GREAT BRITAIN.

SEIZURE BY BRITISH AUTHORITIES OF MERCHANDISE OF AMERICAN SHIPPERS OFF EAST COAST OF AFRICA, AND RESTITUTION MADE ON ACCOUNT THEREOF.¹

Mr. Stowe to Mr. Oridler.

No. 191.] CONSULATE-GENERAL OF THE UNITED STATES, 
Cape Town, December 6, 1899.

Sir: I have the honor to report that there arrived at this port on September 6, on the way to Delagoa Bay, the Netherlands ship Maria, with cargo consisting largely of flour, canned meats, and oats. The goods for the Transvaal were plainly marked. The ship was detained by the British authorities, but finally was allowed to proceed. Yesterday the British ship Mashona was seized at Port Elizabeth by H. M. S. Partridge. The Mashona was from New York, with 5,000 tons of general cargo, including 17,000 bags of flour for the Transvaal, via Delagoa Bay. She will probably be brought to this port. Is food stuff, such as flour, contraband? Being a British ship, has the British Government a right to seize?

I have, etc.,

J. G. STOWE,
United States Consul-General.

Messrs. Hopkins & Hopkins to Mr. Hay.

WASHINGTON LOAN AND TRUST BUILDING, 
Washington, December 12, 1899.

Sir: We have the honor to invite your attention to the matter of the reported seizure of the British steamers Mashona and Maria, off the east coast of Africa, in the vicinity of Delagoa Bay, by Her Majesty's cruiser Partridge. We infer that the seizures were made in

¹Page 529 to page 581 is a reprint of Senate Doc. No. 173, Fifty-sixth Congress, first session.
order to prevent any portion of the cargo reaching the enemy via Lorenzo Marquez.

Portions of these cargoes, consisting of general merchandise, more particularly described in the copies of invoices herewith inclosed, are the property of our clients, Messrs. Flint, Eddy & Co., of New York, and were destined, as will be noted, for neutral citizens, domiciled in neutral territory.

While Her Majesty's Government may be justified in seizing their own vessels, it appears to us at the same time that the British naval authorities are jeopardizing the property of American citizens, in that the vessels in question are under contract to deliver to the persons named in the invoices the merchandise therein specified, none of which is contraband of war.

For the further information of the Department we beg to inclose letter from Messrs. Flint, Eddy & Co., in which certain of the facts are stated in more detail.

We respectfully request that suitable inquiry and representation be made in regard to the matter without unnecessary delay.

We are, etc.,

HOPKINS & HOPKINS.

[Inclosure No. 1.]

Messrs. Flint, Eddy & Co. to Mr. Hopkins.

NEW YORK, December 9, 1899.

DEAR Sir: According to cable advices in to-day's newspapers and the report of the New York agents of the steamship Mashona, this steamer has been seized at Algoa Bay by the warship Partridge.

We find on referring to our books that we made two shipments by that vessel—one for account of Messrs. F. Bridler & Co., Delagoa Bay, and the other for account Messrs. Fowle & Boden, London. So far as the shipment to Messrs. Fowle & Boden is concerned, we do not know the ultimate destination of the goods, but in regard to Messrs. F. Bridler & Co., we would state that this firm is in Delagoa Bay, and do a large local business in that city; not only that, but to the best of our knowledge and belief it is a German firm, and we are quite sure that they are not citizens of either the Transvaal Republic or the Orange Free State. The seizure of this steamer, and consequently the goods which we shipped by her, would mean a very serious loss to us unless the British Government at once release them.

The documents covering this shipment were forwarded by us under date of November 3, 1899, and our draft covering the same was made at four months' date; consequently payment of the draft will not be made until March 3, 1900. It is natural to assume that if the customer does not receive the goods he will never pay the draft, so that unless our clients get the goods the loss will ultimately fall upon us. Not only this, but we have purchased merchandise for account of the same people amounting to nearly $5,000, which we intended shipping by steamer sailing this month, but under the circumstances we will have to defer same until some settlement is made of the Mashona matter. This is not only a great loss to us in business, but at the same time is a very serious loss to our clients, as their stock of goods will be completely exhausted, thus necessitating their closing out their American business.

We beg to inclose herewith memorandum of shipments made by us to Delagoa Bay, together with copies of invoices covering those made to Messrs. F. Bridler & Co., and a form of bill of lading used by the steamship company.

We have already been advised that the Maria, which sailed August 25, had been seized by the British Government on the coast of Africa before dispatching her Delagoa Bay cargo.

The steamship Beatrice, which sailed about October 17, we have never heard whether or not her cargo was landed, and the agents of that steamer told this morning that they had no advice on the subject.

We wish you would take this matter up at once with the Department of State and see if something can not be done in the matter, so that we may feel safe about for-
warding any shipments we may have for Delagoa Bay, provided, of course, they are not consigned to any burglers of the Transvaal or Orange Free State.

Under the present conditions we are absolutely blocked from shipping goods to Delagoa Bay, which means a very serious loss to us and to any American firm doing business in that country. This matter is of such vast importance that we wish you would at once take the matter up vigorously with the proper department.

Yours, faithfully,

FLINT, EDDY & CO.,
Per Seth R. Abrams(?).

NEW YORK, Aug. 23rd, 1899.

---

<table>
<thead>
<tr>
<th>No. —</th>
<th>Gross</th>
<th>Net.</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 cases</td>
<td>75</td>
<td>61</td>
<td>20 cases Vienna sausage 48/18=20 doz.</td>
<td>$105.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>83</td>
<td>55</td>
<td>5 cs. pigs’ feet 48/15=20 doz., $1.25</td>
<td>25.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>85</td>
<td>74</td>
<td>5 cs. roast beef 48/15=20 doz., $1.15</td>
<td>23.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>86</td>
<td>74</td>
<td>5 cs. Hamburg steak and onions</td>
<td>33.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>76</td>
<td>61</td>
<td>5 cs. clubhouse sausage, 20 doz., $1.25</td>
<td>25.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>87</td>
<td>33</td>
<td>5 cs. mincemeat 36/12-oz., per cs.</td>
<td>$2.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>77</td>
<td>60</td>
<td>5 cs. chipped beef 48/2=20 doz.</td>
<td>42.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>80</td>
<td>69</td>
<td>5 cs. tripe 24/2=10 doz., $1.45</td>
<td>14.50</td>
</tr>
<tr>
<td>5 cases</td>
<td>81</td>
<td>69</td>
<td>5 cs. minced calves 24/12=10 doz.</td>
<td>29.00</td>
</tr>
<tr>
<td>5 cases</td>
<td>74</td>
<td>60</td>
<td>5 cs. lamb’s tongues 48/1=20 doz.</td>
<td>$2.75</td>
</tr>
</tbody>
</table>

Less 1 per cent. | $352.50 |

Lard, “Red Cross” brand. | $348.97 |

Beans and peas. | $366.00 |

Box | $322.04 |

Indent, June 3, 1899.

<table>
<thead>
<tr>
<th>Gross</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>124</td>
<td>1 only Mogul lemon squeezer, $12.00</td>
<td>.99</td>
</tr>
<tr>
<td>1 only 1-nail pulless</td>
<td>$2.75</td>
<td>.65</td>
</tr>
<tr>
<td>1 only 2-nail pulless</td>
<td>$6.50</td>
<td>.55</td>
</tr>
<tr>
<td>1 only 3-nail pulless</td>
<td>$6.00</td>
<td>.50</td>
</tr>
<tr>
<td>250</td>
<td>Box</td>
<td>.15</td>
</tr>
</tbody>
</table>

Hardware. | .15 |

[Less 10 + 5 per cent.]
FOREIGN RELATIONS.

Invoice of merchandise shipped by Flint, Eddy & Co., etc.—Continued.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cartage</td>
<td>$0.35</td>
</tr>
<tr>
<td>Stamps and postage</td>
<td>$1.55</td>
</tr>
<tr>
<td>Revenue stamps</td>
<td>.20</td>
</tr>
<tr>
<td>Freight prepaid</td>
<td>99.79</td>
</tr>
<tr>
<td>Insurance premium $1,080, at 1%</td>
<td>876.28</td>
</tr>
<tr>
<td>per cent</td>
<td>10.10</td>
</tr>
<tr>
<td>Commission, 24% per cent</td>
<td>22.17</td>
</tr>
<tr>
<td>Value net cash, U.S. gold</td>
<td>908.76</td>
</tr>
</tbody>
</table>

E. & O. E.
Certified correct.
(Stamped) FLINT, EDDY & CO.,
Per SETH R. ABRAMS. (?)

[Inclosure 3.]

No.—

Invoice of merchandise shipped by Flint, Eddy & Co. on board the S. S. Mashona, bound for Delagoa Bay, for account and risk of Messrs. F. Bridler & Co., of Delagoa Bay, consigned to order.

Marks: F. R. & Co., Delagoa Bay.

NEW YORK, October 31st, 1899.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flour</strong></td>
<td></td>
</tr>
<tr>
<td>50 bags</td>
<td></td>
</tr>
<tr>
<td><strong>200 bags</strong></td>
<td></td>
</tr>
<tr>
<td>50 98-lb. bags “Sphinx,” at $2</td>
<td>100.00</td>
</tr>
<tr>
<td>50 98-lb. bags “Ultra,” at $2</td>
<td>20.00</td>
</tr>
<tr>
<td>50 98-lb. bags “Snowden,” at $1.75</td>
<td>82.50</td>
</tr>
<tr>
<td>50 98-lb. bags “So. Beauty,” at $1.65</td>
<td>80.00</td>
</tr>
<tr>
<td><strong>Canned soup (Libby’s)</strong></td>
<td>22.00</td>
</tr>
<tr>
<td><strong>Order No. 106, Sept 2, '99.</strong></td>
<td>21.78</td>
</tr>
<tr>
<td><strong>Quaker oats.</strong></td>
<td>73.13</td>
</tr>
<tr>
<td><strong>Stamps and postage</strong></td>
<td>2.05</td>
</tr>
<tr>
<td><strong>Revenue stamps</strong></td>
<td>.18</td>
</tr>
<tr>
<td><strong>Freight prepaid</strong></td>
<td>2.23</td>
</tr>
<tr>
<td><strong>Insurance premium on $1,225, at 1%</strong></td>
<td>232.21</td>
</tr>
<tr>
<td><strong>Commission, 24% per cent.</strong></td>
<td>1,055.85</td>
</tr>
<tr>
<td><strong>Value net cash (U. S. gold)</strong></td>
<td>1,055.88</td>
</tr>
</tbody>
</table>

E. & O. E.
Certified correct.
FLINT, EDDY & CO.,
Per SETH R. ABRAMS.
Mr. Geldart to Mr. Hay.

NEW YORK, December 15, 1899.

