
indemnity paid by Guatemala on account of.....	774
Arrest and detention of Francisco Carrillo by military authorities of Cuba in	
contravention of treaty which confers on American citizens benefits and	
guaranties of civil law.....	1220-1228

Arrest in Russia of John Ginzberg, who came to the United States at the age of 14, for military desertion.....	1081-1096
Arrest of Meleoun Guedjian in Turkey and his trial without notice to the United States consul who has extraterritorial jurisdiction over American citizens charged with insurrection or rebellion against Turkey....	1261, 1304-1317
Arrest of Mardiros Mooradian on suspicion of being a revolutionary emissary.....	1260, 1300-1304
Arrest of Louis Stern at Kissingen, Germany, charged with insulting a German official.....	454-458
Arrest of John L. Waller by French military authorities in Madagascar charged with corresponding with the enemies of France.....	251-396
message of President.....	251
report of Secretary of State.....	251
correspondence with embassy of the United States at Paris.....	260-314
dispatches from the United States consul at Tamatave.....	315-333
correspondence with the United States consul at Mauritius.....	333-335
statement of Paul H. Bray.....	335
interview with Mrs. Waller.....	361
interview with Mr. E. G. Woodford.....	369
papers left at the Department of State by Crammond Kennedy.....	381-386
dispatches from the United States consul at Tamatave relating to Mr. Waller's administration of the estate of W. F. Crockett.....	386-396
charges made and sentence rendered against Waller.....	265
deposition of Mr. Waller.....	278
opinion of Edouard Clunet, advocate, as to jurisdiction of the first permanent court-martial of Tamatave and regularity of the judgment of the court-martial at Tamatave.....	304
Waller released.....	314
Arrest of George Webber in Turkey and his death in prison.....	1258, 1266-1271
Arrest of Anton Yablkowski in Russia for becoming an American citizen without the consent of the Russian Government.....	1096-1113
Asiatic Turkey, President's message relating to affairs in.....	1255
Assault on American seamen at Santa Catharina, Brazil, and conviction and punishment of assailants.....	52-59
Asylum: for American missionaries in China on Russian territory permitted in case of outbreak.....	195, 196, 1074-1081
in legations discountenanced by United States.....	245, 974
shelter as distinguished from, discussed.....	245
Atkins, E. & Co. (See Spain.)	
Attachment of indemnity due Richard Allen by Haiti.....	814-817
Attack on premises of Rev. Dr. Christie by an armed mob at Tarsus.....	1258, 1271-1292
Austria-Hungary:	
acceptance of passports in, as prima facie evidence of citizenship.....	8-20
citizenship, case of Salomon Faden.....	22
citizenship, case of Edward Kovacs.....	20
denial of right of judicial officers to disregard passports as prima facie evidence of citizenship admitted by.....	13-20
discriminating duty on sugar from, protest against.....	6
Award of the President as arbitrator in the boundary dispute between the Argentine Republic and Brazil; text of.....	1
B.	
Bain, James. (See Claim.)	
Baltic Canal, participation of the United States in the opening of.....	523
Barton, Paul C. (See Military service.)	
Bayard, Thomas F., ambassador and plenipotentiary of the United States, speeches made by, in Great Britain.....	580-584
Beef (American), transit of, through Germany prohibited.....	500
Belgium:	
dismissal of the minister of, from Venezuela; efforts of Venezuela to secure reestablishment of diplomatic relations through the good offices of the United States.....	40, 1476-1480
importation into, of American cattle prohibited.....	24
Benque, F. W. (See Claim.)	
Bermann, Henry. (See Military service.)	
Berthson, Andy. (See Military service.)	
Bering Sea, protection of fur seals in. (See Seals.)	
Bischoff, Hermann. (See Military service.)	
Boom logs allowed reciprocal free entry in the United States and Canada....	697-702

Boundary between the United States and Canada:	Page.
agreement for the demarcation of that part of, between the Neebish Rapids and the Lake of the Woods proposed by the United States.....	702
Oak Island, Lake of the Woods, belongs to the United States under treaty of 1842.....	724
Boundary controversy between Venezuela and Great Britain.....	542-576, 1480-1491
message of the President relative to, text of.....	542
approved by Brazil.....	75
approved by Costa Rica.....	204
application of the Monroe doctrine to.....	542, 553, 563
arbitration of, requested by the United States.....	562
declined by Great Britain.....	575
establishment of a commission to determine the true divisional line between Venezuela and British Guiana suggested to Congress.....	545
commission appointed.....	576
Boundary dispute between the Argentine Republic and Brazil; award of the President as arbitrator.....	1
Boundary dispute between Mexico and Guatemala.....	766-771
text of treaty settling.....	770
Boundary line between Alaska and Canada, cooperation of the United States in the determination of, requested by Great Britain.....	723
Boundary of the Independent State of the Congo.....	37
Bowler, J. F. (<i>See</i> Citizenship.)	
Brazil:	
anniversary of the proclamation of the Republic, celebration of.....	74
assault on American seamen at Santa Catherina, and punishment of assailants.....	52-59
award of the President as arbitrator of the boundary dispute with the Argentine Republic, text of.....	1
British occupancy of the island of Trinidad.....	64-70
citizenship status of native Americans who have lived in Brazil for more than twenty-five years.....	71
conflict between a French force and natives in Amapa.....	70
diplomatic relations with Portugal reestablished.....	47
expediente charges refunded.....	43
law regulating foreign life insurance companies in, text of.....	59
laying of corner stone of monument to President Monroe at Rio de Janeiro, exercises attending.....	48
President's message relative to Venezuelan boundary dispute approved of by Brazilian Senate.....	75
British demands on Nicaragua.....	696, 1025-1034
British protectorate established over Amatongaland.....	721
Brussels act of July 9, 1890, concerning the slave trade and the prohibition of arms and ammunition in Ethiopia, observance of.....	960
Burgdorf, Carl. (<i>See</i> Military service.)	

C.

