

FRANCE.

MILITARY SERVICE—CASE OF FELIX H. GENDROT.

Mr. Vignaud to Mr. Hay.

No. 420.]

EMBASSY OF THE UNITED STATES,
Paris, February 13, 1899.

SIR: I inclose herewith copy of a letter received from Mr. Felix A. Gendrot, a natural-born American citizen, who is claimed as French because his father was French, and copy of a note addressed on the 6th instant to the minister of foreign affairs, asserting that Gendrot is an American citizen and asking that he be recognized as such.

The case of Gendrot is well known to the Department. It was once before submitted to the French Government by this mission, and decided against, as may be seen by the correspondence published in the volume of our Foreign Relations for 1888.

Gendrot, who lives in the United States, where he has a wife and children, came back to France a few weeks ago with the purpose of remaining here for a short time only. His presence was almost immediately detected, and he was notified to appear before the military authorities to explain why he did not comply with the order issued to him in 1887 to join the regiment to which he had been assigned. He applied to this embassy for protection, and although there is very little hope of succeeding in this second effort in his behalf, I have not hesitated doing so, for the reason that Gendrot's position is somewhat different now from what it was in 1887. Having passed the age of serving in the active army, he can, according to the law of 1889, renounce French citizenship without the permission of the French Government and they may recognize him as an American citizen.

His case comes up before the second council of war on the 18th instant. Being asked if he had a lawyer, he replied in the negative, and the court provided him with one, who is a gentleman unknown to this embassy, Mr. Crochard, to whom I have sent word through Gendrot that this embassy would furnish him with all the information he may need regarding the case. I anticipate that the court will hold that, for the military authorities, Gendrot is French, and as such must be punished for having failed to comply with the military laws of France, but will leave him the right to appeal from their decision to a civil court, where the question of nationality would be finally decided. Gendrot states that, should this be the case, the want of funds would prevent him from taking any action of this kind.

I have, etc.,

HENRY VIGNAUD.

[Inclosure.]

*Mr. Gendrot to Mr. Porter.*109 RUE DU CHERCHE MIDI,
Paris, February 5, 1899.

DEAR SIR: I wish to inform you that Felix A. Gendrot, born in the city of Cambridge, State of Massachusetts, the 28th of April, in the year 1866, has been called by the French Government to appear before a council of war to give my reason for not having complied with their demands in 1887 in regard to doing military duty.

I think you will find my case on file at your embassy.

Now, in view of the facts that I was born, brought up, and educated in the United States, and being a citizen and a voter, having all my interests there, and will return in a year or two after completing my studies, I feel I am an American and that I owe nothing to France.

There must be something radically wrong when a man can have two nations to serve, and should there be war between them I would be in a strange dilemma. I could not very well cut myself in two; at all events, I am the one to suffer. I don't mean to say that a war is probable, but yet possible.

Being vested by the United States law as a citizen, and considering myself as such, I call upon you for protection and aid.

I am, etc.,

FELIX A. GENDROT.

[Inclosure 2.]

*Mr. Vignaud to Mr. Delcasse.*EMBASSY OF THE UNITED STATES.
Paris, February 10, 1899.

SIR: I have the honor of submitting to your excellency the following case:

Mr. Felix Albert Gendrot is an American citizen, born at Cambridge, Mass., on the 28th of April, 1866. He was brought up and educated in the United States, where his home is, where he has a wife and children, and where he has discharged all the obligations incumbent on a native-born American citizen. He has never resided in France. In 1887 he made a short visit to Paris, and was then informed that, being the son of a Frenchman, he had to perform military service in the French army. He appealed to his Government for protection, and, in the year above mentioned, this embassy, then a legation, laid the case before your department, stating that Gendrot was a natural American citizen; that, having never been in France before, he did not flee to escape any obligations, of which he had never heard, and that even if the fact of his being the son of a Frenchman made him French originally, he, as well as his father, according to the law as it then stood, had forfeited their right to French nationality by being permanently established in a foreign country, which they had no intention of leaving, and accepting the honors and burdens of citizenship of that country.

The application was unsuccessful, and Gendrot, who at that time could hardly speak French, returned to his home in the United States. He is now again in Paris, and has been summoned to explain why he did not serve his time in the French army. He again appeals to his Government for protection, and I once more lay the case before your excellency. Being born in April, 1866, he is close on to 33 years of age, and has therefore passed the age for military service in the active army. The law no longer prevents him from declining French nationality without the consent of the French Government, and it is within the power of that Government to recognize that Gendrot is what he claims to be and what his Government, speaking through this embassy, asserts he is—a bona fide American citizen.

I respectfully call your excellency's attention to these new features of the case.

I avail, etc.,

HENRY VIGNAUD,
Chargé d'Affaires ad Interim.

P. S.—In 1887, when Gendrot was in Paris, he went by the name of Albert Felix Gendrot. He had not then his certificate of birth, showing that his real name was Felix Albert.

H. V.

Mr. Porter to Mr. Hay.

[No. 427.]

EMBASSY OF THE UNITED STATES,
Paris, February 24, 1899.

SIR: Referring to Mr. Vignaud's No. 420, of February 13, concerning the citizenship of Mr. Gendrot, I have now to report that his case came up before the second council of war on the 18th instant, and that upon the application of his lawyer—a lawyer given him by the court—it was postponed in order to give Gendrot time to have the question of his nationality decided by a civil court. Gendrot's lawyer informs this embassy that if no step of this kind is taken his client will be brought up again before the military court, where he is sure to be sentenced to imprisonment and be obliged to serve some time in the French army.

I inclose herewith copy of a letter received from Gendrot, in which he claims the protection of this embassy as an American citizen and asks to be provided with the necessary means for bringing before a French civil court the action without which his rights will not be respected.

I respectfully ask for authorization to comply with this request.

I have, etc.,

HORACE PORTER.

[Inclosure.]

Mr. Gendrot to Mr. Porter.

AMERICAN ART ASSOCIATION, 2 IMPASSE CONTI,
Paris, February 17, 1899.

DEAR SIR: Being a citizen and born in the United States, I come to ask the ambassador for the protection and aid he owes his countryman.

My case has already been the object of diplomatic correspondence in the year 1888, as that period, while sojourning in France, the French Government called upon me to do five years' military service, basing their claim upon the fact that I was born of French parentage. I was arrested, released, and was about to be arrested a second time when I departed for the United States.

In the diplomatic correspondence that took place the minister of foreign affairs, Mr. Flourens, replied to the United States ambassador that if I insisted upon claiming American citizenship I was at liberty, in order to establish my true position, to apply to the civil courts; only on seeing a decision of the French courts declaring I am a foreigner can the military authorities consent to order that my name be stricken from the rolls of the French army?