Sir: Inclosed please find copy of letter received this a. m., which is self-explanatory.

This shipment consisted of beer and lard, and is a portion of a monthly order consigned to a Portuguese firm in Lourenço Marquez, Delagoa Bay, which has been more or less regularly forwarded since March of this year.

Will you kindly inform me whether the British Government is justified in its action, and what redress, if any, I shall have in the event—as it is possible—of my client's refusing to pay for goods non-delivered.

I may say that my policy of insurance does not cover war risks, and the company holding the insurance declare themselves not responsible for any accident that may arise to the merchandise whilst lying in lighters or hulks at the port of discharge indicated by the British authorities.

A prompt reply will oblige,

Respectfully,

R. W. GELDART.

P. S.—What I am most desirous of ascertaining is whether the British Government can be permitted to seize the goods of noncombatants.

[Inclosure.]

Messrs. Norton & Son to Mr. Geldart.

[Copy of letter received this a. m. from Norton & Son, Produce Exchange, New York.]

NEW YORK, December 14, 1899.

S. S. BEATRICE.

Dear Sir: We beg to advise you that we are just informed that this steamer has discharged all of her Delagoa Bay cargo into lighters at East London, under orders of the British Government, and in accordance with the terms and conditions of the American and African bill of lading, clause 1, the steamship line is relieved of any further responsibility, and goods are at risk and expense of consignees after leaving ship's side.

Yours, very truly,

NORTON & SON.

Messrs. Hopkins & Hopkins to Mr. Adee.

WASHINGTON LOAN AND TRUST BUILDING,
Washington, December 15, 1899.

Sir: We have the honor to acknowledge the receipt of the Department's letter of the 14th instant, relative to the seizure of the Moshona and Maria by her Majesty's cruiser Partridge, and inquiring whether our clients, Messrs. Flint, Eddy & Co., are American citizens.

In response we have to state that Messrs. Flint, Eddy & Co. are American citizens domiciled in the city of New York.

We are, etc.,

HOPKINS & HOPKINS,
Per S. G. HOPKINS.
Mr. Hay to Mr. Choate.

No. 262.]  
DEPARTMENT OF STATE,  
Washington, December 21, 1899.  

Sir: I inclose for your information copy of correspondence,¹ as indicated below, in regard to the reported seizure by Her Majesty’s cruiser Partridge of the British steamers Mashona and Maria off the east coast of Africa, portions of the cargoes of which, consisting of general merchandise, are the property of Messrs. Flint, Eddy & Co. You are instructed to bring the matter to the attention of the British Government, and to inquire as to the circumstances and legality of the seizure. If it was illegal, you will request prompt action and restitution in the case. The United States consul at Lourenço Marquez will be instructed to use all proper efforts to protect the rights of Messrs. Flint, Eddy & Co. I am, etc.,  

JOHN HAY.

Mr. Hay to Mr. Choate.

No. 263.]  
DEPARTMENT OF STATE,  
Washington, December 21, 1899.  

Sir: I inclose for your information copy of a letter² from Mr. R. M. Geldart, of New York City, who complains that certain merchandise belonging to him and shipped to a Portuguese firm in Lourenço Marquez on board the British steamship Beatrice, was by order of the British Government discharged into lighters at East London without Mr. Geldart’s consent. 

You are instructed to investigate the matter with a view to ascertaining the facts, in order that the same may be reported to the Department for such action as may be found proper. The United States consul at Lourenço Marquez will be instructed to use all proper efforts to protect Mr. Geldart’s rights. I am, etc.,  

JOHN HAY.

Mr. Geldart to Mr. Hay.

NEW YORK, December 22, 1899.  

Sir: I read in the files of yesterday’s papers, re stoppage of merchandise shipped from this port to Delagoa Bay, that you had not as yet received any official complaint. 

I had the honor of addressing you on this subject the 15th instant, and beg to inclose for your further guidance the original of a communication recently received from the local agents of the steamship Beatrice, sailing under the British flag, which is self-explanatory. These particular goods consisted of American beer and lard, and I am extremely surprised at the action of the English authorities and would be glad to hear that you are doing something to extricate us from a serious difficulty.

¹(Inclusions:) Messrs. Hopkins & Hopkins to Mr. Hay, December 12, 1899, and December 15, 1899, printed ante.  
²(Inclusion:) Mr. R. M. Geldart to Mr. Hay, December 15, 1899, printed ante.
This shipment was made to a Portuguese subject at Lourenço Marquez, and was merely a repeat order of similar merchandise forwarded at different times this year.

I also learn from the papers that a lot of provisions per steamship Mashona had been seized by the English authorities at Cape Town, and which were intended for Delagoa Bay; this also I am interested in, and unless prompt action be taken in the matter, American citizens acting in good faith are liable to make serious losses.

Respectfully,

R. W. GELDART.

[Inclosure.]

Messrs. Norton & Son to Mr. Geldart.

NEW YORK, December 14, 1899.

STEAMSHIP BEATRICE.

DEAR SIR: We beg to advise that we are just informed that this steamer has discharged all of her Delagoa Bay cargo into lighters at East London, under orders of the British Government, and in accordance with the terms and conditions of the American and African Steamship Line bill of lading, clause 1, the steamship line is relieved of any further responsibility and goods are at the risk and expense of consignees after leaving ship's side.

Yours, very truly,

Norton & Son,
Per J. H. B.


77 AND 79 BROAD STREET, December 26, 1899.

SIR: We take the liberty of handing you herewith a memorandum of the shipments made by us to Delagoa Bay, for account of several South African clients, per the steamers Maria, Mashona, and Beatrice, all of which have been seized by the British Government because of certain shipments of flour held to be for the use of the South African Republic, none of which have we had any interest in or connection with.

To the best of our knowledge and belief, none of the items shipped by us have ever been considered contraband of war, and being consigned to a neutral port, we are addressing you with the hope that representations may be made through the proper channels to Her Majesty’s Government (such as we understand through the daily press is being done on behalf of our neighbors in similar plight) that may secure the release of the merchandise in question and its delivery to Delagoa Bay as per bills of lading.

As a matter of fact we are not by any means clear as to our rights or status in the matter; hence we are unable to respond intelligently to the request of consignees, who are calling upon us for information in the premises.

We should therefore esteem as a great favor any advice you may be able and pleased to give us for our guidance under the circumstances.

We are, etc.,

W. H. CROSSMAN & BRO.
### FOREIGN RELATIONS.

**Shipments to Delagoa Bay per steamship Mashona.**

<table>
<thead>
<tr>
<th>Marks</th>
<th>Description</th>
<th>Total value invoices</th>
</tr>
</thead>
<tbody>
<tr>
<td>T</td>
<td>1,000 cases lubricating oil (consigned to Netherlands So. African Ryn.</td>
<td>$2,805.95</td>
</tr>
<tr>
<td>NZASM Crossman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WAF</td>
<td>30 bolts duck (consigned to order).</td>
<td>367.34</td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DB</td>
<td>10 cases hatchets, 100 coils barb wire (consigned to order).</td>
<td>447.90</td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B E</td>
<td>513 bags corn meal, 1 case &quot;Cracker-jack&quot; machine, 5 pkgs., each 2 cases, sausage and sauerkraut (consigned to B. Elsasser).</td>
<td>1,008.11</td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HS</td>
<td>50 cases corned beef (consigned to order).</td>
<td>253.17</td>
</tr>
<tr>
<td>ACR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lourenço Marquez</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>4,972.47</strong></td>
</tr>
</tbody>
</table>

**Shipments to Delagoa Bay per steamship Beatrice.**

<table>
<thead>
<tr>
<th>Marks</th>
<th>Description</th>
<th>Total value invoices</th>
</tr>
</thead>
<tbody>
<tr>
<td>DB</td>
<td>20 cases succotash.</td>
<td>$279.48</td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FP</td>
<td>2 cases pick handles.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25 cases brawn.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 case catalogues.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 bds., each 10 single shash.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20 pkgs. yellow pine.</td>
<td>(Consigned to order.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DB</td>
<td>447 pieces white pine, 6,797 feet (consigned to order).</td>
<td>459.29</td>
</tr>
<tr>
<td>Delagoa Bay, 381</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 hale overalls.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 cases Vienna sausages.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>70 cases corned beef.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20 cases brawn.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 packages, each 3 &quot;Jackport&quot; machines.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 case pain killer.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 cases Vienna sausages.</td>
<td>(Consigned to B. Elsasser.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>1,000 cases lubricating oil (consigned to Netherlands, So. African Ryn.</td>
<td>2,808.60</td>
</tr>
<tr>
<td>NZASM Crossman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T</td>
<td>25 cases salmon (consigned to order).</td>
<td>128.12</td>
</tr>
<tr>
<td>Delagoa Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lourenço Marquez</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>4,285.04</strong></td>
</tr>
</tbody>
</table>

W. H. CROSSMAN & BRO.
GREAT BRITAIN.

[Inclosure 3.]

Shipments per steamship Maria to Delagoa Bay.