Cable between Honolulu and San Francisco, agreement made by Hawaii for the construction of, provided United States joins in undertaking.....	864
Campbell, Bernard. (<i>See</i> Claim.)	
Canada. (<i>See</i> Great Britain.)	
Canal (Baltic), participation of the United States in the opening of.....	523
Canals, deep water, between the Great Lakes and the Atlantic Ocean, feasibility of building; composition of United States and Canadian commissions to inquire into.....	705, 706
Carlton, J. A. (<i>See</i> Citizenship.)	
Carlton, James. (<i>See</i> Citizenship.)	
Carrillo, Francisco. (<i>See</i> Spain.)	
Cattle (American):	
importation of, prohibited by Belgium.....	27
Denmark.....	210-213
France.....	402-414
Germany.....	497-500
transit across Canadian territory for export restricted under quarantine regulations and not in contravention of treaty of 1871.....	704
Cattlemen left destitute in foreign countries, efforts to prevent.....	214, 723-736
Cerruti claims (Italian) against Colombia. (<i>See</i> Italy.)	
Certificates by United States consuls as to validity of marriages not authorized.....	536

	Page.
Chile: \	
resumption of specie payment in	86
settlement of the claim of the North and South American Construction Company against	85
United States and Chilean claims, proposed establishment of a new commission to arbitrate	77-84
China:	
antiforeign riots	87-195
report of Commander Newell, U. S. N., of the Kutien Investigating Commission	174
missionary work in, report on	196
protection of legation in, by United States troops	198
treaty of peace with Japan, text of	199
Christie, Rev. Dr., attack on the premises of. (<i>See</i> Turkey.)	
Citizenship:	
acceptance of passports as prima facie evidence of, in—	
Austria-Hungary	8-20
Germany	514, 523
application of religious tests by foreign agents in the United States to American citizens going abroad can not be consented to by United States	1056-1076
assumption of Mexican, by Chester W. Rowe to evade extradition	997-1011
birth in United States creates, irrespective of nationality of parents	22
birth in United States does not exempt from military service in country of father's origin when American citizenship is not elected	20-22
case of Charlie Ehrlich	534
case of Solomon Faden, a naturalized citizen, who shows no intention of returning to the United States	22
evidence required of persons born abroad of naturalized fathers; case of James H. Fuertes	968
right of judicial officers to disregard passports as prima facie evidence of; case of Solomon Czosnek	13
right to require other evidence of, than passports claimed by Wurtemberg authorities	514-523
status in Honduras of American citizens of Honduran birth	935-937
status in Russia of former subjects who become citizens of the United States without the permission of the Russian Government	1096-1113
status of—	
J. F. Bowler, who took an oath of allegiance to the King of Hawaii without expressly renouncing his American citizenship	835, 853
James Carlton, born of American parents in Brazil in 1871, where he has since resided	73, 74
J. A. Carlton, who has lived in Brazil since 1868	71
Caspar S. Crowninshield, born in France of American parents. French law of nationality concerning persons born of foreign parents is applicable only to those who continue to reside in France during minority	426
Charles C. Finley, a native of the United States who has lived in Brazil since 1867	73-74
Frank Godfrey, who took the Hawaiian oath of denization	865, 867
B. Hammond Green, who has lived in Brazil since 1867	71
Edward Kovacsy, who, born in the United States of naturalized parents, has lived in country of father's origin since the age of 4 years and at the age of 21 failed to elect United States citizenship	20
James M. Pyles, who has lived in Brazil since 1867	71
Persons born of American parents in Brazil and residing in Brazil and claimed to be citizens of Brazil	72, 74
William F. Pyles, a native of the United States who has lived in Brazil since 1867	73-74
John H. Rowe, a native of the United States who has lived in Brazil since 1867	73-74
Patrick H. Scurlock, who has lived in Brazil since 1867	71
Dora Schultz, whose father was not an American citizen, but whose mother, after her birth, married an American citizen	533
John F. Whitehead, who has lived in Brazil since 1868	71
Joseph E. Whitaker, who has lived in Brazil since 1867	71
Imloch N. Whitaker, born of American parents in Brazil in 1869, where he has since resided	73-74
Henry E. Whitaker, born of American parents in Brazil in 1874, where he has since resided	73-74

Citizenship—Continued.

Page.

United States draws no distinction between native and naturalized citizens, and can not relinquish jurisdiction over any citizen, even though he return to his native land and identify himself with its political conspiracies	1259
voluntary abandonment of, by indefinite or permanent residence in land of birth, absolves Government from duty of protection	24

Claim of—

Bain, James, a British subject, on account of wounds received during a riot at New Orleans	686-696
Benque, F. W., against Germany for expulsion from Hamburg; Department declines to present	527
Campbell, Bernard, against Haiti, growing out of an assault by Haitian soldiers consequent upon his refusal to take service in Haitian navy ..	811-813
Hollander, J. H., against Guatemala on account of his expulsion from that country, and for coffee lands and for printing	775-799
Italy, for indemnity to families of Italian subjects killed in Colorado ..	938-956
Henry, B. H., et al. for lands in the Fiji Islands; report of George H. Seidmore, special agent sent to investigate	729-757
Hydrographic commission of the Amazon against Peru	1036-1055
Mora, Antonio Máximo, against Spain, settlement of	1160-1177
North and South American Construction Company against Chile, settlement of	85
Schooner Henry Crosby against the Dominican Government	215-234
Widow of Renton, Charles W., against Honduras for the murder of her husband	882-935
Claims, United States and Chilean, proposed establishment of a new commission to arbitrate	77-84
Coleman Island, Lac La Croix, conflicting claims to jurisdiction over	702
Collisions at sea; regulations proposed by International Maritime Conference to prevent:	
act of Congress to postpone enforcement of	683
President's proclamation postponing enforcement of	684
report of committee of House of Commons postponing consideration of adoption of	686

Commerce:

discriminating tax levied on American vessels in Canadian ports	707-714
Spanish law giving to United States benefit of second column of tariff in force in Cuba and Puerto Rico	1185
Commercial arrangement with the Dominican Republic, rescission of, acquiesced in	235
Commission (United States) to determine the true divisional line between Venezuela and British Guiana, establishment of, suggested to Congress ..	545
appointed	576
Congo, boundary of the Independent State of the	37
Consular officers not authorized to certify as to validity of marriages	536-538
Consular privileges in Tunis withdrawn from unsalaried officers; not acquiesced in by United States, which holds they are guaranteed by treaty ..	414-422
Consular representation at Harpoot and Erzerum; refusal of Turkey to issue exequaturs to United States vice-consuls	1262, 1465, 1470
Consular rights and functions in Cuba of United States consul-general under German treaty with Spain of February 27, 1870	1209-1214
Costa Rica, President's message relative to Venezuela boundary dispute approved of by	204
Cotton ships, fires on board of, in United States ports	736-739
Cranstoun, J. (<i>See</i> Hawaii.)	
Crockett estate in Madagascar, administration of, by John L. Waller	252, 386-396
Crowninshield, Caspar S. (<i>See</i> Citizenship.)	
Cuba. (<i>See</i> Spain.)	
Currency question in Germany	505-510
Czosnek, Salomon. (<i>See</i> Citizenship.)	