At that period I was ignorant of this means of repudiating the quality of Frenchman.

But recently having arrived in France for the purpose of study, I was arrested as (*ensoumie*), and am about to pass before the second council of war to-morrow. If I do not find means to stay the proceeding I am liable to be condemned to from one month to one year imprisonment.

My lawyer will try to secure a postponement of the case, declaring that you, the United States ambassador, was having official correspondence with the French Government in my behalf. However, he considers that this means is not a legal one, and that the judges could ignore this appeal and pronounce their verdict. He says, should I address a request to the French civil court, that tribunal, by having taken up the question of my citizenship, would thus prevent the council from passing finally upon my case until the civil court rendered its verdict.

He also believes that, my case being a peculiar one, the courts might find that I could repudiate the quality of French citizenship in view of article 17 of the Code Civil, which says, to lose the rights of French citizenship, first, "A Frenchman naturalized in a foreign country." Having been born and lived for twenty-six years in the United States, and am a voter there, it seems to me I am less of a Frenchman than one born in France and who has been naturalized in the United States.

This civil case that M. Flourens has indicated might terminate in my favor and which is actually the only means out of my present difficulty.

In view of my United States citizenship, and not having the means to protect myself, I appeal to the United States Government, or to you, its ambassador, to give me the means to carry on this civil case, or to carry it on for me.

There is a grave question of principle in my case, and should the verdict be in my favor it would establish an important precedent.

I am persuaded that this question interests in the highest degree the rights of American citizens abroad.

I am, etc.,

FELIX A. GENDROT.

Mr. Hay to Mr. Porter.

No. 566.]

DEPARTMENT OF STATE,
Washington, March 3, 1899.

SIR: Mr. Vignaud's dispatch, No. 420, of the 13th ultimo, relating to the return to Paris of Mr. Felix A. Gendrot, whose military case was the occasion of controversy with the French Government in 1888, and his arrest in connection with his previous alleged evasion of military service, has been received.

The Department recently received from Mr. Stevenson Burke, of Cleveland, Ohio, a letter (of which copy is inclosed herewith) addressed to Mrs. Burke by Mr. Gendrot, describing his surreptitious return to Paris, "thinking," as he says, "that in so large a city and remaining unknown I [he] could carry on my [his] studies without trouble and at the end of a year or two return to the States," in which expectation he appears to have been disappointed.

Mr. Gendrot's action has very unnecessarily complicated the matter to his prejudice, but in view of the attitude taken by this Government when the question originated in 1888, and in view also of the suggestions made by Mr. Vignaud, it is hoped that you will find an opportunity to further Mr. Gendrot's interest and effect his release from the embarrassing situation in which he has placed himself. I inclose copy of a letter written to Mr. Gendrot in November, 1897, to which I have referred in my reply to Mr. Stevenson Burke, copy of which is also inclosed for your information.

I am, etc.

JOHN HAY.

[Inclosure 1.]

Mr. Burke to Mr. Hay.

HICKOX BUILDING, CLEVELAND, February 21, 1899.

MY DEAR SIR: I inclose to you a letter from Mr. Felix A. Gendrot, who, as his letter points out, was a native of Boston, Mass., and whose father, I believe, was a Frenchman—whether naturalized or not, I do not know. Mr. Gendrot is an artist, and he wrote the inclosed letter to my wife, who, as treasurer of the Art School Association, was very well acquainted with him, he having taught in the art school, and also in the university school, in this city. I have a personal acquaintance with him, and know that he is very much of a gentleman, and entitled to all the protection which the Government can afford.

I think I shall take the liberty to write a personal letter to Minister Porter at Paris; but this would be only to assure General Porter, whom I know quite well, of my personal knowledge of the standing of Mr. Gendrot.

You will note that the question is a most important one, and it may affect many others besides Mr. Gendrot.

You will know, however, how to deal with it, and I trust you will give the matter such attention as its public interest and the personal interest of Mr. Gendrot requires. With kindest regards to yourself personally, I am,
Very truly, yours,

STEVENSON BURKE.

[Subinclosure.]

Mr. Gendrot to Mrs. Burke.

PARIS, *le January 31, 1899.*

MY DEAR MRS. BURKE: It has been my intention to write you and tell you of my sojourn in Paris, and how I was getting on in my work, etc., but I am somewhat embarrassed that for my first letter I should ask you for a favor. To come to the point, it is my trouble with the French Government. Should you not know the details of the case, and as it would be too long for me to write them, I think Miss Norton or Miss Harper could give you them. Now, to begin with the story of my trouble: I came to Paris thinking that in so large a city, and remaining unknown, I could carry on my studies without trouble, and at the end of a year or two return to the States. Notwithstanding the fact that eleven years have passed since my first trouble, the French Government located me and put me under arrest, but has released me pending an investigation into the case. I have called on the American ambassador for protection, and he will no doubt communicate to the Government at Washington. My favor is, if you will be so kind, that you use your personal influence with the Secretary of State, as I think he is a Cleveland man and no doubt a friend of yours. I thought a letter from the Judge would be instrumental in the Secretary taking more interest in the case. I would have written to the Judge personally, but I feared that he would not remember me, and by writing you you could explain the matter to him.

My argument is that I was born, brought up, educated in the United States, lived most of my life, and have all my interests and intend to return there, and that I owe nothing to France, and from these facts it seems to me that the French Government should have no claim on me.

Now, to show the injustice of their law in my case, should I be forced to do military duty, it would establish beyond question that I was a French citizen, and, as far as the United States was concerned, I still would be an American citizen after my service here. Should I go back to the States, settle there, get married, and have children, my children would be born of a Frenchman and subject to military duty in France, and would find themselves in precisely the same position as I am at present. For my children, to avoid military duty in France and be recognized as Americans by the French law, I would first have to become a naturalized American through process of law, a thing that can not be done; that is, I can not become naturalized through process of law, as I am already a citizen of the United States. And this process of taking American-born citizens to serve France would go on indefinitely, or at least until the United States should stand firmly by and demand the French Government to recognize the American-born citizens. And that is what I should like to have the United States Government do for me *now*—to have France recognize me as an American citizen.

You will please excuse writing, as I have written in haste.

Hoping it is in your power to do this favor for me,

I remain, etc.,

FELIX A. GENDROT.

[Inclosure 2.]

Mr. Hay to Mr. Burke.

DEPARTMENT OF STATE,
Washington, March 3, 1899.