<table>
<thead>
<tr>
<th>Marks</th>
<th>Total value invoices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,856.64</td>
</tr>
<tr>
<td></td>
<td>1,258.26</td>
</tr>
<tr>
<td></td>
<td>368.87</td>
</tr>
<tr>
<td></td>
<td>87.82</td>
</tr>
<tr>
<td></td>
<td>377.76</td>
</tr>
<tr>
<td></td>
<td>200.10</td>
</tr>
<tr>
<td></td>
<td>372.15</td>
</tr>
<tr>
<td></td>
<td>$1,569.80</td>
</tr>
<tr>
<td></td>
<td>7,131.40</td>
</tr>
</tbody>
</table>

| R | 1,000 cases lubricating oil (consigned to Netherlands So. African Ry.). |
| N Z A S M | Crossman |
| Delagoa Bay |
| N Z A S M | Crossman 1/84 |
| Delagoa Bay |
| 250/09 |

| B E | 84 cases picks, 20 cases handles (consigned to Netherlands So. African Ry.). |
| Delagoa Bay |
| 261 |
| 292/07 |
| 343/47 |
| 345/02 |
| 366/05 |
| 379/00 |
| 366/75 |
| 160/49 |
| 386/93 |

| H TWB & Co | 2 wheel scrapers (consigned to order) |
| Pasteria |
| Delagoa Bay |
| H S | 25 cases Aurora salmon, 50 cases corned beef (consigned to order). |
| A C R 125 | Lorencio Marques |
| Delagoa Bay 20/75 |
| Rebate |
| MBW | 25 cases white pine, 5,332 feet, covering 1,065 feet (consigned to order). |
| Delagoa Bay |
| 528 pieces shelving, 8,448 feet (consigned to order) |
| Delagoa Bay |
| 1137 |
| 1220/22 |
| 1225/72 |
| 1323 |
| 1382/85 |
| 1391/75 |
| 1376/86 |
| 1380/1436 |
| 1426/46 |
| 1466/05 |
| 1466/85 |
| 1486/506 |
| 1366/395 |
| 1639/48 |
| 1699 |

| D B | 1 case plumbs and levels. |
| Delagoa Bay |
| 3 cases picks |
| 20 cases corned beef |
| 1 case saws |
| 4 bundles each 10 headlights |
| 40 bundles each 5 doors |
| 10 cases lard |
| 50 cases lubricating oil |
| 10 cases corn |
| 20 cases peas |
| 20 cases peaches |
| 20 cases apricots |
| 3 cases brooms |
| 10 cases salmon |
| 1 case St. Charles cream |
| 20 pieces yellow pine, 896 feet |
| 100 pieces white pine, 2,400 feet (Consigned to order.) |

W. H. CROSSMAN & BRO.
Mr. Cridler to Mr. Hollis.

DEPARTMENT OF STATE,
Washington, December 27, 1899.

Sir: I inclose a copy of a letter\(^1\) from Mr. R. W. Geldart, complaining that the steamship Beatrix, upon which he had a consignment of beer and lard for a firm at Lourenço Marquez, discharged all of its Delagoa Bay cargo into lighters at East London, under orders of the British Government. You will please investigate the matter and report thereon to the Department. You should use all proper efforts to protect the rights of the shippers.

I am, etc.,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Cridler to Mr. Hollis.

No. 50.]

DEPARTMENT OF STATE,
Washington, December 27, 1899.

Sir: I inclose copies of two letters\(^2\) from Messrs. Hopkins & Hopkins, complaining of the action of the British Government in seizing, off Delagoa Bay, the steamships Mashona and Maria, both of which carried goods shipped by Messrs. Flint, Eddy & Co., of New York. You will please investigate the matter and report thereon to the Department. You will also use all proper efforts to protect the property of the American shippers.

I am, etc.,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Hay to Mr. Hollis.

Telegram.

DEPARTMENT OF STATE,
Washington, December 28, 1899.

AMERICAN CONSUL,
Lourenço Marquez.

Ascertain facts concerning seizure American flour.

HAY.

Mr. Choate to Mr. Hay.

[Telegram in cipher—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 1, 1900.

[Mr. Choate states that the only information the foreign office has regarding the seizure of the British vessel Mashona is that the vessel was arrested by H. M. S. Partridge with 1,700 bags of flour marked

\(^1\) (Inclosure:) From R. W. Geldart, December 15, 1899, printed ante.

\(^2\) (Inclosures:) From Hopkins & Hopkins, December 12, 1899, and December 15, 1899, printed ante.
"Z. A. R." and was brought into prize court for trading with the enemy. It is claimed by the owners that the flour was not destined for the South African Republic.

Mr. Hay to Mr. Choate.

No. 267.]  

DEPARTMENT OF STATE,  
Washington, January 2, 1900.

SIR: I inclose herewith copy of a letter\(^1\) from Messrs. W. H. Crossman & Bro., and also of a memorandum of shipments made by them to Delagoa Bay, by the steamers Maria, Mashona, and Beatrice, alleged to have been seized by the British Government.

You will bring the matter promptly to the attention of that Government with a view to ascertaining the grounds in law and fact on which the seizure was made, and promptly report the same to the Department.

It is represented that the goods seized were not contraband, and if you ascertain that such is the fact you will represent the view of this Government that the same are not subject to capture, and you will request prompt action and restitution in order to minimize the damage as far as possible.

The United States consul at Lourenço Marques will be instructed to use all proper efforts to protect the interests of Messrs. Crossman & Bro.

I am, etc.,

JOHN HAY.

No. 268.]  

DEPARTMENT OF STATE,  
Washington, January 2, 1900.

SIR: I inclose herewith copies of letters\(^1\) from R. W. Geldart, Norton & Sons, and Hopkins & Hopkins, and of invoices thereto attached, in relation to the seizure of the goods mentioned by the British naval authorities.

You will bring the matter to the attention of the British Government, in connection with the subject of other seizures, in relation to which you have already been instructed, and you will ascertain and report to the Department the grounds of the seizure, and you will represent the view of this Government that unless it can be shown that the goods were contraband it does not regard them as subject to capture under the circumstances represented, and in that event you will request their prompt restitution.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Choate.

[Telegram in cipher—Paraphrase.]

DEPARTMENT OF STATE,  
Washington, January 2, 1900.

[Mr. Hay states that from Mr. Choate's telegram of the 1st instant it is inferred by the Department that the seizure of the Mashona was for violating British municipal law in trading with the enemy and that

\(^{1}\) Printed ante.
the seizure of the ship carried with it the flour merely as incidental. This suggests that the seizure was not on account of the flour itself which, as the circumstances of the case are understood by this Government, could not be considered contraband of war, and therefore not subject to capture.

Mr. Choate is instructed to request prompt restitution of the goods to American owners if the vessel was seized on account of its violation of the laws of Great Britain, as for trading with the enemy; but if the seizure was on account of the flour, he is to represent to the British Government that the United States Government could not recognize its validity under any belligerent right of capture of provisions and other goods shipped by American citizens in ordinary course of trade to a neutral port. Mr. Choate is also instructed to communicate to the Government of the United States at the earliest practicable moment the grounds of all the seizures; and that nothing appears to justify the seizure, as such, of the goods, so far as the Government of the United States has been advised by the shippers or by the Government of Great Britain.

The Pennsylvania Milling and Export Company to Mr. Hay.

New York, January 3, 1900.

Sir: I herewith inclose an affidavit covering all the facts concerning shipments of flour made by our company to Delagoa Bay, which have been diverted from their original destination under orders from the British Government, and which are at present, as far as I know, in the custody of the different customs officers of the different ports in the British African colonies, where same have been unloaded. I wish to enter a formal protest against the action of the British Government in seizing and diverting our flour, especially in view of the fact that it is likely to be made unfit for bread-making purposes if not properly cared for, on account of the climate of South Africa at this time of the year.

I inclose affidavit, which will prove to you that there was no action taken on our part by which this flour could be legally determined as contraband of war.

We had already drawn drafts against these shipments through our bankers, Messrs. Fowler Brothers, Limited, of New York, who inform us that our draft for the 1,340 bags branded "Goldfields," shipped on the steamship Beatrice, has been protested for nonpayment by the parties on whom we had drawn same at Delagoa Bay. Up to the present I have heard nothing from the drafts drawn against the other shipments, and await result of same with anxiety.

Meantime I beg to state that in the interests of all parties interested I would be satisfied if an arrangement could be made by which the British Government would pay for the flour at its value delivered at Delagoa Bay at the time of its due arrival there had it not been seized or diverted elsewhere.

Hoping that you will give this matter due and prompt consideration,

I remain, etc.,

A. J. Toomey,
President Pennsylvania Milling and Export Company.
GREAT BRITAIN.

[Inclusion.]

Affidavit of Andrew J. Toomey.

UNITED STATES OF AMERICA, STATE OF NEW YORK,
City and County of New York, ss:

Andrew J. Toomey, being duly sworn, deposes and says that he is the president of the Pennsylvania Milling and Export Company; that the said company is duly organized under the laws of the State of West Virginia, and that the said company is and was for several years past legitimately engaged in the sale of flour to merchants in foreign countries, including the Cape Colonies, Natal, and the South African Republic, and to Lorenzo Marques, and that the said company is not now and never was in any way, directly or indirectly, engaged in selling flour to the Government of the South African Republic, and that all sales of flour that the said company has made for shipment to any south or east African ports were made to merchants who intended same for the ordinary uses of life, and as far as this company is aware no such shipments were ever made with the intention of having same reach the Government of the South African Republic by resale or otherwise.

The deponent further states that since the outbreak of the existing war between the British Government and the South African Republic the Pennsylvania Milling and Export Company has not made any sales of flour to merchants or others resident in the South African Republic; and, furthermore, that the said company, although having sales already effected to merchants in the South African Republic previous to the beginning of the aforementioned war, has not shipped any part of such sales of flour since the beginning of said war. The deponent further states that the Pennsylvania Milling and Export Company was the original shipper of a certain lot of 2,000 bags of flour, branded “Speria,” which were sold on the 20th of May, 1899, and which were shipped on the Dutch steamer Maria which sailed from New York on or about August 15, 1899; and also of 1,512 bags of flour, branded “Goldfields,” which were sold on June 10, 1899, and which were also shipped on the same steamer Maria; and furthermore, that the deponent has been notified by the agents of said steamer that the above-mentioned lots of flour, which were destined for Delagoa Bay, and to which port the freight had been prepaid by the Pennsylvania Milling and Export Company, were, under orders from the British Government, landed at Port Natal instead and are now in the custody of the Natal custom-house authorities.