D.

David, Jacob. (*See* Extradition.)

Death of United States Minister I. P. Gray. (*See* Mexico.)

Denmark:

cattlemen from the United States left destitute in, complaint of Danish minister	214
discriminating duty on sugar imported from	205
importation of American cattle prohibited	210-213
Pearry relief expedition permitted to land at Greenland ports	207-210

Deportation, forcible, of J. Cranstoun from Hawaii. (<i>See</i> Hawaii.)	Page.
Desertion cases in Germany, application of the statute of limitation in	530-533
Destruction of the property of American missionaries—	
at Harpoot. (<i>See</i> Riots in Turkey.)	
at Marash. (<i>See</i> Riots in Turkey.)	
Dietrich, G. P. H. (<i>See</i> Military service.)	
Differential duty on sugar imported from bounty-paying countries; complaint of—	
Austria-Hungary	6
Denmark	205
Germany	510
Diplomatic privileges, abuse of, by Mr. L. A. Thurston, Hawaiian Minister, by using press of the United States to bias public opinion	876-881
Diplomatic relations:	
reestablished between Brazil and Portugal	47
rupture of, between Belgium and Venezuela; good offices of the United States to reestablish	40
rupture of, between France and Venezuela; good offices of the United States to restore	422-424
Discriminating tax levied on American vessels in Canadian ports	707-714
Discriminating tonnage dues in favor of sailing vessels in Haiti	810
Domiciliary rights of Rev. L. O. Lee at Marash, Turkey, violation of the	1252-1255
Dominican Republic:	
demands made upon, by France (<i>see</i> Franco-Dominican difficulty)	235-245
rescission of commercial arrangement with, acquiesced in by	235
firing upon the schooner Henry Crosby	215-234
Durcell, James. (<i>See</i> Hawaii.)	
Dynamite, restrictions on, in Samoa	1146, 1148, 1157, 1159

E.

Ecuador:	
arbitration of conflicting territorial claims of Ecuador, Peru, and Colombia; treaty for, signed	250
recognition of de facto government	246-250
shelter as distinguished from asylum	244
Ehrlich, Charlie. (<i>See</i> Citizenship.)	
Emigration from Russia, request for permission for, must be addressed by the interested parties in the form of a petition	1122
Erzerum, refusal of Turkey to issue exequatur to United States vice-consul at	1262, 1465, 1470
Ethiopia, observance of the Brussels act concerning the slave trade and the prohibition of arms and ammunition in	960
Expatriation, right of, recognized by United States	853
Expediente charges, refund of, by Brazil	43
Explosives, restrictions on, in Samoa	1146, 1148, 1157, 1159
Expulsion of—	
E. W. Benque from Hamburg; Department declines to present claim on account of	527
John A. Cranstoun from Hawaii. (<i>See</i> Hawaii.)	
John A. Sowers, Joseph A. Ansley, Aurelio A. Ansley, and Maria Luis Ansley from Cuba	1229-1231
Eugene Wiener from Haiti	800-809
Extradition:	
assumption of Mexican citizenship to evade; case of Chester W. Rowe.	997-1011
trial for an offense other than that for which extradition was granted; case of Jacob David	488-497
Extraterritorial jurisdiction of United States over citizens charged with insurrection or rebellion against Turkey	1259, 1304-1317

F.

Faden, Solomon. (<i>See</i> Citizenship.)	
Favourite, British sealing vessel, seized by United States	647, 656, 662, 667
Fiji Islands, claims of B. H. Henry et al. to lands in	739
Finley, Charles C. (<i>See</i> Citizenship.)	
Firing upon the schooner Henry Crosby by Dominican soldiers	215-234
not a claim presentable by the Department	231
Firing upon the United States mail steamship <i>Allianza</i> by Spanish gunboat disavowed and regretted by Spain	1177-1185
Fires on board of cotton ships in United States ports	736-739

	Page.
France:	
arbitration treaty with United States proposed by Chamber of Deputies.	427
arrest and imprisonment of John L. Waller. (<i>See Arrest.</i>)	
claims against the Dominican Republic.....	397, 402
diplomatic relations with Venezuela ruptured; efforts of United States to restore.....	422-424
importation of American cattle into, prohibited.....	402-414
protection of Venezuelan citizens in, by the United States legation.....	424, 1474
withdrawal of consular privileges from unsalaried officers in Tunis.....	414-422
Franco-Dominican difficulty:	
explanatory memorandum of Santo Domingo.....	236
mediation of the United States requested by Santo Domingo.....	235
protection of rights of Santo Domingo Improvement Company of New York.....	239
difficulty satisfactorily adjusted.....	242
Free entry, reciprocal, of boom logs allowed in Canada and the United States.....	697-702
Fuertes, James H. (<i>See Citizenship.</i>)	
Fur seals, protection of, in Bering Sea and the North Pacific. (<i>See Seals.</i>)	
G.	
Garza, Catarino E., Mexican revolutionist, death of.....	1035
Germany:	
American cattle, prohibition of the importation of, into.....	497-500
American life insurance companies, exclusion of, from doing business in.....	428-453
American pork, requirements to be observed to secure its admission into.....	501-605
arrest of Louis Stern at Kissingen, charged with insulting a German official.....	454-488
citizenship case of Charlie Ehrlich.....	534
citizenship case of Dora Schultz.....	533
claim of F. W. Benque for indemnity on account of expulsion from Hamburg; Department declines to present.....	537
claim of Wurtemberg authorities of right to require other evidence of citizenship than passports.....	514-523
consular certificates as to validity of marriages unauthorized.....	536-538
currency question in.....	505-510
differential duty on sugar imported from; danger to trade with, if legislation be not repealed.....	510
indorsements on United States passports by German officers unauthorized.....	539-541
military service case of Frederick Sauer.....	526
military service cases; reports on.....	524-526
opening of the Northern Baltic Canal, participation of United States in.....	523
protest against United States immigration and quarantine laws by.....	511-514
refusal of, to conclude an agreement giving Americans benefit of German patent law of April 7, 1891.....	528
relations between Waldeck and Prussia under the treaty of 1867.....	539
statute of limitation in desertion cases.....	530-533
transit of American beef through, prohibited.....	500
trial for an offense other than that for which extradition was granted; case of Jacob David.....	454-488
Ginzberg, John. (<i>See Russia.</i>)	
Glaser, Sigmund. (<i>See Military service.</i>)	
Godfrey, Frank. (<i>See Citizenship.</i>)	
Gold, change in Russian law relating to contracts for the purpose of introducing, into actual circulation.....	1, 123
Good offices of the United States:	
for the reestablishment of diplomatic relations between Venezuela and France and Belgium.....	40, 422-424, 1476-1480
to Japanese subjects in China; thanks of Japanese Emperor for.....	969
to obtain amicable settlement of difficulties between Great Britain and Nicaragua.....	696, 1025-1034
Gray, I. P., United States minister to Mexico, death of. (<i>See Mexico.</i>)	
Great Britain:	
boundary line between Alaska and Canada, cooperation of the United States in the determination of, requested.....	723
cattlemen left destitute in.....	728-736
claims of B. H. Henry et al. for lands in the Fiji Islands; report of George H. Seidmore on.....	739-757

Great Britain—Continued.