SIR: I have to acknowledge the receipt of your letter of the 21st of February in relation to the arrest of Mr. Felix A. Gendrot, who, having had trouble with the French Government in 1888, growing out of a claim to his military service as the son of a Frenchman (although himself born in the United States), has recently returned to France and been arrested at Paris on the charge of evasion of army duty.

A dispatch received from the United States embassy at Paris, under date of February 13, ultimo, reports the arrest of Mr. Gendrot and the steps taken by the embassy to afford him all possible relief from the situation in which he has voluntarily placed himself by returning to France, against the advice of this Department, given him on the 26th of November, 1897, by the letter of which I inclose a copy for your information.

Mr. Vignaud, chargé d'affaires of the United States at Paris, states that Mr. Gendrot's case was to come up before the second council of war on February 18, and he anticipates that the military court will hold that, so far as the army authorities are concerned, Mr. Gendrot is French and, as such, liable to punishment for having failed to comply with the military laws of France, but that such action will still leave to him the right of appeal from the decision of the military court to a civil court, where the question of nationality would remain to be finally decided. Mr. Vignaud adds that Mr. Gendrot, having passed the age of service in the active army, can, according to the law of 1889, renounce French citizenship without the permission of the French Government, and that the civil court may perhaps recognize him as an American citizen. Mr. Gendrot, however, states that want of funds would prevent him from taking appeal.

The ambassador has been instructed to continue to do all that he properly can to effect Mr. Gendrot's release.

I am, etc.,

JOHN HAY.

[Subinclosure.]

Mr. Adee to Mr. Gendrot.

DEPARTMENT OF STATE,
Washington, November 26, 1897.

SIR: Your letter of November 17, making inquiries as to your present status with regard to the claim of your allegiance heretofore put forth by the French Government, has been received and considered, and I am directed by the Secretary of State to make reply thereto.

Your case is an interesting one, and the correspondence had on the subject in 1888 is printed in the volume of Foreign Relations of the United States for that year, pages 495, 497, and 498.

Your case was then held to be one of those common in private international law wherein the individual is invested with a dual allegiance, each complete in its own sphere. By your birth at Cambridge, Mass., April 28, 1866, you were held by the law of the United States to have possessed the status of an American citizen while subject to the jurisdiction of the United States. By the French laws, being born abroad of French parents who never lost their French status, you were a natural-born French subject so far as the jurisdiction of France is concerned. Being held for military service in France, you appear to have taken Mr. Bayard's advice, then given to Minister McLane, to elect and maintain your American nationality by a prompt return to this country. Such return, however, could not affect the proceedings instituted against you under French law within French jurisdiction further than to leave them undetermined or determinable by a judgment pronounced by default, of which, however, the Department is not advised.

The purport of your present inquiry is not clearly understood. You ask whether you would be entitled as an American citizen to the protection of the United States Government under the circumstances you recite, and you conclude by requesting to be informed fully as to your rights under the circumstances.

As to your rights as a citizen of the United States there can be no question so long as you are within the jurisdiction of the United States, and, although this is a hypothetical case, you would possess equal rights and be entitled to equal protection in the territory of a third state. But should you voluntarily put yourself within French jurisdiction, the dual claim of that country to your allegiance would revive and you could scarcely hope to escape judicial proceedings, perhaps under added disadvantage of being regarded as a fugitive from military service by reason of your return to the United States in 1888. There is no naturalization treaty between the United States and France. Under the French code a person born a Frenchman can only lose that status by process of law, one of the causes of such loss being naturalization in a foreign country. You have not been naturalized in the United States, and the fact of your being born in the United States is by French law no bar to the French claim upon your allegiance; it is, on the contrary, a case expressly provided for by that law,

so that the French courts would be precluded from declaring you to be anything but a French citizen should the case actually arise for judicial determination. This contingency, however, could not arise, so far as seen, except by your own voluntary act in returning to France, and in such a case it is doubtful if this Government could efficiently protect you outside of its own jurisdiction.

Respectfully, yours,

ALVEY A. ADEE,
Second Assistant Secretary.

Mr. Porter to Mr. Hay.

No. 434.]

EMBASSY OF THE UNITED STATES,
Paris, March 16, 1899.

SIR: I have to acknowledge the receipt of your No. 566, of March 3, concerning the case of Gendrot. No further steps seem to have been taken in the matter since my writing you on February 24. But Gendrot will surely call one of these days to say that his civil suit is fixed for a certain day and to ask that legal assistance be given him. He does not seem to realize that under the circumstances it would have been better for him to abstain from visiting France; he insists that he is a native-born American citizen and as such claims the protection of our Government. If properly assisted, the French civil court might possibly recognize his American title, because his case differs from the others in this important particular, that he has not committed the offense of renouncing French citizenship and of assuming another nationality of his own volition, an offense specially mentioned in the law of June 26, 1889. In his case the presentation of naturalization papers would have weakened his position. Besides, Gendrot holds that he is a native-born citizen and does not want to change his status as such for that of a naturalized citizen. The case is an interesting one and deserves the attention of the embassy.

I have, etc.,

HORACE PORTER.

Mr. Hay to Mr. Porter.

No. 590.]

DEPARTMENT OF STATE,
Washington, March 31, 1899.

SIR: I have received your dispatch No. 434, of the 16th instant, in further relation to the case of Gendrot.

You report that no further steps seem to have been taken in the matter since your dispatch of February 24, but that Gendrot will surely call one of these days to say that his civil suit is fixed for a certain day and to ask that legal assistance be given him. You add that, if properly assisted, the French civil court might possibly recognize Gendrot's American title, because his case differs from the others in the important particular that he has not committed the offense of renouncing French citizenship and assuming any other nationality of his own volition, and that you think the case is an interesting one and deserves the attention of the embassy.

Although you do not expressly request instructions as to the employment of counsel in Gendrot's behalf, it seems proper, in the light of

what you say, to instruct you upon this point. The Department would not favor taking original steps to promote an appeal of the case to the civil court, but should the contingency arise and Gendrot's case actually be before that court, and it be satisfactorily shown to you that Gendrot is without money or property and is unable to employ counsel, you are authorized, but only in those contingencies, to arrange with the gentlemen from whom the embassy takes legal counsel to look after the case in the civil branch, with the understanding, if necessary, that a reasonable fee may be charged for the service performed. In the event of their so serving, you will report the fact to the Department and render special account for the fee should it be asked.

The matter is necessarily left largely to your discretion. Gendrot, by his acts, has somewhat prejudiced himself in the eyes of the Department, but his personal merit or demerit as an American citizen in distress should not enter into your determination so much as the likelihood of carrying the matter to such conclusion as will afford a favorable precedent for future cases.