The deponent further states that the Pennsylvania Milling and Export Company was the original shipper of a certain lot of 4,350 bags of flour branded “Johannesburg,” which were sold on July 20, 1899, and of 1,350 bags of flour branded “Goldfields,” which were sold on June 10, 1899, and consigned to Delagoa Bay on the British steamer Beatrice which sailed from New York on or about October 12, 1899, and that the Pennsylvania Milling and Export Company has been notified by the agents of the said steamer that the said lots of flour, although the freight on same had been prepaid to Delagoa Bay, were discharged into lighters at East London under orders of the British Government. The deponent further states that the Pennsylvania Milling and Export Company was the original shipper of a certain lot of 3,154 bags of flour branded “Johannesburg,” which were sold on the 20th day of July, 1899, and consigned to Delagoa Bay on the British steamer Mashona which sailed from New York on or about October 30, 1899, and that the Pennsylvania Milling and Export Company has been informed that, although freight on said flour had been prepaid to Delagoa Bay, the said flour had been discharged at Cape Town under orders of the commander of the British gunboat Partridge, and that the Pennsylvania Milling and Export Company are unable to learn what disposition has been made of said flour.

ANDREW J. TOOMEY.

Subscribed and sworn to before me this 3d day of January, 1900, by Andrew J. Toomey, president of the Pennsylvania Milling and Export Company.

[NOTARIAL SEAL.]

L. B. HOWE,
Notary Public 117, New York City and County.

Mr. Criddle to Mr. Hollis.

No. 51.

DEPARTMENT OF STATE,
Washington, January 4, 1900.

SIR: Referring to instructions Nos. 49 and 50, of December 27 last, in regard to the alleged seizure of the British naval vessels off Delagoa
Bay of the cargoes of the steamships Beatrice, Maria, and Mashona, I inclose copies of three more letters\(^1\) on the subject from Messrs. W. H. Crossman & Brother, Messrs. Hopkins & Hopkins, and Mr. R. W. Geldart.

A thorough investigation in the matter should be made by you and you should report to the Department the facts connected with the seizure and the reasons therefor, so far as you can learn.

I am, etc.,

THOS. W. CRIDLER,
Third Assistant Secretary.

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Mr. Choate to Mr. Hay.

[Telegram in cipher.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 4, 1900.

[Mr. Choate reports that in an interview with Lord Salisbury on the previous evening he represented to him the views expressed in Mr. Hay’s telegram of January 2. Lord Salisbury stated that he had no knowledge of the Beatrice; that as to the Maria, he understood her to be in the same category as the Mashona—a British vessel seized for violation of the municipal law of Great Britain—and the seizure of the cargo only incidental; that he would take into consideration and give prompt answer to the request for the restitution of the goods; that he was troubled by the marks Z. A. R., which were said to be on the goods, as bearing on the question of property. He also hinted at a difficulty arising from cargo being in the prize court with the vessel under the same clause of British statute. Mr. Choate insisted that release of the goods could be procured by orders from Lord Salisbury to the proper law officer and that United States citizens should not be sent to the prize court for their property. Lord Salisbury promised to soon state his views as to contraband goods and to furnish as early as practicable a written statement of the grounds of seizure in each case.]

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Mr. Cridler to Messrs. Crossman & Bro.

DEPARTMENT OF STATE,
Washington, January 5, 1900.

GENTLEMEN: I have to acknowledge the receipt of your letter of the 26th ultimo in regard to the alleged detention by British naval vessels off Delagoa Bay of portions of the cargoes of the steamships Maria, Mashona, and Beatrice.

In reply I have to say that the matter has been brought to the attention of the British Government through the ambassador at London, and has been referred to the consul at Lourenço Marquez for an investigation and report.

I am, etc.,

THOS. W. CRIDLER,
Third Assistant Secretary.

\(^1\) Inclosures: From W. H. Crossman & Brother, December 28, 1899, with inclosure; from Hopkins & Hopkins, December 28, 1899, with inclosure; from R. W. Geldart, December 22, 1899, with inclosure, printed ante.
Mr. Crisler to Mr. R. W. Geldart.

WASHINGTON, January 5, 1900.

Sir: I have to acknowledge the receipt of your letter of the 22d ultimo in regard to the alleged detention by British naval vessels off Delagoa Bay of a portion of the cargo of the steamship Beatrice.

In reply I have to say that the matter has been brought to the attention of the British Government through the ambassador at London, and that the consul at Lourenço Marquez has been instructed to make an investigation and report.

I am, etc.,

THOS. W. CRISLER,
Third Assistant Secretary.

Mr. Choate to Mr. Hay.


Sir: I have the honor to report that since my dispatch No. 226, of January 2, I received your cipher cable of the 3d [2d], and on the same day I had an interview with Lord Salisbury, and on the 4th instant I sent you an account of it by cipher cable. It was not until after my interview, however, that I received by mail your instructions Nos. 262 and 263, of December 21, with the documents annexed, relating to the shipments of Flint, Eddy & Co. by the Mashona and Maria, and of Mr. R. W. Geldart by the Beatrice. The information conveyed by these documents is not as full as it might be, as Flint, Eddy & Co. do not inclose copies of their bills of lading, and Mr. Geldart sends neither invoice nor bill of lading.

By their aid, however, and with a view of giving Lord Salisbury such information as I had received, I have to-day prepared and sent to him a note referring to our interview, and adding such details as I had, of which note I inclose a copy. I have assumed that these very small shipments are but a small part of the goods belonging to American citizens which are involved in the seizures, and have made my request for restitution broad enough to cover all there are.

I have, etc.,

JOSEPH H. CHOATE.

[Inclusion.]

Mr. Choate to the Marquis of Salisbury.


My Lord: Since our interview of yesterday, in which I stated the views of my Government in regard to the seizure by H. M. S. Partridge of certain flour shipped by American citizens on the British vessel Mashona for Delagoa Bay, I have received certain papers throwing further light on the case.

Your Lordship will remember that upon the understanding which you confirmed that the Mashona was seized by the British authorities for a violation of the municipal laws of Great Britain, for trading with the enemy, and that the seizure or detention of the flour was incidental to the seizure of the vessel, my Government's view was that the flour, to which no such offense could be imputed, could not under the circumstances of the case, as understood by it, be admitted to be subject to capture because not contraband of war, and I therefore asked for its prompt restitution to the American owners.
Your lordship seemed much impressed by the supposed fact that the flour was marked Z. A. R., which might mean the South African Republic, but you courteously took my request under consideration. I also represented to your lordship that if the seizure had been made on account of the flour carried by the ship my Government could not recognize the validity of the seizure under any belligerent right of capture of provisions and other goods shipped by American citizens in ordinary course of trade to the port of a neutral State. So that in any aspect of the case, so far as the circumstances have been communicated to my Government, nothing appeared to justify the seizure of the goods complained of. The seizure not being of the flour as contraband, your lordship very naturally refrained for the time being from formulating your views on the subject of provisions as contraband.

The papers which I have now received show that Flint, Eddy & Co., a very reputable firm of merchants, doing business in New York, American citizens, shipped on the Mashona, property belonging to them, consisting of 400 bags of flour, 5 cases canned soup, and 25 cases Quaker oats, marked on the invoice F. B. & Co., Delagoa Bay—no mark Z. A. R. appeared thereon—consigned to order and invoiced to F. Bridger & Co., a firm of merchants doing a large local business there, believed by the shippers to be a German firm and not citizens of either the Transvaal Republic or the Orange Free State. The value of this particular invoice is not large, but the interruption to the business of the shippers is very serious.

The same firm shipped on the Maria, which your lordship understood to be in the same category as the Mashona—a British vessel, seized for a violation of the municipal law of Great Britain, for trading with the enemy—65 cases canned goods and libbys, 40 cases lard, 20 bags peas and beans, and 1 case containing lemon squeezer and nail pullers, and 1 case hardware—all marked on the invoice in the same way, F. B. & Co., Delagoa Bay, no mark Z. A. R. appearing thereon, invoiced to the same firm here described as of Lourenço Marquez, and also consigned to order.

These goods are drawn against, and are invoiced for account and risk of the consignees, but the goods not being delivered, the loss will naturally rest upon the American shippers, the actual owners thereof.

Messrs. Flint, Eddy & Co. shipped other goods belonging to them on the Mashona for account of Fowlie & Boden, London, of which I have no particulars, but they are probably included in the seizures, and there may be other American shippers having goods on the Mashona and Maria, and also involved. I of course make the same request for the restitution of Flint, Eddy & Co.'s goods by the Maria as for those upon the Mashona.

By the Beatrice, according to my information just received, Mr. R. W. Geldart, of New York City, an American citizen, shipped an invoice of beer and lard belonging to him to a Portuguese firm in Lourenço Marquez, and that the same, by order of Her Majesty's Government, has been discharged into lighter at East London without Mr. Geldart's consent, whereby the liability of the ship and of the insurers of the goods ceased, and in respect to this transaction I am instructed to request a statement of the facts and of the grounds for taking the cargo out of the ship. Mr. Geldart's shipment was one of a series under a monthly order commencing last March.

Your lordship will be so kind as to regard my request for restitution to embrace all merchandise shipped by American citizens on the Mashona and Maria which may have been detained or seized, and as I receive further particulars I will transmit them to you.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Cridler to Messrs. Hopkins & Hopkins.

WASHINGTON, January 5, 1900.

GENTLEMEN: I have to acknowledge the receipt of your letter of the 28th ultimo in regard to the alleged detention by British naval vessels off Delagoa Bay of a portion of the cargo of the steamship Beatrice.

In reply I beg to say that the matter has been brought to the attention of the British Government through the ambassador at London, and that the consul at Lourenço Marquez has been instructed to make an investigation and report.

I am, etc.,

THOS. W. CRIDLER, Third Assistant Secretary.
Mr. Hay to Mr. Choate.

DEPARTMENT OF STATE,
Washington, January 6, 1900.

President Pennsylvania Milling Company files his personal affidavit with Department that said company has been several years engaged in sale of flour to Cape Colony, Natal, South African Republic, and Lourenço Marques, and never sold or shipped flour with direct or ulterior destination to South African Republic by resale or otherwise; that all sales and shipments were made for ordinary uses of life; that since war broke out company made no sales flour to merchants or others in South African Republic; that said company sold, May 20, 1899, 2,000 bags flour branded “Speria,” and June 10, 1,512 bags flour branded “Goldfields,” all shipped on Dutch steamer Maria, leaving New York about August 15, destined Delagoa Bay, freight prepaid by said company and reported to be landed under orders British Government at Port Natal and now in custom-house; that said company sold, June 10, 1,356 bags flour branded “Goldfields,” and July 30, 4,359 bags flour branded “Johannesburg,” all consigned Delagoa Bay, British steamer Beatrice, leaving New York about October 12, freight prepaid and reported discharged into lighters East London under orders British Government; and sold, July 20, 3,154 bags flour branded “Johannesburg,” consigned Delagoa Bay, British steamer Mashona, leaving New York about October 30, freight prepaid, and informed said flour discharged at Cape Town under orders commander British gunboat Partridge.