Page.

consideration by, of the regulations proposed by the International Marine Conference of 1889 for the prevention of collisions at sea	683-686
deep-water canals between the Great Lakes and the Atlantic Ocean; composition of United States and Canadian commissions to inquire into the feasibility of building	705-706
difficulties with Nicaragua, growing out of expulsion of Pro-Consul Hatch and other Englishmen from the Mosquito Territory, settlement of	696, 1025-1035
discriminating tax levied on American vessels entering and clearing from Canadian ports	707-714
fires on board of cotton ships at United States ports	736-739
jurisdiction over the Hunter's and Coleman islands in Lac La Croix	702
navigation of the Great Lakes, regulations for the government of United States vessels	714
Great Britain invited to adopt similar regulations for Canadian vessels	714
Great Britain of opinion that matter should be postponed pending settlement of question of regulations for preventing collisions at sea	719
northwestern boundary between the United States and Canada; agreement for the demarcation of that part of, between the Neebish Rapids and the Lake of the Woods proposed by the United States	702
ownership in the United States of Oak Island, Lake of the Woods, determined by treaty of 1842	724
political trials at Honolulu; position of the United States in regard to trial by martial law	721
post routes in Alaska, alleged attempt to establish, by	577-580
protection of the fur seals. (<i>See Seals.</i>)	
protectorate established over Amatongaland	721
reciprocal free entry of boom logs allowed in Canada and the United States	697-702
release of John Curtin Kent	726
riots at Kutien, China, United States asked to act in concert with Great Britain in investigation of	719
United States minister may cooperate with British minister	726
shooting of James Bain, a British subject, during a riot at New Orleans; claim on account of	686-696
speeches made by Thomas F. Bayard, United States ambassador to	580-584
transit of cattle across territory of Canada restricted under quarantine regulations, and not in contravention of treaty of 1871	704
Venezuelan boundary controversy. (<i>See Boundary.</i>)	
Greece, trade-mark declaration with, considered as a new treaty requiring advice and consent of Senate to its ratification; formal treaty proposed in lieu thereof	769-765
Green, B. Hammond. (<i>See Citizenship.</i>)	
Greenland, Peary Relief Expedition permitted to land at ports of	207
Guatemala:	
arrest and maltreatment of W. H. Argall, Henry Thomas, and Robert Pardee, and indemnity paid on account of	771-775
boundary dispute with Mexico	766-771
text of treaty of settlement	770
claim of J. H. Hollander against	775-799
Guedjian, Melcoun. (<i>See Turkey.</i>)	

H.

Haiti:

attachment of indemnity due Richard Allen	814-817
claim of Bernard Campbell against, growing out of an assault by Haitian soldiers consequent upon his refusal to take service in Haitian navy	811-813
discriminating tonnage dues in favor of sailing vessels in	810
expulsion of Eugene Wiener from	800-809

Harpoot:

Destruction of property of American missionaries at. (<i>See Riots in Turkey.</i>)	
Refusal of Turkey to issue exequatur to United States vice-consul at	1262, 1465, 1470

Hatch, British proconsul; British demands against Nicaragua growing out of the expulsion of, and other Englishmen from the Mosquito Territory	696, 1025-1034
---	----------------

Hawaii:

alleged violation of the neutrality laws of the United States against, by the schooner Wahlberg	867-876
---	---------

Hawaii—Continued.	Page.
cable between, and San Francisco, grant for the construction of.....	864
certificate of denization, text of.....	466
citizenship status of Frank Godfrey, who took the Hawaiian oath of denization	865, 867
forcible deportation of J. Cranstoun, claiming American citizenship.....	823, 826, 840, 842, 844, 846, 848, 862, 865
martial law revoked.....	851
military trials, conviction of persons claiming American citizenship for participation in insurrection—	
case of J. F. Bowler.....	834, 835, 853
case of James Durell.....	854, 856, 859, 860
case of Louis Marshall.....	834, 835, 851, 852, 861, 863
death sentence passed on American citizens, delay in the execution of to be insisted on until President has examined evidence	843
martial law does not dispense with justice, and United States citizens condemned under it without fair trial will be protected	722
particulars of proceedings in regard to persons accused or suspected of participation in insurrection	846
oath of allegiance required by Hawaiian constitution, its effect upon American citizenship.....	835, 848, 853, 867
recall of Minister Thurston requested by the United States for using press to bias public opinion.....	876-881
renouncement of the throne by Queen Liliuokalani.....	820
statement of ex-Queen Liliuokalani before military commission.....	824
treaty with the United States of January 30, 1875, gives no benefit to other countries under the most favored nation clause of their treaties....	1119-1122
Havana, rights and functions of United States consul-general at, under German treaty with Spain of February 27, 1870.....	1209-1214
Henry, B. H., et al. (<i>See</i> Claims.)	
Henry Crosby, American schooner, firing upon, by Dominican soldiers.....	215
Hellebrand, Friedrich, citizenship case of, in Austria-Hungary	8
Hollander, J. H. (<i>See</i> Claims.)	
Honduras:	
murder of Charles W. Renton in.....	882-935
proceedings taken by Honduras to ascertain the murderers.....	883, 921
report of Commander Davis, U. S. N., of his investigation of.....	890
status in, of American citizens of Honduran birth.....	935-937
Hunter's Island, Lac La Croix, conflicting claims to jurisdiction over.....	702
Hydrographic Commission of the Amazon, claim of, against Peru.....	1036

I.