I have, etc.,

JOHN HAY.

Mr. Porter to Mr. Hay.

No. 448.]

EMBASSY OF THE UNITED STATES,
Paris, April 5, 1899.

SIR: Referring to previous correspondence concerning the case of Gendrot, I now send a copy and a translation of Mr. Delcassé's reply to my statement that Gendrot was a native-born American and claiming him as such. In this reply the minister of foreign affairs, expressing the view of the minister of justice, assumes quite a new position. In its correspondence with this embassy, and particularly in the case of Giron (1897), the French Government had admitted that a Frenchman having passed the age of service in the active army was no longer obliged to obtain permission from the French authorities to change his original nationality, an admission which is in strict conformity with the revised article 17 of the Civil Code. It is now contended for the first time that no Frenchman has the right to change his nationality without the consent of the French Government, if he has not complied with the military laws, whether he has passed or not the age of doing military service. No law is quoted in support of this view. Mr. Delcassé's note might call for other remarks, but as it is admitted that Gendrot can have his case settled by appealing to a civil court, and as he has chosen to do so, I shall let the matter rest until a decision is obtained or until further instructions are received from the Department if it is deemed advisable to send any.

I have, etc.,

HORACE PORTER.

[Inclosure.—Translation.]

Mr. Delcassé to Mr. Porter.

PARIS, *March 29, 1899.*

MR. AMBASSADOR: On the 10th of February last your excellency was good enough to call the attention of my department to Mr. Felix Albert Gendrot, born at Cambridge, Mass., April 28, 1866, of French father, who claims American citizenship.

Mr. Gendrot, who is at present in France, was recently called before the military authorities at Paris to make known the motives which prevented him from complying with the recruiting obligations. You remark that the individual in question, being born in the United States, was considered by the Federal authorities as an American citizen, and that, having never lived in France, he, like his father, also must have lost his title to French citizenship according to the old article 17, section 3, of the Civil Code, by being established abroad without any intention of returning. You added that the person in question had passed the age of military service in the active army, and that, consequently, he could decline French citizenship without the consent of the Government of the Republic.

My colleague, the minister of justice, to whom I did not fail to communicate this information, remarks to me this day that it does not belong to him to examine whether Gendrot can claim American citizenship because he was born in the United States. Each country is free and independent in the exercise of its sovereignty, but there is no doubt that this individual must be considered with regard to French law as French, in accordance with article 8, section 1, of the Civil Code (old article 10).

As to the question whether an individual has lost his title to French citizenship by establishing himself abroad without any intention of returning, it depends on circumstances of the fact, which the courts, sovereign judges in questions of nationality, can alone decide, and if Gendrot proposes to invoke this motive he can submit his case to the judicial authorities.

Lastly, the fact that the interested party has passed the age of military service in the active army does not give him the right to claim foreign nationality. He could oppose this foreign title only by showing that he has been naturalized in the United States in accordance with the laws in force. Now, such is not the case. Moreover, in order to acquire validly, with regard to the French Government, American naturalization he should have a formal authorization. He is, in fact, to-day still subject to the obligations of military service in the active army, because he is in the position of one who has been omitted or who did not submit. It is the fact of having complied with the obligations of the military service in the active army and in the reserve, and not the fact of having reached the age when one is transferred to the territorial army, which enables a Frenchman to have himself naturalized abroad without the consent of the Government.

Under these conditions, the keeper of the seals is of opinion that until a contrary decision is obtained from the courts Gendrot should be considered as being of French nationality.

Accept, etc.,

DELCASSÉ.

VISIT OF EX-PRESIDENT HARRISON TO FRANCE.

Mr. Hay to Mr. Porter.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 15, 1899.

PORTER,
Ambassador, Paris:

Ex-President Harrison expected arrive in France about Wednesday, 24. Have authorities notified, so that any proper courtesies may be extended.

HAY.

Mr. Porter to Mr. Hay.

No. 487.]

EMBASSY OF THE UNITED STATES,
Paris, June 8, 1899.

SIR: With reference to your cable of May 15, instructing me to notify the French authorities that ex-President Harrison would shortly arrive in France, I have to report that your instructions were complied

with, and that Mr. Harrison has been the recipient of many courtesies on the part of the French Government. An official of high rank waited on him when he landed at Havre and welcomed him officially to France. A gentleman belonging to the foreign office, representing the French Government, was sent to receive him at the station, where he was met by Mr. Vignaud and myself when the train arrived from Havre.

I arranged interviews between him and the minister of foreign affairs, the president of the council, and the president of the Senate and the Chamber of Deputies.

President Loubet entertained him and Mrs. Harrison at dinner and gave them the seats of honor at his table. He also sent them twice his box at the opera and invitations to his tribune at the races, and they received similar courtesies from other members of the Government.

I have, etc.,

HORACE PORTER.

"ANTHONY POLLOK MEMORIAL PRIZE."

Mr. Ades to Mr. Porter.

No. 657.]

DEPARTMENT OF STATE,

Washington, August 11, 1899.

SIR: The heirs of the late Anthony Pollok, of Washington, D. C., have decided to found a prize in his memory, to be known as the "Anthony Pollok Memorial Prize."

Mr. and Mrs. Anthony Pollok were passengers on the steamer *La Bourgogne*, and were lost when that vessel sank after collision with the *Cromartyshire* off Sable Island, on July 4, 1899.

Mr. Pollok was held in the highest esteem by all who were privileged to know him and were aware of the many good deeds he did with a characteristic avoidance of ostentation. By his relatives and a wide circle of friends he is deeply mourned.

A graduate of the Ecole Centrale of Paris, Chevalier of the Legion of Honor of France, counselor at law at Washington, he owed his success to no happy incident, to no special favor of fortune, but to sheer force of character.

His name is prominently connected with many of the most important inventions of the last half of the nineteenth century, and will always be remembered as a potent factor in the development of the patent system.

He cherished a dream of universal patent practice embracing all the nations of the world, and inspired in France the first step toward its realization in the International Convention for the Protection of Industrial Property, of which he was vice-president. When the United States at first refused its adherence he aroused the interest of the manufacturers, and appeared twice before the Committee on Foreign Affairs of the United States Senate, answering objections and advocating the measure in printed briefs and oral arguments, finally attaining the object of his efforts.

With sorrowing hearts and profound respect, those who loved him and deplore his loss have founded this prize in sacred remembrance of their affection and as a crowning monument to honor and perpetuate the memory of Anthony Pollok.