This Government confidently expects decision of these questions, now under consideration British Government, in accordance with liberal and enlightened principles of justice.

It is also represented by the president of the milling company that unless properly cared for flour soon spoils in the climate of southern Africa. Payment by Great Britain for the flour at its value at Delagoa Bay at the time it would have arrived in due course of voyage if uninterrupted would be satisfactory to the company.

Bring matter to attention of Lord Salisbury in sense above indicated. Hay.

Mr. Toomey to Mr. Hay.

PENNSYLVANIA MILLING AND EXPORT CO.,
New York, January 6, 1900.

SIR: Confirming our wire in reply to yours asking information concerning marks on flour, as described in our letter and affidavit of the 3d instant, we now recapitulate as follows:

2,000 bags branded Speria, on steamship Maria, were marked—

1,512 bags branded Goldfields, steamship Maria, were marked—

4,349 bags branded Johannesburg, steamship Beatrice, were marked—

Delagoa Bay
1,340 bags branded Goldfields, steamship *Beatrice*, were marked—

![T S]

Delagoa Bay

3,154 bags branded Johannesburg, steamship *Mashona*, were marked—

![B M]

Delagoa Bay

Hoping that the above will meet all the requirements desired,

I remain, etc.,

**Andrew J. Toomey,**

_President Pennsylvania Milling and Export Co._

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**Mr. Toomey to Mr. Hay.**

[Telegram.]

**New York, January 6, 1900.**

_Sir: The 2,000 bags branded Speria, on steamer *Maria*, marked O & Co., Delagoa Bay; the 1,500 Goldfields, same steamer, marked diamond T with letter S outside diamond, also Delagoa Bay; the 4,300 branded Johannesburg, on *Beatrice*, marked diamond B, letter M outside, Delagoa Bay; the 1,300 Goldfields, same steamer, diamond T, S outside, Delagoa Bay; the 3,100 branded Johannesburg, on steamer *Mashona*, marked diamond B, letter M outside diamond, Delagoa Bay._

**A. J. Toomey,**

_President Pennsylvania Milling and Export Co._

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**Mr. Choate to Mr. Hay.**

No. 298.]

**American Embassy,**

_London, January 6, 1900._

_Sir: I have the honor to inclose herewith, for your information, a clipping of the Times of Thursday, January 4, 1900, relating to prize law and Delagoa Bay._

_I have, etc.,

**Joseph H. Choate.**

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_Inclousure._

_Clipping from the Times, January 4, 1900._

**Prize Law and Delagoa Bay.**

_To the Editor of the Times._

_Sir: The timely letter from so competent an authority as Professor Holland, in your issue of to-day, will probably better inform those who have imagined that our Government, or any, can treat what it pleases as contraband of war, without reference to the prize court, with which alone the decision lies; and it may also relieve those who have imagined that food stuffs are not in any case contraband of war, whereas they have been decided to be such in certain circumstances by the prize courts of all countries in all times._

_It has been suggested that the decision that food stuffs are, in any case whatever, contraband of war, would be disquieting. It might be; yet not to Great Britain. So long as we are predominant at sea, the more effectual sea power is decided to be to prevent succor and assistance going overseas to our enemy, the better for us. The succor and assistance that come overseas to us can protect ourselves in their passage and access to our unclosable sea approaches and our unblockable islands. Of_
course, if we lose predominance at sea it is another matter. But then, "è finita la Musica."

What I particularly desire, however, is to call Professor Holland's attention to a recent case, which I have not seen mentioned, as showing that prize courts have taken into consideration not merely the immediate destination to a neutral port of alleged contraband of war, but also its real and final destination beyond that port and overland to a belligerent. In July, 1896, the Dutch steamer Doelwijk took a cargo of arms and ammunition, destined to Abyssinia, then at war with Italy, from the neutral port of Rotterdam to the neutral (French) port of Jibuti, in the Gulf of Tadjura. The steamer being captured by the Italian cruiser Etna and brought in for adjudication, was condemned as lawful prize by the prize court at Rome on December 8, 1896. The case seems on all fours with that of Delagoa Bay and the Transvaal.

The case of the Commercen, quoted by Professor Holland to illustrate another point, would seem equally to illustrate this point also. For Mr. Justice Story, in giving the judgment of the Supreme Court of the United States in that case, put aside the argument that the cargo could not be contraband because destined to a neutral port.

It seems indeed absurd that a prize court should look only to the immediate and pretended destination, and not to the final and real destination; or that it should decide that arms and ammunition shown to be really destined to the Transvaal to be used in the war are not contraband of war only because their destination pretends to be the neutral port of Delagoa Bay.

Your faithful servant,

THOS. GIBSON BOWLES.

Wilbury, Salisbury, January 8.

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Mr. Hay to Mr. Toomey.

[Telegram.]

DEPARTMENT OF STATE,
Washington, D. C., January 9, 1900.

PENNSYLVANIA MILLING AND EXPORT Co.:
Ambassador Choate telegraphs to-day inquiring if your flour was sold for future delivery; also how does your present interest appear?

JOHN HAY.

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Mr. Toomey to Mr. Hay.

[Telegram.]

NEW YORK, January 9, 1900.

Our flour was sold regular course business as done years past in Africa. Shipment so many bags monthly to regular users flour, who anticipate their ordinary requirements. Our present interests uncertain; some drafts already returned unpaid; expecting others due course. In any event we will have to lift all drafts finally, whether paid or not, as we are final recourse. Meantime holders bills lading unable communicate and condition flour jeopardized account climatic deterioration; also value largely reduced present position account charges, loss market, and Cape Colony duties. Easiest and most equitable arrangement suggested British Government use flour, pay cost where interest may appear, and indemnify us reasonably.

A. J. TOOMEY, President.
FOREIGN RELATIONS.

Mr. Toomey to Mr. Hay.

[Telegram.]

NEW YORK, January 10, 1900.

Please note seized flour was sold by us delivered Delagoa Bay, therefore our property until obligation delivery fulfilled irrespective drafts made against same.

Some drafts already returned unpaid, leaving flour on our hands in critical position, even if released by British Government.

A. J. TOOMEY, President.

Messrs. Henry W. Peabody & Co. to Mr. Hay.

NEW YORK, January 10, 1900.

SIR: We beg to inform you that on the steamships Maria and Mashona, dispatched from New York for South African ports, we forwarded certain shipments for Delagoa Bay, concerning which we have as yet been unable to secure any definite information.

Our shipment by the steamship Maria included a parcel of lumber and general merchandise, valued at $128 9s. 11d.; a shipment of flour, valued at £12 16s. 10d.; a shipment of evaporated cream, valued at £195 10s. 10d., and on the steamship Mashona a shipment of 230 bags of meal, valued at $682.52.

As we know that the Department of State has taken some action concerning shipments by the steamers above mentioned, we should be obliged for any information which you can give us as to what has been done with the shipments for Delagoa Bay forwarded on these steamers, and should be further obliged if you would keep us advised as to what is being done, informing us of any necessary steps on our part, we depending upon the support of our Government in the event of delay or nondelivery of our shipments owing to international complications. You will please see that our name is filed on your record as shippers on the steamships Maria and Mashona, so that we may be sure to be kept advised of what is being done or to be done in relation to such shipments.

Yours, truly,

HENRY W. PEABOY & CO.

Mr. Hay to Mr. Choate.

[Telegram in cipher—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1900.

[Mr. Hay communicates to Mr. Choate the substance of the reply of the Pennsylvania Milling Company to Mr. Choate's telegram of January 9, as follows: That their flour was sold in regular course of business, as has been done for years past in Africa, shipment being made of so many bags monthly to their regular users who anticipate their ordinary requirements; that their present interests were uncertain, some of their drafts having been already returned unpaid and the return of others being expected in due course, and that whether]
paid or not the drafts would finally have to be lifted by the company, they being the final recourse. Meantime the holders of the bills of lading were unable to communicate, and the condition of the flour was

being imperiled on account of climatic deterioration, its value being also largely reduced in its present position on account of changes, Cape Colony duties, and loss of market.

Mr. Choate to Mr. Hay.

[Telegram in cipher.—Paraphrase.]

JANUARY 10, 1900.

Mr. Choate gives text of a paper in writing handed to him on January 10 by Lord Salisbury, as follows:

Our view is that food stuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy’s forces. It is not sufficient that they are capable of being so used. It must be shown that this was in fact their destination at the time of the seizure.

Lord Salisbury verbally added that the British Government do not claim that any of the American goods on the Mashona and on the Maria are contraband. Lord Salisbury also handed to Mr. Choate an answer to his note of January 4, which, after saying that the Mashona is a British vessel and is understood to have been seized and taken in for adjudication by the prize court on a charge of trading with the enemy, and claiming that the offense is cognizable by the prize court only and that the action taken is correct, proceeds as follows:

If the owners of cargo, being neutrals, claim that they are innocent, the cargoes should not be condemned with the ship, but should be delivered over to them. The ordinary course is that they should claim the cargo in the prize court, where the case will no doubt be considered and properly dealt with on its merits. The practice is well stated in Story’s Manual of Prize Law, pages 46 to 71, edition 1854, and in the portions of the work relating to claims made by innocent or interested parties.

Mr. Choate, at this point, asked Lord Salisbury what he understood this to require the owners of the cargoes to prove. Lord Salisbury replied: Only that they were the owners; that the prize court must have bills of lading and invoices and could not, of course, deliver to first comer. The note proceeds:

The case of the Netherlands ship Maria is of a different character. Her Majesty’s Government understand that the flour on Maria is not detained in any way and that it is perfectly open to the owners to make whatever arrangements they please for its immediate removal. If they consider themselves to be in any way aggrieved, owing to the action of the authorities in causing the flour to be landed, it is, of course, open to them to take such proceedings as they may be advised are appropriate against the persons concerned.

Mr. Choate here stated that the United States Government would probably send the bill to the British Government. Lord Salisbury replied, “Very likely.”