Immigration and quarantine laws of the United States, protest against, by Germany	511-514
Importation of American cattle prohibited by—	
Belgium.....	25
Denmark.....	210
France.....	402
Germany.....	497
Imports into Cuba and Puerto Rico of products and manufactures of United States entered under second column of Cuban tariff.....	1185
Indemnity awards payable to diplomatic representatives of United States not attachable by courts.....	816
Indemnity: claim of F. W. Benque, on account of his expulsion from Germany, unfavorably considered by Department.....	527
claimed for families of Italian subjects killed in Colorado	938-956
demanded by Great Britain of Nicaragua for the expulsion of British subjects from the Mosquito Territory.....	696, 1025-1034
paid by Guatemala to W. H. Argall, Henry Thomas, and Robert Pardee for their arrest and maltreatment	774
Indorsements on United States passports by German officers unauthorized..	539-541
Inheritance tax, Louisiana, complaint of Italy against.....	966
Insurance companies:	
American life, exclusion of, from Germany	428
foreign life, Brazilian law regulating.....	59
Irado issued by Turkey for—	
American college for girls at Scutari	1232
Marsovan College.....	1236

Italy:

Page.

arbitration by the President of the Cerruti claims against Colombia requested and accepted, 957-960; text of protocol.....	959
complaint of, against the Louisiana inheritance tax.....	966
killing of Italian subjects in Colorado and claim for indemnity to their families.....	938-956
observance of the Brussels act of July 9, 1890, concerning the slave trade and the prohibition of arms and ammunition in Ethiopia.....	960

J.

Japan:

good offices of the United States to Japanese subjects in China; thanks of Emperor for.....	969
treaty of peace with China, text of.....	199
treaty with the United States, gratification of Japanese Government at the conclusion of.....	969
Jews, refusal of Russian consular officers to vise passports in favor of....	1056-1074
Junge, August. (See Military service.)	
Just, Herman. (See Military service.)	

K.

Kehelsen, Ferdinand. (See Military service.)	
Kent, John Curtin, released from British prison.....	726
Killing of George Stupe in Turkey by an insane Turk, and the granting of a life pension to his widow.....	1259, 1292-1295
Killing of Italian subjects in Colorado, and claim for indemnity to their families.....	938-956
Knapp, Rev. George, charge against, of inciting Armenians to rebellion. (See Riots in Turkey.)	
Korea:	
admonition of United States minister for intermeddling with local affairs and politics of.....	972-978
asylum for political refugees in the United States legation not allowed...	974
murder of Queen, and political events following.....	971
treaty independence of, recognized by the United States since 1882.....	971
Kort, Fritz. (See Military service.)	
Kovacsy, Edward. (See Citizenship.)	

L.

Lac La Croix, jurisdiction over Coleman and Hunter's Islands in.....	702
Lake of the Woods, jurisdiction over Oak Island in the.....	724
Lee, Rev. L. O., violation of the domiciliary rights of, by Turkish police.....	1252
Lenz, Frank. (See Turkey.)	
Lenz, Henry. (See Military service.)	
Liaotung, Japan agrees not to occupy, permanently.....	203
Liebmann, Louis. (See Military service.)	
Life insurance companies:	
American, exclusion of, from doing business in Germany.....	428-453
foreign, Brazilian law regulating.....	59
Liliuokalani, ex-Queen of Hawaii, renouncement of throne by.....	820
Lohman, John H. (See Military service.)	
Loos, Louis. (See Military service.)	
Louisiana inheritance tax, complaint of Italy against.....	966

M.

Marash, destruction of property of American missionaries at. (See Riots in Turkey.)	
Maritime charges: Discriminating tax levied on American vessels in Canadian ports.....	707-714
Marriages, consular officers not authorized to certify as to validity of.....	536-538
Marshall, Louis. (See Hawaii.)	
Marsovan College, iradé for, issued by Turkey.....	1236
Martial law, arrest and trial of American citizens under; position of United States in regard to.....	722-842
Messages of the President. (See President's message.)	
Mexico:	
assumption of Mexican citizenship by Chester W. Rowe to evade extradition.....	997-1011
boundary controversy with Guatemala.....	766, 979

Mexico—Continued.	Page.
death of United States Minister I. P. Gray; honors paid his remains by Mexico	994
gratification of Congress at	996
law of, concerning aliens and naturalization, text of	1013
law of, relative to acquisition of real estate by foreigners, text of	1012
Military service:	
arrest in Russia of John Ginzberg, who left Russia at the age of 14, for the nonperformance of	1081-1096
birth in United States does not exempt from, in country of fathers' origin when American citizenship is not elected at majority	20-22
case of—	
Paul C. Barton	525
Henry Bermann	524
Andy Berthson	525
George P. H. Dietrich	525, 526
Siegmund Glaser	526
August Junze	525, 526
Herman Just	525
Ferdinand Kehelsen	524
Ferdinand Kort	524
Henry Lenz	525
Isaac Liebmann	524
Louis Liebmann	525
John Lohman	525
Louis Loos	525
Benjamin Millokowski	524
Emil Theodore Müller	526
Jacob Obertin	526
Valentine Pfaff	525
Fred Sauer	524, 526
Henry Scherer	526
Florenz Schlewitzaur	525
Ludwig Schlewitzaur	525
Karl Fred Seifried	524
John F. Wohlfort	525
Fred W. Wreden	524
cases in Germany, reports on	524-526
Millokowski, Benjamin. (<i>See</i> Military service.)	
Missionaries (American):	
continuance of, at their posts in Asiatic Turkey. (<i>See</i> Riots in Turkey.)	
destruction of property of, at Harpoot. (<i>See</i> Riots in Turkey.)	
destruction of property of, at Marash. (<i>See</i> Riots in Turkey.)	
in Asia Minor, number of	1256
in China will be permitted to seek refuge on Russian territory in case of outbreak	195, 196, 1074-1081
outbreaks against in China	87 719
protection of, in Asiatic Turkey. (<i>See</i> Riots in Turkey.)	
Missionary work in China, report on	196
Misiones award in arbitration between the Argentine Republic and Brazil	1
Monetary conference (proposed), discussion of, in Germany	505
Monroe doctrine, application of the, to boundary controversy between Venezuela and Great Britain discussed	542, 553, 563
Monument to be erected to President Monroe at Rio de Janeiro; exercises attending the laying of the corner stone	48
Mooradian, Mardiros. (<i>See</i> Turkey.)	
Mora, Antonio Máximo. (<i>See</i> Claim.)	
Mosquito Territory incorporated into Nicaragua	1034
"Most favored nation" clause in treaties does not cover advantages granted on condition of reciprocal benefit	1119-1122
Müller, Emil T. (<i>See</i> Military service.)	
Murder of—	
Frank Lenz in Turkey	1257, 1316
Queen of Korea	971
Charles W. Renton. (<i>See</i> Honduras.)	
George Stupe in Turkey	1259, 1292, 1295

Naturalization and aliens, Mexican laws concerning, text of	1013
Navigation of the Great Lakes. (<i>See</i> Great Britain.)	