The prize is a donation of 100,000 francs, to be awarded to the inventor of the best apparatus for the saving of life in cases of maritime disaster, and is to be open to universal competition. This sum is now on deposit with the American Security and Trust Company, of Washington, D. C., whose reliability is beyond question, and will be paid over to the successful competitor when a decision shall have been rendered by an appointed jury, and formally communicated to the Secretary of State through the Commissioner-General of the United States to the international exposition at Paris in 1900.

The juror selected on behalf of the Government of the United States is Lieut. William S. Sims, U. S. N., naval attaché of the embassy of the United States at Paris. It is understood that the French Government will name a juror who, in conjunction with Lieutenant Sims, will select a third, to be chosen from one of the citizens or subjects of a state whose nation is a competitor.

In considering the award the jury will be governed by the following conditions:

(1) The total amount of the prize may be awarded to a single individual, on condition that the invention is of sufficient practical value and importance to justify the proposed award.

(2) Should several persons enter inventions of equal value the jury, as it shall consider right and just, may award a portion of the prize to each.

(3) Should none of the inventions entered into be of sufficient value to entitle it to the prize, the jury may reject any and all of them, but at the same time shall be empowered to indemnify competing inventors in such amounts as may be deemed advisable.

The essential details as to this prize have been agreed upon between Mr. Ferdinand W. Peck, Commissioner-General of the United States to the Paris Exposition of 1900, and the Hon. Alfred Picard, Commissioner-General of the Universal International Exposition of 1900. They have also had the substantial assent and approval of the French federal authorities to the end that the competition for the prize may take place during the exposition.

In order that notice may be given to the different governments and that the fullest publicity and widest competition may be assured, it is necessary that you take an early opportunity to formally acquaint the Government of France with the desire of the heirs of the late Mr. Pollok and urge its cordial cooperation furthering their humane purpose.

The instructions to competitors will be issued in due season by the jury, with the sanction and approval of the authorities of the French exposition. These will be distributed upon application. Correspondence, however, may be addressed to the members of the jury at Paris, or to Mr. Charles J. Bell, president of the American Security and Trust Company, No. 1405 G street, Washington, D. C., U. S. A.

A similar instruction has been addressed to your colleagues accredited to all governments with which the United States has diplomatic relations. They have been directed to request that the information be given the widest possible publicity.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Vignaud to Mr. Hay.

No. 532.]

EMBASSY OF THE UNITED STATES,
Paris, August 26, 1895.

SIR: I have the honor to acknowledge the receipt of your instruction, No. 657, of August 11, concerning the Anthony Pollok Memorial Prize. The Department explains the character of this prize, the conditions on which it is to be awarded, and states that as the French and American commissioners-general have obtained the substantial assent and approval of the French authorities to the end that the competition for the prize may take place during the exposition, it is necessary that this embassy take an early opportunity to formally acquaint the Government of France with the desire of the heirs of the late Mr. Pollok and urge the cordial cooperation in furthering their humane purpose.

Some months ago when the Commissioner-General acquainted Mr. Picard with the generous intention of the heirs of Mr. Pollok, it was intimated to him that before he (M. Picard) could take any action in the matter it would be desirable to submit it to the French Government through the diplomatic channel. In view of this information and at the request of Mr. Woodward, our assistant commissioner-general, the ambassador, in a letter dated May 27, explained to Mr. Delcassé the character of the prize, warmly recommended it to his attention, and solicited his moral cooperation in the scheme.

Under date of June 15 Mr. Delcassé replied that he had submitted the proposition to the minister of marine, who would be pleased to support it.

It seems therefore that the substantial part of your instruction has been already complied with. I shall, nevertheless, avail of an early opportunity to mention the matter again to Mr. Delcassé and furnish him with additional information contained in your dispatch.

I inclose herewith a copy and translation of Mr. Delcassé's note above mentioned.

I have, etc.,

HENRY VIGNAUD.

[Inclosure.—Translation.]

Mr. Delcassé to Mr. Porter.

MR. AMBASSADOR: You were good enough on the 27th of May last to inform me of the generous thought of the heirs of your compatriot, Mr. Anthony Pollok, who perished in the catastrophe of the *Bourgogne*, and you asked me whether the Government of the Republic would receive with favor the creation of a prize of 100,000 francs to be awarded at the exposition of 1900, and by an international jury, to the inventor of the best life-saving system.

The minister of marine to whom I hastened to make known this interesting communication now informs me that he is quite disposed to lend his moral support to the work in question, and that he will facilitate by every means in his power the realization of the humane idea conceived by the heirs of Pollok.

Accept, etc.,

DELCASSÉ.

Mr. Porter to Mr. Hay.

No. 555.]

EMBASSY OF THE UNITED STATES,
Paris, November 3, 1899.

Referring to my No. 537 of September 14, informing the Department that I had again communicated with the foreign office with reference to the Anthony Pollok prize, and transmitted copies of the printed circular received with your No. 658, I now send a copy and translation of a note from Mr. Delcassé in reply to my communication.

The minister states that the circular will be given to the press, and that the French commissioner-general will have an understanding with Mr. Peck for the organization of the competition.

I am, etc.,

HORACE PORTER.

[Inclosure—Translation.]

*Mr. Delcassé to Mr. Porter.*PARIS, *October 12, 1899.*

MR. AMBASSADOR: Your excellency has been good enough to inform me, by two letters of the date of May 27 and September 7 last, of the determination taken by the heirs of Mr. Anthony Pollok for the founding of a prize of 100,000 francs destined to reward the best life-saving apparatus in case of an accident at sea.

Your excellency has sent to me at the same time three copies of notice given out by the Government of the United States on the same subject, asking me to assure it the greatest possible publicity, and to let you know what measures the Government of the Republic means to take for the organization of the competition where the award of the "Anthony Pollok" prize will be decided.

The minister of commerce, whom I desired to consult, has just informed me, and I have the honor to advise your excellency of it, that his department has caused to be given to the press the public communications which are necessary.

On the other hand, Mr. Picard, in accord with the commissioner-general of the United States, has made a project of ruling, relative to the organization of the competition, for the judgment of the apparatus exhibited and for the award of the prize. This project of ruling will be rendered definite upon the return of the commissioner of the United States, who is now traveling, and will be communicated to the interested exhibitors.

Accept, etc.,

DELCASSÉ.

BURIAL PLACE OF PAUL JONES.*Mr. Porter to Mr. Hay.*

No. 558.]

EMBASSY OF THE UNITED STATES,
Paris, November 9, 1899.