Mr. Choate informed Lord Salisbury that one owner had authorized the United States Government to offer his goods at the value of the flour at the port of destination at the time the vessel would have arrived there if she had not been interrupted. Lord Salisbury replied that his commissariat would consider such an offer. Mr. Choate’s impression is that the British Government would take all of the Maria’s and Mashona’s cargoes on these terms, and he suggests that it would be
advisable for all those whose cargoes had been landed to offer to sell, if terms can be arranged to include all. Mr. Choate states that he will not present the case of the Pennsylvania Milling Company's flour in the form directed by the Secretary of State unless again instructed, thinking it better to rest the case on the regular shipping papers.

Mr. Hay to H. W. Peabody & Co.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 11, 1900.

One of the owners of goods seized by British naval authorities suggests that he would settle his claim by British Government paying value of goods at port of destination if voyage had not been interrupted. Do you wish Department to attempt settlement and payment of your claim same way? As to flour shipped on the Maria, this Government advised that it is not detained and that the owners may make whatever arrangements they desire for its disposition. Flour having been landed, you might dispose of it to best advantage and prefer claim against British Government to cover all loss and damage if you were the legal owners at the time of seizure. Claim must be presented by legal owner, and this Government will take all steps to protect rights of owners if American citizens.

JOHN HAY.

Mr. Choate to Mr. Hay.

[Telegram in cipher.—Paraphrase.]

LONDON, January 11, 1900.

[Mr. Choate states that the substance of the Department's telegram of January 2 was on the 4th communicated to the British minister for foreign affairs, with added details as to the shipments of Flint, Eddy & Co. and the Geldarts. At the same time he asked restitution of all merchandise shipped by American citizens detained or seized on the Mashona and the Maria, there appearing nothing in any aspect of the case, in the circumstances communicated to the United States Government, to justify the seizure of the goods.]

Messrs. C. C. Abel & Co. to Mr. Hay.

NEW YORK, January 12, 1900.

Sir: On or about October 12, 1899, we shipped, per steamship Beatrice, from New York, destination Delagoa Bay, 400 cases petroleum, each case containing two 5-gallon cans, and were informed by Messrs. Norton & Son, agents of the steamer here, that

1Sent also on same day to W. H. Grossman & Co., 77 and 79 Broad street, New York City; Flint, Eddy & Co., 30 Broad street, New York City, and Arkell & Douglass, 95 Broad street, New York City.
by order of the British Government the Beatrice had to discharge her cargo in lighters at Port Natal, and that, according to the terms of the bills of lading, the voyage had to be considered ended.

We respectfully request you to take such steps as you may deem proper to protest against the action of the British Government.

We are, etc.,

C. C. Abel & Co.

Mr. Choate to Mr. Hay.

[Telegram in cipher.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 12, 1900.

[Mr. Choate suggests that if it is concluded to offer seized goods to sell both consignor and consignee unite in sale where title is doubtful between them, this course being preferable to incurring questions and delays in prize court, although possibly causing delay in payment while getting consent from consignee.]

Messrs. Arkell & Douglas to Mr. Hay.

NEW YORK, January 12, 1900.

Dear Sir: Your telegram reading as per copy inclosed received, and we should have replied by wire, but really hardly saw how we could do so intelligently, and so we write you instead.

We are pleased to know that the British authorities may be disposed to pay full value of goods the same as if delivered, but your wire is indefinite as to whether this means cost price and freight or the selling price at port of delivery if they had been landed according to bill of lading.

We should explain to you that we have not heard from the parties to whom we shipped these goods, and therefore we have no way of knowing their views or the position, and so we must hesitate to act definitely until we are acquainted with the same.

We naturally are the owners of these goods, unless some of the parties have paid their drafts and obtained, in some way, possession; and in that case, we presume, they might claim ownership, and the position is embarrassing. We, of course, are endeavoring to advise with these people and our own house at Port Elizabeth.

Some of the goods may be stored and the parties who expected the delivery may not be aware of the position of the cargo, or they might take over the shipment.

We must ask you to see that we are protected to the fullest extent which lies in your power, based on this explanation of the position; and if you can kindly give us somewhat more definite advice regarding the matter, so that we may know exactly the situation, if there are details beyond those mentioned in your telegram, we shall feel obliged.

We remain, etc.,

Arkell & Douglas.
FOREIGN RELATIONS.


[Telegram.]

NEW YORK, January 12, 1900.

Your telegram 11th received with thanks. We made no shipments of flour in vessels seized. As to whether we are now legal owners of any goods shipped by us therein depends on payment of drafts drawn therefor, and not yet due. Pending definite advice thereon we merely desire our rights, if any, reserved.

W. H. CROSSMAN & BRO.

Mr. Choate to Mr. Hay.

[Telegram in cipher—Paraphrase.]

LONDON, January 12, 1900.

[Mr. Choate states that in answer to his pressing inquiries foreign office states that it has no information regarding seizures not already possessed by the United States Government, and that it would furnish facts as soon as it received them.]

Mr. Choate to Mr. Hay.

No. 281.] AMERICAN EMBASSY,

London, January 12, 1900.

Sir: I have the honor to report that since my dispatch No. 227 of January 5 the following events have occurred relating to the seizure of American goods on British ships Mashona and Beatrice and the Dutch ship Maria, described in your instruction No. 262 of December 21, and in Messrs. Hopkins’s letter of December 12 inclosed therein, as British, and assumed by both Lord Salisbury and myself as being so in our interview of the 3d instant.

I was well aware of the urgency of the matter, but as he had promised a written statement of the grounds of seizure as early as practicable—perhaps Friday the 6th—not receiving them that day I concluded that the matter must necessarily be in the hands of the law officers of the crown. On Saturday, the 6th, and again on Monday, the 8th, the papers reported him as being in continued conference with them, so I refrained from disturbing him.

On Sunday, the 7th, your first cipher cable relating to the Pennsylvania Milling Company’s shipments (translation annexed) was received. I had already prepared a note to Lord Salisbury bringing their case to his attention in the sense therein indicated, when on the 9th I received your second cable, regarding the marks on that company’s shipment (copy annexed), which necessitated an alteration of the note to that extent; but I was hourly expecting to receive his answer and the grounds of the seizures, and thinking their contents might render some part or the whole of my note about the Pennsylvania Company’s shipments inexpedient, I withheld it until I should receive them. There were two things in the affidavit of the president of the milling
company, as cabled, that were obscure—first, it stated that his company “had been for years engaged in the sale of flour to ** South African Republic;” and then, second, immediately proceeded to say that it “had never sold flour with direct or ulterior destination to South African Republic by resale or otherwise.” These two statements I could hardly reconcile. I inquired at cable office whether “direct” was not meant for “indirect,” and received your cable of the 9th in reply (copy annexed). I had been reading the cases of the Bermuda and the Peterhoff, where “direct” and “ulterior” seemed to me always to be used as terms of antithesis and not of paraphrase. I concluded that the meaning was that although they had made frequent sales to merchants in the South African Republic they never undertook to sell them to the Republic itself.

The affidavit, as cabled, also showed that several lots of the company’s flour were branded “Johannesburgh” and “Goldfield,” which might have a bearing on the question of “destination,” as well as property, and had better not be communicated until I got their views about contraband. Further, the affidavit, as cabled, stated the sales by the company in such a way and at such dates as to show, or at least raise the inference, that there was no ownership left in the milling company; and so, on the 9th, I cabled you the inquiry (translation annexed) to which, on the 10th, I received your reply giving further statement from company (translation annexed).

On Wednesday, the 10th, I waited upon Lord Salisbury and found him ready to state the legal views of the British Government, but with almost no information as to the details of fact in regard to the seizures. Of the interview I have little to add to what I communicated to you by cipher cable (translation annexed). His two notes, which he handed to me at the interview, contained all that he has to say. In fact, he expressed his desire to give it to me in writing, so that there might be no misunderstanding. I annex copies of them both. He answered my inquiries as stated in the cable. He stated repeatedly that they did not claim the American goods on the Mashona and Maria to be contraband.

I called his attention to the fact that such goods as flour were very perishable in the climate of South Africa, and that we should be entitled, not only to costs and damages for detention, but for deterioration, if it took place; but he thought that an incidental matter which could be discussed later. When he made his suggestion that the best way, perhaps, would be for the American owners to offer to sell to his Government, my impression was confirmed that he was contemplating the probability of having to indemnify owners of cargo fully, and that their best way would be to buy at an agreed price. When I told him that I was already authorized to sell for one party, he misunderstood me to say at the present price in Delagoa, and replied: “Why, the prices there have been doubled and more by these seizures,” and when I explained that the authority was to offer to sell the goods at the price at the port of destination at the time when the vessels respectively should have arrived there in due course of voyage, if not interrupted, he said that was not unreasonable, and that if we would make such an offer his commissary department would consider it. We discussed considerably what owners would have to prove in the prize court to get their goods; whether he had any idea of requiring us to prove anything more than their ownership at the
time of seizure, and he said that was all; whether he understood there was to be a trial in the prize court as to destination, and he said, “No; but proof of ownership was essential, either then or on a sale to the admiralty, as his Government could not pay one man and then be accountable to another, who might afterwards appear and prove to be the real owner.”

I said in my cable of the 10th that, not having got answer to my telegram of the 9th, I should not present the milling company’s case in the form directed unless you still desire; better to rest on regular shipping papers, which I think will suffice.

I am strongly inclined to believe that a sale to the British Government of all the goods, if they will take them at the price suggested, is best, because it is so much simpler. The customs officers, who have the *Maria*’s goods, will have to be satisfied as to the ownership of the claimants, and that may make trouble, although regular shipping documents, by which the goods got into the ship, ought to suffice for that in that case. And if we can get the *Mashona*’s goods taken by purchase, without having to go through an inquiry, it will be much better in that case. Probably the whole cargo is included in the libel for “Trading with the enemy.” Of course, the cargo of innocent American shippers can not be held for that. As Lord Salisbury said, they couldn’t get the ship into port after seizure without bringing the cargo too; and I understand that it is the usual practice in such cases to include everything in the libel. But a legal investigation of the ownership of each lot of cargo shipped on the *Mashona* will necessarily involve an inquiry into all that has occurred between the consignor and the consignee, and many difficult and delicate questions might arise.