	Page.
Netherlands:	
free admission into the United States of salt imported from the Dutch West Indies.....	1019
Neutrality proclamation of the President in regard to Cuba, text of.....	1195
Neutrality laws of the United States:	
alleged violation of, against Hawaii, by the schooner Wahlberg	867-876
attempted violation of, against Spain. (<i>See</i> Spain.)	
Nicaragua:	
difficulties with Great Britain growing out of expulsion of the pro-consul and other Englishmen from the Mosquito Territory.....	696, 1025-1034
incorporation into, of the Mosquito Territory.....	1034
North and South American Construction Company, settlement of the claim of, against Chile	85
O.	
Oak Island, Lake of the Woods, belongs to United States under treaty of 1842.	742
Oberlin, Jacob. (<i>See</i> Military service.)	
P.	
Pardee, Robert. (<i>See</i> Guatemala.)	
Passports:	
acceptance of, as prima facie evidence of citizenship	8-20, 514-523
claim of Wurtemberg authorities of right to require other evidence of citizenship than	514-523
denial of right of judicial officers to disregard, as prima facie evidence of citizenship admitted by Austria-Hungary.....	13-20
indorsement on, by German officers unauthorized	539-541
in favor of Jews, Russian consular officers refuse to visé	1056-1074
Patents for inventions: Germany refuses to conclude agreement giving Americans benefit of German patent law of April 7, 1891.....	528
Pearcy Relief Expedition permitted to land at Greenland ports.....	207-210
Peru, claim of the Hydrographic Commission of the Amazon against.....	1036-1055
Pfaff, Valentine. (<i>See</i> Military service.)	
Political trials in Hawaii: Martial law does not dispense with justice, and United States citizens condemned under it without fair trial will be protected..	722
Pork, American: requirements to be observed to secure its admission into Germany	501
Puerto Rico, imports of the United States into, allowed benefit of second column of tariff	1185
Portugal, diplomatic relations with Brazil reestablished	47
Post route in Alaska, alleged attempted establishment of, by Great Britain.	577-580
President's message on—	
claims for lands in the Fiji Islands	739
condition of affairs in Asiatic Turkey	1255
killing of Italian laborers in Colorado.....	938
post routes in Alaska.....	577
refusal of Turkish Government to issue exequaturs to United States vice-consuls at Erzerum and Harpoot	1470
speeches made by Thomas F. Bayard	580
treatment in Turkey of American citizens of Armenian origin.....	1471
Venezuelan boundary controversy.....	204
approved of by—	
Brazil	75
Costa Rica.....	204
thanks of Venezuela for	1490
Protection:	
of American legation in China by United States troops	198
of American missionaries in Asia Minor. (<i>See</i> Riots in Turkey.)	
of the fur seal in Bering Sea and the North Pacific. (<i>See</i> Seals.)	
of Venezuelan interests in France by United States legation.....	424, 1474
Protectorate (British) established over Amatongaland.....	721
Protest of Germany against United States immigration and quarantine laws.	511-514
Prussia and Waldeck, relations between, under their treaty of 1867.....	539
Pyles, James M. (<i>See</i> Citizenship.)	
Pyles, William F. (<i>See</i> Citizenship.)	

Q.

Quarantine and immigration laws of the United States, protest against, by Germany	511-514
---	---------

Queen of Hawaii, renouncement of throne by.....	Page. 820
Queen of Korea, murder of.....	971

R.

Real estate in Mexico, acquisition of, by foreigners, text of law relative to...	1012
Recall of Hawaiian Minister Thurston requested by United States for using press to bias public opinion.....	876-881
Recognition of the de facto Government of Ecuador.....	246-250
Reforms in Turkey, nature of.....	1325
Regulations for the government of United States vessels navigating the Great Lakes.....	714
Release of John Curtin Kent from a British prison.....	726
Religious test; application by foreign consuls in the United States to citizens of the United States can not be consented to.....	1056-1076
Renton, Charles W., murder of. (<i>See Honduras.</i>)	
Reports of the Secretary of State. (<i>See Secretary of State.</i>)	
Rescission of commercial arrangement with Dominican Republic.....	235
Resumption of specie payment in Chile.....	86
Right of search of merchant vessels in Samoan waters by the treaty powers, proposition looking to, United States declines to accept.....	1143, 1147, 1154, 1158
Riots, antifoiegn, in China. (<i>See China.</i>)	
Riots in Turkey:	
Attacks on Christianity in Turkey, account of.....	1398
Casualties at Diarbekir.....	1335
consular representation at Harpoot and Erzeroun, withholding of exequaturs from the United States vice-consuls at.....	1262, 1465, 1470
continuance of missionaries at their posts.....	1322, 1323, 1332, 1384, 1397, 1427, 1441, 1442, 1449, 1467, 1469
destruction of property of American missionaries at Harpoot.....	1257, 1340, 1341, 1343, 1349, 1356, 1359, 1365, 1370, 1376, 1380, 1384, 1392, 1395, 1407, 1411, 1444, 1449, 1455, 1456
destruction of property of American missionaries at Marash.....	1356, 1359, 1368, 1384, 1407, 1443, 1444, 1446, 1447, 1448
disturbances in Aleppo, reports on.....	1316
Knapp, Rev. George, charge against of inciting Armenians to rebellion.....	1334, 1335, 1336, 1360, 1387, 1463, 1469
loss of life and destruction of property in the province of Harpoot, report on.....	1423
tabulated statement of.....	1452-1454
massacre at Aintab, account of, by Rev. Mr. Saunders.....	1387
massacre at Cesarea, accounts of.....	1400, 1405
massacre at Marash, account of.....	1434
massacre at Marsovan and Cesarea, description of, by missionaries.....	1361
massacre at Sivas, account of.....	1391
protection of American missionaries.....	1320, 1323, 1325, 1329, 1332, 1334, 1336, 1339, 1341, 1342, 1345, 1351, 1360, 1363, 1365, 1382, 1385, 1387, 1390, 1391, 1403, 1420, 1422, 1438, 1439, 1442, 1459, 1461, 1463, 1464
refusal to permit a United States vessel to pass the Dardanelles.....	1344, 1382, 1383, 1461
report on the Armenian troubles at Trebizond, from Turkish sources.....	1418
reports on the situation in Asia Minor by Commander O'Neil, U. S. N.....	1352
Rowe, Chester W. (<i>See Mexico.</i>)	
Rowe, John H. (<i>See Citizenship.</i>)	
Russia:	
American missionaries in China permitted to take refuge on Russian territory in case of outbreak.....	1074-1081
arrest of John Ginzberg, who came to the United States at the age of 14, for military desertion.....	1081-1096
arrest of Auton Yablkowski for becoming a naturalized American citizen without the permission of.....	1096-1113
commercial treatment to be accorded to, under most favored nation provisions of treaty of 1832.....	1119-1122
emigration from, permission for, must be obtained through petition by the interested party.....	1122
law relating to contract, change in, for the purpose of introducing gold into active circulation.....	1123
protection of the fur seals. (<i>See Seals.</i>)	
refusal of Russian consular officers to visé United States passports in favor of Jews.....	1056-1074

S.