SIR: Referring to Mr. Vignaud's letter of June 28, in reply to your note of June 14, concerning the remains of Paul Jones, I am now in position to inform you that the place where he was buried has been found and that I have also procured a copy of the official report of the burial, which took place under orders from the French National Assembly. The original report was destroyed at the burning of the city hall of Paris in 1871, but, fortunately, a well-known archæologist and writer who died some time ago, Charles Read, made a copy of the document, which has just been found among his papers.

The burial place of Paul Jones was at the time a Protestant cemetery, upon which buildings are now erected, but a French archæologist, M. de Recaudy, who, at the request of this embassy, took the matter in hand and made this interesting discovery, believes that he could locate within 8 or 10 yards the spot where the body was interred, and he is confident that a careful excavation of the place would result in the discovery of the remains of the hero. I inclose herewith a copy of a report which M. de Recaudy has addressed to me on the subject, which is of great interest. M. de Recaudy suggests to me that a committee be formed of persons interested in the matter, who would provide for the funds to purchase the property and make the proper excavations with the view of having the remains transferred to the United States, should they be found. The coffin, in all probability, was of wood, and unless there was a metallic plate bearing the name of the deceased, or a sword or some article not perishable, it might be difficult to identify whatever may be left of the body. I submit these suggestions to your appreciation, and can only say that I will cheerfully cooperate in any action having in view the removal to the United States of the remains of Paul Jones. I also inclose a photograph showing the main buildings now standing on the site of the Protestant cemetery mentioned in the "report." The structure to the right bearing the sign "Encadrements" is supposed to stand on the spot where Paul Jones was buried.

I have, etc.,

HORACE PORTER.

[Inclosure.]

M. de Recaudy to Mr. Porter.

PARIS, October 29, 1899.

REPORT IN REFERENCE TO THE SITE OF THE BURIAL OF THE REMAINS OF COMMODORE JOHN PAUL JONES, AND AS TO THE MEANS OF FINDING THEM.

Paul Jones died in Paris on the 18th of July, 1792, and was buried on July 20 of the same year, as is established by the burial register, of which the following is a transcription:

"On this the 20th day of July, 1792, year IV of Liberty (year I of Egalite), at 8 o'clock in the evening and in conformity with the decree of the National Assembly of the day previous, in presence of the deputation of the said Assembly, composed of Messieurs Brun, president of the deputation of the aforesaid Assembly, Bravet, Cambon, Rouyer, Brival, Deydier, Gay-Vernon, bishop of the Department of the Haute-Vienne, Chabot, episcopal vicar of the Department of the Loir-et-Cher, Carlier, Petit, Le Josnes Robouaume; and a deputation of the Consistory of the Protestants of Paris, composed of Messrs. Maron, Pasteur, Perreaux, Bénard, Mouquin, and Empaytaz, anciens, John Paul Jones, native of England and a citizen of the United States, first sea officer (premier officier de mer) in the service of the said United States, aged 45 years, and died on the 18th of this month at his residence situated at No. 42 rue des Tournon, in consequence of dropsy of the chest (hydropisie de poitrine), in the sentiments of the Protestant religion. The said burial took place in the presence of us, Pierre Francois, Simonneau, commissioner of the King in these precincts and commissioner of police of the section of Ponceau; in the presence of Messieurs Samuel Blackden, colonel of dragoons in the service of the State of North Carolina; of S. James, Col. Montflorenc, formerly major in the service of the United States; of Marie-Jean Baptiste Benoist Beaupoil, former French officer living in Paris at No. 7 Passage des Petits-Peres, and Louis Nicholas Villemiot, officer commanding the grenadiers of the gendarmerie, which escorted the deputation of the Assembly, and of others who signed with us; Brun, Gay-Vernon, bishop and deputy; Deydier, deputy of the Ain; Rouyer, Francois Cholot, Bénard, J. C. Mountflorenc, Petit, Cambon fils aîné, Bravet, Beaupoil, P. H. Carlier, Durvosque, Lafontaine, Simonneau,

Jacques Brivial, Villemont, Robouame deputy, Marron, Perreaux, Mouquin, Empay-taz, R. Ghiselin de Maryland; S. Blackden; Griffith, of Philadelphia."

This document was copied in 1859 by M. Charles Read from a register contained in the archives of the city of Paris, in the building in the Avenue Victoria, which served as a supplementary archives for the Hôtel de Ville. This register bore the serial number 89 and formed part of a series relating to the official status (*état civil*) of Protestants, and was, for the subject of deaths, composed of five registers. This register, numbered 89, commenced in 1779, related to a cemetery, owned by the Protestants, situated near the Porte St. Martin, between the tree-planted avenue (Boulevard Bonne Nouvelle) and the rue Basse de la Voirie (a street no longer existing). It occupied an area of 256 toises (32 extending along the tree-planted avenue and 8 extending along the road of the Porte St. Martin to the right of the present rue du Faubourg St. Martin). But this cemetery was closed in 1762 by order of the lieutenant of police, under the pretext of completing the extension of the boulevard. It had been opened in 1724 at the instance of Mr. Hop, the Dutch ambassador, who complained to the King of the difficulties connected with the burial of foreign Protestants. When this cemetery was closed another one was opened behind the St. Louis Hospital on a site which is occupied now exactly by the buildings numbered 41, 43, 45, and 47 in the rue Grange-aux-Belles, and number 1 in the rue des Ecluses Saint Martin. The premises were purchased from the religious order of the Lazarists, which owned a vast property in these parts. It is composed of a courtyard and a garden. The entrance was not in the rue de l'Hôpital Saint Louis, now rue Grange-aux-Belles, as might be supposed from the documents, where it is sometimes indicated as behind the St. Louis Hospital, sometimes on the site of the St. Louis Hospital, sometimes in the rue de l'Hôpital Saint Louis, and sometimes, by error, behind the Saint Louis Church, but in the rue des Morts, formerly rue Saint Maur, and to-day rue des Ecluses Saint Martin. No Paris historian explains this naming of the rue des Morts, which was apparently due to a pun which is not unusual in cases like that of the street in question, which was known later by its original name of the rue Saint Maur. The creation of this cemetery was evidently the cause.