If on such an inquiry it should turn out that an agent had bought for the Transvaal Government, and on credit, so that the title passed when the goods went on board, would you consider the British Government estopped to claim that they were contraband on discovering such a fact? Such a purchaser would of course not be under American protection in any way; but an American shipper might appear to be privy to the real character of the purchases, and we should hardly like to champion the cause of a party who had shipped contraband. Of course this case is hardly supposable. I assume, as you do, and as Lord Salisbury and his law officers assume, that our American shippers are wholly innocent; but you never know when you go into a prize court what may turn up. It is full of pitfalls, and I am sorry that our cargo is there. I see that some take it for granted that if the shipper has not been paid for his goods the property is still in him, so as to constitute him the owner in a prize court, or for purposes of a sale; but there can be no such universal rule. By the terms of sale and shipment he may not have retained a lien. So there are various questions as between liens and general ownership. (See postscript.)

In view of all this, I strongly hope before this dispatch reaches you that I shall have received instructions from you to propose to sell all that we wish to protect as American property in the *Mashona* and *Maria* to the British Government on the terms which Lord Salisbury and I talked about.

After my cable of the 10th had gone, it occurred to me that you had not received a copy of my note to Lord Salisbury of the 4th, to which
it purported to be a reply, and so I sent you a further cable on the 11th instant. Copy annexed.

To-day I cabled a suggestion, and later, thinking that the foreign office must have more details about the goods and the seizures than they had communicated to me, pressed them very closely, but could get nothing more than you already have, and so I sent you a further cable.

I suppose that you, of course, have some competent man at the prize court to look after proceedings there, in case we do not close the whole matter up by a sale.

I have, etc.,

JOSEPH H. CHOATE.

P. S.—The title of the absolute owner prevails in a prize court over the interests of a lien holder, whatever the equities between those parties may be. (The *Winifred*, Blatchf. Pr. Cases 2, cited; 2 Halleck Internl. Law, 392 Engl. Ed., 1893.)

[Inclosure 1 in No. 231.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, January 10, 1900.

DEAR MR. CHOATE: Our view is that foodstuffs, with a hostile destination, can be considered contraband of war only if they are supplies for the enemy’s forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the seizure.

Believe me, etc.,

SALISBURY.

[Inclosure 2 in No. 231.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, January 10, 1900.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 4th instant, in which your excellency calls attention to the American-owned flour which formed part of the cargoes of the steamships *Mashona* and *Maria*. The proper authorities have been requested to furnish a full report of both these cases; in the meantime I am able to make the following statement upon such information as I have been able to obtain:

The *Mashona* is a British ship, and is understood to have been seized and taken in for adjudication by the prize court on a charge of trading with the enemy. This offense is cognizable by the prize court, and proceedings against a vessel for such an offense can only be taken in a prize court, and there seems to be no reason to doubt that the action taken in the case has been correct.

If the owners of the cargo, being neutrals, claim that they, being innocent, the cargo should not be condemned with the ship, but should be delivered over to them. The ordinary course is that they should claim the cargo in the prize court, where the case will no doubt be considered and properly dealt with on the merits.

The practice is well stated in Story’s Manual of Prize Law, pages 46 to 71, of the edition of 1854, and in the portions of the work relating to claims made by innocent or independent parties.

The case of the Netherlands ship *Maria* is of a different character. Her Majesty’s Government understand that the flour ex *Maria* is not detained in any way, and that it is perfectly open to the owners to make whatever arrangements they please for its immediate removal.

If they consider themselves to be in any way aggrieved, owing to the action of the authorities in causing the flour to be landed, it is, of course, also open to them to take such proceedings as they may be advised are appropriate against the persons concerned.

I have, etc.,

SALISBURY.
Messes. Norton & Son to Mr. Hay.

NEW YORK, January 13, 1900.

Sir: We would put before you that we are the agents in New York of the American and African Steamship Line, which line recently dispatched the Dutch steamer Maria, the British steamer Beatrice, and the British steamer Mashona for South and East African ports and Delagoa Bay, which steamers have been detained and cargoes destined for Delagoa Bay landed at South and East African ports by order of the British Government.

We are very much interested in the statements published in the newspapers yesterday to the effect that Lord Salisbury concedes to our ambassador in London that the seizure and detention of the flour by these vessels was illegal. The New York Sun of January 12 published an article which says that the State Department made the following official statement of a dispatch from Mr. Choate:

A telegram has been received from Ambassador Choate, reporting an interview had by him with the Marquis of Salisbury on the afternoon of the 10th in regard to American shipments of flour and provisions on the detained British steamers Beatrice and Mashona and the Dutch steamer Maria. The British position as to food stuffs and to hostile destination is that they can only be considered contraband of war if supplied for the enemy's forces, it not being sufficient that they are capable of being so used, but it must be shown that this was their destination at the time of seizure.

This qualification virtually concedes the American contention that the goods were not subject to seizure, and practically disavows the seizure, it not being claimed that there is any evidence of hostile destination.

It is important for us to have an official confirmation of same from the State Department in Washington, and would kindly ask you to let us know—

(1) Whether goods shipped by the British steamship Mashona, with cargo from New York to Delagoa Bay, Portuguese Africa, not intended as supplies for the Boer military forces or agents, or not consigned directly to the Boer military forces or agents, are contraband of war, and if not contraband, whether they would be seized as enemy's property if addressed to foreign merchants in the Transvaal or the Orange Free State?

(2) Whether on the same state of facts, goods under a neutral flag (such as the Dutch steamship Maria) would be considered as contraband?

Please note that the New York Sun, commenting on the flour seized off Delagoa Bay, considered that this flour, or breadstuffs, would be entitled to immunity from detention and confiscation if intended for the use of noncombatants in the Transvaal (we presume they mean the Orange Free State or the South African Republic), and could rightfully be taken by Great Britain only when there was evidence that it was to be used by the Boer armies.

An early reply solicited.

Yours, very respectfully,

Norton & Son.


NEW YORK, January 13, 1900.

Sir: We acknowledge with gratitude your valued telegraphic message of 11th instant (received 12th) respecting our shipments to Dela-
goa Bay per the seized steamers Maria, Mashona, and Beatrice. We attach press copy of our telegraphic reply.

In the list of our shipments handed you December 26, 1899, no flour appeared—we shipped none. It was with the hope of getting information we supposed might be in your possession that would enable us to determine what our status was that we took the liberty of addressing you on that date.

All our shipments were drawn for when made, either upon the South African buyers direct, or upon their financial agents in London and Amsterdam.

It now appears to us quite probable that all our drafts will be paid at maturity, in which event we shall have no claim; but if any of these various drafts should be dishonored, ownership of the goods would revert to us. We can not know yet where we stand; consequently all we seek at present is to preserve our contingent rights.

Thanking you sincerely for your message, with respect, we are, dear sir,

Yours, faithfully,

W. H. CROSSMAN & BRO.
J. W. SMITH.

Messrs. Hopkins & Hopkins to Mr. Hay.

WASHINGTON LOAN AND TRUST BUILDING,
Washington, January 13, 1900.

Sir: Messrs. Flint, Eddy & Co., of New York, yesterday received the following dispatch from the Department:

One of the owners of goods seized by British naval authorities suggests that he would settle his claim by British Government paying value of goods at port of destination if voyage had not been interrupted. Do you wish Department to attempt settlement and payment of your claim same way?

In response to the foregoing, we have the honor to state, that reposing, as we do, the fullest confidence in the desire of Her Majesty's Government to discharge, with promptness, all just obligations, we hesitate to offer any suggestion as to the method of settlement of claims which our clients may have growing out of the detention of their property off the East African coast, as we are not at present in possession of sufficient information upon which we might properly ask such a settlement. We therefore respectfully request that the matter be held in abeyance until the receipt of mail advices, when we will again address the Department.

Appreciating the promptness and energy which our representations have met at your hands,

We are, sir, your obedient servants,

HOPKINS & HOPKINS.
Per S. G. HOPKINS.

WASHINGTON LOAN AND TRUST BUILDING,
Washington, January 13, 1900.

[Memorandum for Dr. Hill.]

Steamship Beatrice.—The last heard of this vessel was to effect that she had, by orders of the authorities, discharged her full cargo into lighters at East London.
Steamship Mashona.—Last heard of by shippers was still at Cape Town.
Steamship Maria.—Brindler & Co., Delagoa Bay, report that this steamer has arrived, after long delay, bringing cargo destined for their port. From this I am inclined to believe they mean that the portion of the cargo destined for themselves has arrived. We have advices to the effect that some of the cargo was discharged and retained at Durban, Natal.

S. G. HOPKINS.

Mr. Hay to Mr. Choate.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 13, 1900.

Following telegram received January 11 from president Pennsylvania Milling Company:

Please note seized flour was sold by us delivered Delagoa Bay, therefore our property until obligation delivery fulfilled, irrespective drafts made against same. Some drafts already returned unpaid, leaving flour on our hands in critical position, even if released by British Government.

HAY.


[Telegram.]

NEW YORK, January 15, 1900,

Your telegram 13th instant received with thanks. Our letter 13th instant explains our position clearly to date. Do not desire any attempt for settlement made, for the present at least.

W. H. CROSSMAN & BRO.

Mr. Choate to Mr. Hay.

[Telegram in cipher.]

EMBASSY OF THE UNITED STATES,
London, January 15, 1900.

[Paraphrase.]

[Mr. Choate reports that the question of the ownership of the Mashona's cargo was embarrassed by the fact that the British foreign office was advised that the vessel had no manifest, and inquires as to the correctness of this advice.]

Messrs. Arkell & Douglas to Mr. Hay.

NEW YORK, January 15, 1900.

DEAR SIR: We would acknowledge your further telegram asking if we would wish you to attempt settlement of claim by securing the value of provisions and other goods at port of destination at the time they would have arrived if the voyage had not been interrupted, and
that you suggest that if title to goods is doubtful both ourselves and
the consignee should unite in the sale. You also suggest that if we
should conclude to offer to sell it might cause delay, and perhaps throw
the question into a prize court. We observe that if you can make a
general proposition on this basis you would endeavor to work out
the details and secure a just payment, taking into consideration the
elements of value at port of destination.