	Page.
Salt imported from the Dutch West Indies to be admitted into the United States free of duty	1019-1024
Samoa:	
control over revenues by president of municipal council	1130, 1136, 1139
deported chiefs, participation of United States in measures adopted against	1138, 1141
land commission expenses ..	1128, 1129, 1135, 1144, 1148, 1149, 1150, 1152, 1155, 1159
refusal of United States consul-general to approve decisions of municipal council	1126, 1128
restrictions on importation and sale of arms and ammunition	1130,
1134, 1137, 1141, 1142, 1143, 1147, 1150, 1151, 1152, 1153, 1154, 1157, 1158	
restrictions on the importation and sale of dynamite and other explosives ..	1146,
1148, 1157, 1159	
right of search of merchant vessels	1143, 1147, 1154, 1158
trade returns for 1894	1142
San Domingo Improvement Company, protection of the rights of, in Santo Domingo against French demands	239, 397
Sauer, Frederick. (<i>See</i> Military service.)	
Scherer, Henry. (<i>See</i> Military service.)	
Schultz, Dora. (<i>See</i> Citizenship.)	
Seidmore, George H., special agent to investigate claims of American citizens to lands in Fiji, report of	740
Scurlock, Patrick H. (<i>See</i> Citizenship.)	
Seals, fur: protection of	585
Russia can only adhere to regulations of Paris Tribunal if extended to whole of Pacific Ocean north of the thirty-fifth degree of latitude	585
pelagic catch by United States vessels for season of 1894	585
Bering Sea award order in council, 1895 (British)	591
Japan can only adhere to Paris regulations if extended to whole of Pacific Ocean north of the thirty-fifth degree of latitude	592
pelagic catch of Canadian sealing fleet in 1894	593
sales of salted skins in London	608
statement of prices	608
United States patrol vessels in Bering Sea	609, 610, 618
proposals and suggestions by United States for the better preservation of the seal herd	609-615
declination of Great Britain to agree upon concurrent regulations for carrying out provisions of Paris award for season of 1895	615
possession of arms by sealing vessels not forbidden by award regulations ..	616
draft of regulations proposed by Treasury Department for the government of sealing vessels	616
reply of Great Britain to proposals of the United States for the better protection of the seal herd	618
appointment of agents to reside on seal islands proposed by Great Britain ..	623
reply of United States to declination of Great Britain to agree upon concurrent regulations	624
decision of Great Britain not to renew arrangement for sealing up of arms ..	615, 628
British patrolling fleet	629
British sealing fleet, 1895	630
British naval officers will continue to seal up arms and ammunition on United States sealers	632
regret of United States at delay of Great Britain in giving notice of its refusal to concur in regulations drafted by the Treasury and the British ambassador	635
Canadian pelagic sealing in 1893 and 1894, information regarding, furnished by the Canadian Government	636
seizure of British sealer Shelby	642, 673
British act regulating sealing	643
seizure of the British sealers Wanderer and Favorite; protest of United States against action of British naval authorities in releasing vessels ..	647
regret of United States at declination of Great Britain to accept propositions for appointment of an international commission, and for a modus vivendi	649
proposition of United States that three agents each of Great Britain, Russia, and Japan be appointed to reside on islands to investigate and report on fisheries, and that pending their report a modus vivendi be entered into extending award regulations along line of thirty-fifth degree of latitude from the American to the Asiatic shore	653

Seals, fur—Continued.

	Page.
complaint of United States as to the inequality and inadequacy of British measures to carry out the award regulations.....	655, 670
protest against release of Wanderer and Favorite left with British Government.....	656
British seal fishing act of 1894, omission therefrom of clause in which presumption of illegality is drawn from presence of implements or seal skins on board; complaint of the Treasury Department.....	657
Denmark declines to make regulations binding on Danish subjects.....	660
seizures of Wanderer and Favorite; Great Britain holds they were unjustified and presents claims of owners for compensation.....	662
proposition of United States for appointment of three agents each by Great Britain, Russia, Japan, and the United States, to be stationed on seal islands; Great Britain does not recognize that Japan and Russia have any interests in seals on American side of North Pacific; is willing to appoint an agent conjointly with an agent of the United States alone.....	665
reply of Great Britain to protest of United States in the Wanderer and Favorite cases.....	667
refusal of Great Britain to permit British sealing vessels to have their arms and equipments placed under seal; British sealers claim that refusal exposes them to unnecessary risk.....	669
presence of counsel in condemnation proceedings.....	642, 666, 672
stationing of United States inspectors at British Columbian ports to verify log entries and examine skins as to sex, with reciprocal privileges to British inspectors in United States ports.....	610, 671, 673
special sealing licenses issued to British vessels.....	674
seizure of British sealer Beatrice.....	676
British officers will decline to receive any British vessel seized by American cruiser unless declaration of seizure alleges a specific offense in contravention of British Bering Sea award act; order in council regulating capture of seals in zones of Bering Sea contiguous to Russian coast and islands, with a definition of mutual powers of Russian and British officers in relation to such seal captures.....	681
seizures of Canadian vessels by Russia in 1892, claim for, admitted by Russia, but no amount in payment yet agreed upon.....	682
suggestions of United States for a mixed commission to report on effects of pelagic sealing and for a <i>modus vivendi</i> to extend regulations to all waters north of the thirty-fifth degree of latitude, Russia will cooperate in.....	1114
enforcement by Russia of the decisions of the Paris award, memorandum of the minister of finance concerning.....	1115
Russia will consent either that fishing be prohibited north of thirty-fifth degree, or that award regulations be applied to whole extent of Bering Sea.....	1117
Secretary of State, report of, on—	
affairs in Asiatic Turkey.....	1256
killing of Italian laborers in Colorado.....	938
post routes in Alaska.....	577
refusal of Turkey to issue exequaturs to United States vice-consuls at Erzeroum and Harpoot.....	1470
treatment in Turkey of American citizens of Armenian birth.....	1471
Shelter as distinguished from asylum.....	245
Slave trade in Ethiopia, observance of the Brussels act concerning.....	960
Sowers, Joseph A., expulsion of, from Cuba.....	1229-1231
Spain:	
arrest and detention by military authorities of Cuba of Francisco Carrillo, in contravention of treaty which confers on citizens of the United States benefits and guaranties of civil law.....	1220-1228
claim of Antonio Máximo Mora against; settlement of.....	1160-1177
commercial arrangement; law giving to products and manufactures of the United States benefit of second column of tariff in force in Cuba and Puerto Rico.....	1185
destruction of property of Messrs. E. Atkins & Co. by insurgents in Cuba.....	1216-1220
expulsion of John A. Sowers, Joseph A. Ansley, Aurelio A. Ansley, and Maria Luis Ansley from Cuba.....	1229-1231
firing upon the United States mail steamship <i>Allianza</i> by a Spanish gunboat.....	1177-1185
disavowal of act by Spain.....	1184
protection of American property in Cuba from seizure or destruction by insurgents, general principles applicable to such cases.....	1214-1216