One enters at first in a courtyard which contained the house of the concierge and various unimportant buildings. Then one descends several steps. One reaches the garden, which extends mostly on a lower level than that of the rue Grange-aux-Belles. Until the year 1777 burials were made exclusively in the garden. At that date it was decided that the Protestants of the Kingdom (French), until then deprived of a decent place for burial (they were buried in fields or gardens), should be henceforth buried in the courtyard, and to avoid any possible confusion between French and foreign Protestants reference should be made for the designation of allotments to the decision of the embassy of Holland. But it had also been decided that a separate register should be kept for each category of dead. It is known that this order was disregarded. It is likely that the other instructions also remained a dead letter. At the time of the Commodore's death the garden must have been long since filled up so as no longer to be a "decent place of burial," as had been desired. Quite recently the owner of the washing establishment (laundry) situated at No. 45 rue Grange-aux-Belles (garden site), wishing to increase the depth of the pit where his boiler was placed, excavated at a depth of 2 meters 50 centimeters a viscous black substance containing fragments of human bones. This unnatural earth constitutes what is technically called "corpse loam" ("*le gras de cadavre*"). This is the special condition of over-saturated cemeteries. On the courtyard side, on the contrary, the earth that was excavated to make a trench for some water pipes was found to be less impure, and bones, shin bones, and shoulder blades were discovered in a fairly good state of preservation.

A tenant who wished to bury a dog found almost at the soil level two skulls. Hence it appears that long before 1792 they had been compelled to bury both categories of the dead in the courtyard, and Paul Jones being one of the latest interments it is probable that his remains are not far from the entrance door, the place most likely to have been used for the latest burials. But this is merely a hypothesis.

Was the Commodore ever disinterred? Two authors state that his remains are in the Pere Lachaise. But in this cemetery the only Joneses are Jones (Edward Thomas), died in 1833; Jones (John Quereau), died in 1822; Jones (Charles), died in 1829; Jones (James), died in 1827. A fifth Jones, who died in 1820, is described as George Jones on the tombstone, and as Jones on the register of the administration. Moreover, Charles Jones had taken, in 1820, a perpetual concession for a widow lady named Mathews, who died in 1826; and in a tomb of the Colton-Graves family is found Olivia Augusta Jones. This is the only Jones in the tombs containing several bodies. Consequently the Commodore can not be in Pere Lachaise Cemetery.

Moreover, the cemetery of the Rue-aux-Belles was officially closed on January 1, 1793, less than six months after the death of Paul Jones; and on the 3d day of Thermidor, Year IV, it was sold as national property and was deeded to Monsieur Phalipeaux. Some time afterwards a night-soil remover named Sage established himself on the premises, and in order to facilitate the entrance of his carts he raised the level of the garden to the level of the courtyard. Later the estate was divided into two lots as they exist to-day. The first lot (41 and 43 Rue Grange-aux-Belles) covers the area of the garden. It measures 38 meters by 40. The second lot (45 and 47 of the same street, and 1 Rue des Ecluses St. Martin) occupies the area of the former courtyard, and measures 26 meters by 40. The total area of the premises (2,560 meters square) still belongs to the Sage family, but the buildings numbered 41 and 43 are the property of M. Bassigny. Number 41 is composed of two stories; number 43 is composed of a large paved courtyard in which is a shed and a storage for grains and hay, under which is an excavation large enough to hold the boiler that formerly stood there, and of a small garden and dwelling of light construction. Number 45 contains a laundry, the floor of which is cement, and comprises drains for conducting water into the street. This laundry is built without foundations. As to excavations, there is the place for the boiler already mentioned, and a cellar that has the appearance of being very old. At number 47 is found on the side of the Rue Grange-aux-Belles a house of three stories, and adjoining the Rue des Ecluses St. Martin is a cheap construction with no upper stories and in a dilapidated condition. The remainder of the area is represented by a courtyard and several unimportant buildings.

It results from this sale and the almost immediate occupancy of the site, that the naval hero of the war of American independence has never been exhumed. Since the Protestant Cemetery was closed in 1804 there does not exist in Paris any other cemetery whither his remains could have been decently transferred. It has been seen that his remains are not in Pere Lachaise. Neither are they in other cemeteries since created, consequently they must be in the site adjoining the Rue-aux-Belles. Is there a reasonable chance of recovering his bones? If he was buried in a wooden coffin there may be only found some unrecognizable fragments; if the body was encased in a leaden coffin there is no doubt but what his remains can be identified. But was this done? Mr. Gouverneur Morris, the United States minister in Paris at the time of the decease of Paul Jones, mentions in his diary that the funeral was a very modest one. May not the word "modest" refer to the material supplied for the burial, for it is known by the official register that a brilliant assemblage attended the funeral.

In any event, even if his bones can not be identified, it is nevertheless absolutely certain that he is there, and that the acquisition of the site of the former cemetery could be made under advantageous circumstances. A square might be made bearing the name Commodore Paul Jones, upon which a monument might be appropriately erected to his memory and without prejudice to any excavations that might be hereafter deemed advisable.

All the above information is based upon documents consulted in various archives, or taken from plans. No statement has been made that is not supported by documentary proof that in each case can be produced if needed.

EXTENSION OF FRENCH SETTLEMENT AT SHANGHAI.¹

Mr. Cambon to Mr. Hay.

[Translation.]

FRENCH EMBASSY,
Washington, March 29, 1899.

MR. SECRETARY OF STATE: As you are aware, the French concession and the international concession, better known under the name of "the foreign settlement," in which the American concession had been merged for some years past, were organized at Shanghai more than forty years ago, in execution of the treaties concluded at the

¹See also "Extension of Foreign Settlement at Shanghai (China), p. 143.

time when certain Chinese ports were opened to international commerce. These concessions adjoin each other, and extend in an easterly direction along the Wampoa. Their enlargement, which is rendered necessary by the increase of the European population, which is now crowded within the boundaries originally established, has been since 1896 the object of an agreement between the foreign consuls at Shanghai, and in that year a systematic plan for the enlargement of the French concession and the foreign settlement was decided upon, with a due regard to their common interests and to their particular needs. This plan fixed especially the directions in which the two concessions should be extended.

The representatives of the powers at Peking, after approving the plan, presented to the Chinese Government a joint request for an enlargement of the two concessions at Shanghai, on the basis thus settled by the consuls. The tsungli yamen replied that the request could not be entertained, but the diplomatic corps persisted, and reserved the right to again insist upon its request whenever circumstances should appear favorable.

Such has been the state of this matter up to the present time.

My Government has just been informed that steps authorized by the diplomatic agents of Great Britain and the United States at Peking are now being taken by the English and American consuls at Shanghai, near the Chinese authorities of the port, with a view to obtaining an enlargement of the foreign settlement. These agents are said to have asked especially that two quarters on the west and southwest of the French concession on the left bank of the Wampoa, which were designated in the common plan of 1896 as to be eventually joined to our concession, be added to the international concession.