Spain—Continued.		Page.
right of consul-general at Havana to present remonstrances to Governor-General of Cuba.....	1209-1214	
revolution in Cuba; enforcement of the neutrality laws of the United States—		
recruiting of volunteers at New Orleans.....	1191; 1192, 1194	
alleged sailing of a filibustering expedition from Tampa.....	1193	
neutrality proclamation, text of.....	1195	
gratitude of Spain at measures taken by United States.....	1195	
seizure of arms and ammunition at Cedar Keys.....	1198, 1199, 1200, 1207	
case of the Lark.....	1199, 1200	
James Woodall.....	1200, 1202, 1203	
Commodore.....	1200, 1201, 1202, 1203, 1204	
Childs.....	1203	
Laurada.....	1205	
Horsa.....	1206	
J. W. Foster.....	1206	
J. W. Hawkins.....	1209	
cases of the Amadis, Baracoa, and Lagonda.....	1187, 1191, 1192, 1193	
Specie payment resumed in Chile.....	86	
Speeches made by Thomas F. Bayard, United States ambassador to Great Britain.....	580-584	
Statute of limitation, application of, in Germany in desertion cases.....	530-533	
Stern, Louis, arrest of, at Kissingen, charged with insulting a German official..	454-488	
Stupe, George. (See Turkey.)		
Sugar, differential duty on, imported from—		
Austria-Hungary.....	6	
Denmark.....	205	
Germany.....	510	
T.		
Tariff:		
Argentine Republic.....	3	
Cuba, benefit of second column of, given to United States.....	1185	
Thomas, Henry. (See Guatemala.)		
Thurston, L. A. (See Hawaii.)		
Tonnage dues, discriminating, in favor of sailing vessels in Haiti.....	810	
Trade of Samoa for 1891.....	1142	
Trade-mark declaration with Greece, signed by United States minister, considered by United States as a new treaty requiring advice and consent of the Senate to its ratification; a formal treaty therefor proposed.....	759-765	
Treaty between Mexico and Guatemala for the settlement of bounday difficulties, text of.....	770	
between the United States and Hawaii of January 30, 1875, gives no benefit to other countries under the "most favored nation" clause of their treaties.....	1119-1122	
between the United States and Japan; gratification of Japanese Government at its conclusion.....	969	
of peace between China and Japan, text of.....	199	
between Spain and Germany of February 27, 1870; rights and functions of United States consul-general at Havana under.....	1209-1214	
Trial for an offense other than that for which extradition was granted.....	488	
Trinidad (island off the coast of Brazil):		
British occupancy of.....	63-70	
claimed by Brazil.....	61	
Great Britain proposes arbitration.....	69	
Brazil declines to arbitrate.....	70	
Turkey:		
affairs in Asiatic Turkey, message of the President on.....	1255	
American missionaries in Asia Minor, number of.....	1256	
anti-Armenian riots and protection to Americans. (See Riots in Turkey.)		
apprehension of American missionaries at Bitlis and steps taken to protect if necessary.....	1237-1247	
arrest of Krekor Arakelian on the ground of complicity in an assassination by Armenian revolutionists.....	1260, 1295-1300	
Meloun Guedjian, charged with seditious acts, and his trial without notice to the United States consul.....	1261, 1304-1317	
Mardiros Mooradian on suspicion of being a revolutionary emissary.....	1260, 1300-1304	
George Webber, and his death in prison.....	1258	

Turkey—Continued.

Page.

consular representation at Harpoot and Erzerum, refusal to issue exequaturs to United States vice-consuls.....	1262, 1465, 1470
destruction of property of American missionaries at Harpoot and Marash. (See Riots in Turkey.)	
extraterritorial jurisdiction of the United States in, over citizens charged with insurrection or rebellion against.....	1259, 1304-1317
invasion by an armed mob of the premises of Dr. Christie, at Tarsus irade issued for—	1258, 1271-1292
American college for girls at Scutari.....	1232
Marsovan College.....	1236
Murder of Frank Lenz.....	1257
George Stupe by an insane Turk, and the granting of a life pension to his widow.....	1259, 1292-1295
reforms in, nature of.....	1325
treatment of American citizens of Armenian origin in, message of President relating to.....	1471
violation of the domiciliary rights of Rev. L. O. Lee, at Marash, by Ottoman police.....	1252-1255
visit of United States naval vessels to the waters of, inquiry of the Turkish Government as to the purpose of.....	1248-1252

V.

Venezuela:

boundary controversy with Great Britain. (See Boundary.)	
protection of the interests of, in France by United States legation....	424, 1474
rupture of diplomatic relations with Belgium and France, good offices of United States to restore.....	40, 422, 1474-1480

W.

Waldeck and Prussia, relations between, under their treaty of 1867.....	539
Waller, John L. (See Arrest and Crockett estate.)	
Wanderer, British sealing vessel, seized by United States.....	647, 656, 662, 667
Webber, George. (See Turkey.)	
Whitaker, Henry C. (See Citizenship.)	
Whitaker, Imloch N. (See Citizenship.)	
Whitaker, Joseph E. (See Citizenship.)	
Whitehead, John F. (See Citizenship.)	
Wiener, Eugene. (See Haiti.)	
Wohlfort, John F. (See Military service.)	
Wools, proposed restoration of the duty on, deprecated by the Argentine Republic.....	4
Wreden, Fred W. (See Military service.)	
Wurtemberg, claim by authorities of, of right to require other evidence of United States citizenship than passports.....	514

Y.

Yablkowski, Anton. (See Russia.)