If this portion of the requests of the English and American consuls should be favorably entertained by the Chinese authorities our concession would be inclosed on three sides by the foreign settlement, and would thus be rendered incapable of subsequent enlargement, as its fourth boundary is the Wampoa. The injury which would result to our interests from this breach of the agreement made in 1896 would render it necessary for my Government, against its will and to its deep regret, to oppose China's giving satisfaction on these points to the agents of the United States and Great Britain. If those agents think that by opening separate negotiations with the Chinese authorities they have a prospect of obtaining an enlargement of the foreign settlement my Government will be pleased with their success, but it desires, and the Federal Government will doubtless admit that it is expedient, that their requests should not include lands or quarters previously designated as to be claimed for the enlargement of the French concession.

I would, therefore, be very much obliged to you, Mr. Secretary of State, if you would have the kindness to instruct the American agents at Peking and Shanghai not to deviate from the agreement made in 1896, *so far as relates to the directions* in which the enlargement of the foreign settlement is to be made, and which are designated in the plan adopted in common by the consular corps at Shanghai. It is needless to say that my Government is ready to instruct the minister of the Republic at Peking to come to an agreement with his colleagues to act again, by means of an identical note, near the tsungli yamen, for the purpose of procuring its consent to the requests for an enlargement of

the international and French concessions, which were presented to it in 1896.

Without dwelling upon the friendly spirit in which the present step is taken, and with the conviction that you will admit that the request of my Government is based upon equitable considerations, which appear to have been lost sight of at Shanghai,

I beg you to accept, etc.,

JULES CAMBON.

Mr. Hay to Mr. Cambon.

No. 200.]

DEPARTMENT OF STATE,
Washington, April 20, 1899.

EXCELLENCY: I have given, with all the urgency permitted by the pressing cares of my office, careful consideration to your note of March 29 in relation to the extension of the French concession and the foreign settlement at Shanghai.

From the correspondence on file in this Department it is found that the understanding reached in 1896, to which you refer, took the form of a request addressed to the yamen by Mr. Denby, as dean of the diplomatic corps for a simultaneous extension of the Anglo-American and French settlement at Shanghai. To this request the yamen replied unfavorably on the ground that the proposed extensions, as shown by the maps transmitted to the yamen, would cover a very large area of territory. Mr. Denby's reply, as dean, acknowledged the Chinese answer and gave notice that the subject would be again presented by the foreign representatives, either collectively or individually. Thereafter the diplomatic corps appear to have left the whole matter to the consuls at Shanghai for, under date of December 8, 1897, Mr. Denby reported having written a letter to the senior (German) consul at Shanghai informing him that before any diplomatic action could be taken "a very serious effort should be made by the foreign consuls to procure the consent of the local authorities."

From the foregoing it appears that the several foreign interests at Shanghai in the matter of territorial settlements were deemed to be so far conjoint that extension in the several and general interests of the concessionaries was to be treated as a measure of common interest by concerted action, if possible.

Subsequently, in December last, Mr. Conger reported that a separate application had been made for the extension of the French settlement against which the other powers protested and asked for instructions, he having already remonstrated against any extension "which will bring American-owned property under the jurisdiction of any single foreign power." The Department approved his remonstrance to this extent.

The justice of this ground of remonstrance appears to have been admitted by the French consul who offered, in writing, to provide that the rights to trial in the American court and of registry of land in the American consulate would be respected should the proposed French extension embrace American property or interests; but it does not appear that he was authorized by his Government to make this offer, and it has not been renewed so far as I am advised.

Under date of January 8 the United States consul-general at Shanghai reported that the Chinese Government offered to grant a settlement open to all nations in common, and that the consuls of Great Britain and Germany were acting in favor of such general extension "for the residence of all foreigners."

So far as appears this Government has not specifically approved the movement made at Shanghai early last winter for an extension of the specific Anglo-American concession. No maps or details showing the proposed extension have been sent hither. So far as this Government is able to understand the question from the limited information it now possesses it would be disposed to favor a general extension for the benefit of all the treaty powers, in which France and the United States would share on equal footing with the rest. It would seem from your note that the pending question of such a general extension had not been brought to your attention. Inasmuch as it implies an abandonment of the movements set on foot last winter for a specific Anglo-American extension, and substitutes a plan in the general interest of all foreigners for an extension of the "foreign settlement" as distinguishable from the French concession, the justice and equity of the latter proposal may well be open to consideration. As it now stands, I infer from the statements of your note that the only application for an extension now pending in behalf of any particular nation is that presented by France. Although the area over which any extension of foreign settlements may be effected is necessarily limited, and notwithstanding that the treaty powers who have heretofore obtained special settlements have consolidated them in one general foreign settlement under a general administration of all the foreign consuls, each of those powers would, as an abstract proposition, be entitled to an equivalent separate extension should any be demanded and granted in favor of France or any other single power. If this were done the geographical conditions of the locality would very soon hem in most of the concessions so that a limit would perforce be set to the extension of one or more national concessions by the accretion of contiguous territory. The alternative solution of the question would seem to involve some such joint agreement as that latterly proposed in the common interest of the treaty powers.

The United States Government, however, as I have already said, has not supported any application for a specific American extension and I may add that it has no desire to do so if the effect would be to prevent an equal privilege of extension in behalf of France or any other treaty power.

The matter is, however, at present in such shape that I am unable to make a more definite response to your note without further information on the subject. I have accordingly called upon Minister Conger to report the situation fully to me, accompanied by maps and plans distinctly showing exactly what privileges are sought in behalf of France or in behalf of the proposed general foreign settlement, with a statement of what American interests if any are comprised within the territory which is proposed to be added to the French concession or to be the foreign settlement. I have also instructed Mr. Conger that, while reserving all rights of equality of treatment for the United States in whatever solution may be eventually arranged, any steps that he may adopt toward reaching such a solution shall be taken in a spirit of mutual consideration, giving to all ascertained foreign interests in

the premises the same respect as he shall ask for the interests of the United States.

Upon receiving Mr. Conger's report I hope to be in a position to give him definite instructions, the justice and considerateness of which will, I doubt not, fully commend themselves to your Government.

Be pleased to accept, etc.,

JOHN HAY.

Mr. Hay to Mr. Cambon.

No. 226.]

DEPARTMENT OF STATE,
Washington, June 12, 1899.

EXCELLENCY: Referring to your note of March 29 last, and mine in reply of April 20, in relation to the question of the extension of the French concession and the general foreign settlement at Shanghai, I have the honor to inform you that the Government of the United States withdraws its opposition to the proposed extension of the French concession at Shanghai, upon the condition, however, that the French Government will guarantee to the United States full extraterritorial rights over any American-owned property which may be, at the date of this assent, situated in the territory that is to be added to the French concession, as well as over the American owners of such property.

Accept, etc.,

JOHN HAY.