We are obliged to you for this telegram, and we should certainly
personally be very pleased to at once agree to your idea, but unfortu-
nately, as we have already pointed out, having drawn drafts with the
uncertainty as to whether same have not been paid and delivery taken
of the goods, even at ports where the cargo has been landed, we are
hardly in shape to handle this matter on the basis you propose. We
are satisfied that a number of the drafts will not be paid and that the
goods are consequently ours, but to divide the issue and definitely
know what has been and what has not been settled would be at present
moment practically impossible for us. We are using the cable and
also advising with our own house at Port Elizabeth in relation to
these matters, and will communicate with you as soon as we have cable
advices, if they are such as will warrant our knowing our position,
and meanwhile we must ask you to kindly simply do what you can for
us in a proper way by having our original protest on file and called to
the attention of the British Government. We sent you B/L’s showing
proof of shipment. As matters proceed, if you make any special
headway in acting for us or others, we should, of course, be glad to be
advised.

Thanking you for your attention to our interests, we are,
Very respectfully, yours,

Arkell & Douglas.

Mossers. H. W. Peabody & Co. to Mr. Hay.

New York, January 15, 1900.

Dear Sir: We have before us two telegrams received from you
within the past day or two relative to shipments forwarded by us on
steamships Maria and Mashona for Delagoa Bay. We are so much in
the dark as to what has been done with shipments by these steamers
that we hardly know how to act or to reply to the questions contained
in your telegrams now before us. Can you give us any definite infor-
mation as to what has been done with the Delagoa Bay shipments on
the steamers above mentioned? The latest reports which we have
noticed in the newspapers are to the effect that the vessels have been
allowed to go on to Delagoa Bay, and presumably that they will
deliver immediately shipments at that port.

Referring to our previous communication on this subject we would
call your attention to the fact that the only parcel of flour forwarded
by us on either of these vessels is a small shipment by the steamship
Maria, marked 444 Delagoa Bay, valued only at £12 16s. 10d.

Our other shipment by the Maria consisted of a parcel of lumber
and miscellaneous cargo (not food products) marked J H B
Delagoa Bay
N A C
valued at £128 9s. 11d., and a shipment of evaporated cream in tins,
B G
marked J H B , amounting to £185 19s. 10d.

Delagoa Bay
Our shipment on the steamship Mashona consisted of 230 bags white
corn meal, marked W
Delagoa Bay, valued at $682.52.

The lumber and miscellaneous cargo could not, we presume, in any
event be considered as contraband of war, and we hardly imagine that
our shipment of evaporated cream would be so considered. The white
corn meal possibly would, and also the flour, but we would first ask
whether you can inform us definitely what has been done with ship-
ments by these steamers. In the present condition of affairs, rendering
it impossible for us to communicate readily with Africa by cable,
it is impossible for us to get any accurate information, so that we do
not see how any action can be taken immediately; and we desire only
to file statement to the effect that if our shipments have been delayed
or interfered with by the British Government we want the United
States Government to back up our claims for full indemnity. We
should be glad to receive such information as you have in regard to
shipments by the steamers in question; also any instructions which you
may have to give us, considering the uncertainty of our present posi-

tion and our lack of information as to the action which you wish us to
take to place ourselves in line to receive the support of the United
States Government.

Yours, truly,

HENRY W. PEABODY & CO.

Mr. Gage to Mr. Hay.

TREASURY DEPARTMENT,
Office of the Secretary,
Washington, D. C., January 16, 1900.

SIR: I have the honor to acknowledge the receipt of your letter
dated the 15th instant requesting a copy of the manifest of the British
steamship Mashona, seized by the British naval authorities with Ameri-
can shipped goods, and have to state that the collector of customs at
New York has been instructed by telegraph to forward such copy.

Respectfully,

L. J. GAGE, Secretary.

Mr. Hay to Mr. Choate.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 16, 1900.

Ascertain and cable the status of American cargoes on the Maria, the
Mashona, and the Beatrice, so Department may inform shippers where
their goods are and what portion of them are free.

HAY.
GREAT BRITAIN.

Messrs. C. C. Abel & Co. to Mr. Hay.

NEW YORK, January 17, 1900.

Sir: We are in receipt of your communication of the 16th instant, and thank you for your courteous and prompt reply to our letter of the 12th instant.

It will be necessary for us to put ourselves in further correspondence with the consignees of the petroleum to enable us to give you the required particulars.

We are, sir, your obedient servants,

C. C. Abel & Co.


NEW YORK, January 17, 1900.

Sir: Your favor of the 16th instant, with further reference to our shipments to South Africa in certain vessels seized by the British Government, duly received and carefully noted.

Since our previous advices in the premises we are more than ever satisfied that the drafts for our Delagoa Bay shipments have been or will be paid by the consignees of the goods on whom we drew therefor. One or two cases appear to us still in doubt, and in these we might eventually have to resume ownership of the goods, but these are not formidable in amount, so that taking all things into consideration we have decided our case can not under any consideration now be of sufficient importance to warrant troubling your Department with in the manner you have so kindly intimated.

Again thanking you for the attention and information you have afforded us in the premises,

We are, dear sir, very respectfully,

W. H. CROSSMAN & BRO.
J. W. SMITH.

Mr. Choate to Mr. Hay.

[Telegram in cipher—Paraphrase.]

LONDON, January 17, 1900.

[Mr. Choate reports that he is informed by Lord Salisbury that all the information he has regarding the Beatrice's cargo is that it was discharged at East London; that he has heard no allegation against it, and that he will furnish information in regard to it as fast as received; that the Maria's cargo is at Durban, free for its owners to take; that he does not know where the Mashona's cargo is, but that the vessel is at Cape Town; that according to advices received by cable from Sir A. Milner, on January 10, the Mashona had no bills of lading; and there was much difficulty in dealing with her cargo; that the United States consul at Cape Town would be informed that application made to him for the release of any bona fide American citizen's goods would receive immediate attention.

FR 1900—36
Mr. Choate also reports that at his request Mr. Chamberlain telegraphed to Sir A. Milner the assurances given by Lord Salisbury to Mr. Choate that American owners of any part of the *Mashona*’s cargo may have it on proof of ownership, and that there is no allegation that the cargo is contraband. Sir A. Milner was directed to so inform the colonial attorney-general.

Mr. Toomey to Mr. Hay.

**Pennsylvania Milling and Export Company,**

New York, January 17, 1900.

Sir: Your esteemed favor of the 16th instant to hand and carefully noted. I am now preparing the necessary documents that you request; but those, such as the bills of lading, may take a day or two to be obtained from the steamship company. In the meantime I will prepare an affidavit, such as you desire, covering all the facts in the case concerning the flour seized by the British Government.

Meantime I beg to thank you for the efforts you are making on our behalf, and wish to state that I am only too happy to comply with your request not to give out for publication any information that you may have given me, as I do not wish to embarrass your negotiations in any way. You will probably have noticed that, in spite of the enterprising efforts of our press, up to the present no information emanating from me has been published, as I have always been very careful to keep the matter right within proper limits, feeling that you would see that full justice was done to us in the end.

Hoping that a day or two’s delay in the preparation of the documents required will be of no inconvenience to you,

I remain,

A. J. Toomey.

Mr. Hay to Messrs. Arkell & Douglas.¹

[Telegram.]

**DEPARTMENT OF STATE,**

Washington, January 18, 1900.

For your information Department reports that British minister for foreign affairs says Maria’s cargo is at Durban, probably in customhouse, free for its owners to take. He does not know where *Mashona*’s cargo is—vessel is at Cape Town. It was reported to him that she had no bills of lading, and there was much difficulty in dealing with the cargo, but that American consul would be informed that application through him for the release of any bona fide American citizen’s goods would receive immediate attention. He gives assurances that American owners of any part of *Mashona*’s cargo may have it on proof of ownership and there is no allegation that the cargo is contraband. All that can be learned as to Beatrice’s cargo at present is that it was discharged at East London, but no allegations so far made against it, and he promises further information as fast as received.

John Hay.

GREAT BRITAIN.

Mr. Hay to Messrs. Norton & Son.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 18, 1900.

For your information Department reports that British minister for
foreign affairs says Maria’s cargo is at Durban, probably in custom-
house, free for its owners to take. He does not know where Mashona’s
cargo is—vessel is at Cape Town. It was reported to him that she had
no bills of lading and there was much difficulty in dealing with the
cargo, but that American consul would be informed that application
through him for release of any bona fide American citizen’s goods
would receive immediate attention. He gives assurances that Ameri-
can owners of any part of Mashona’s cargo may have it on proof of
ownership and there is no allegation that the cargo is contraband.
All that can be learned as to Beatrice’s cargo at present is that it was
discharged at East London, but no allegations so far made against it,
and he promises further information as fast as received.

The attitude of the British Government on the question of contra-
band is, so far the Department is advised—
that food stuffs with a hostile destination can be considered contraband of war only
if they are supplies for the enemy’s forces. It is not sufficient that they are capable
of being so used. It must be shown that this was in fact their destination at the
time of the seizure.

JOHN HAY.

Mr. Choate to Mr. Hay.

No. 234.]

LONDON, January 18, 1900.

SIR: I have the honor to report that since my dispatch No. 231, dated
January 12, was written, the following has happened in respect to
the seizures of American goods:

On the 15th I received information from the foreign office that the
Mashona had no manifest on board, which might give trouble about
the ownership of cargo, whereupon I sent you a cipher cable, to which
I have as yet received no reply.

On the 14th (Sunday) I received your cable of the 13th, giving fur-
ther details of the milling company’s shipments, which showed their
continued title to the goods shipped until delivery at Delagoa Bay;
and that you still desired me to present it, notwithstanding my refer-
ence to it in my cable of the 10th. I accordingly prepared and sent to
Lord Salisbury a statement of the Pennsylvania Milling Company’s
case as directed, dated the 13th (copy annexed).

On the 15th I received your instructions, Nos. 267 and 268, of January
2, containing respectively documents in the case of Messrs. W. H.
Crossman & Brother and additional documents in the cases of Mr. R.
W. Geldart and Messrs. Flint, Eddy & Co.

I thereupon prepared and sent to Lord Salisbury notes setting forth
their cases and claims, dated January 15 (copies annexed).

The same mail brought me your instruction No. 269, but as most of
the ground covered by it had already been covered by my interview
with Lord Salisbury of January 10, cabled to you on that day, and he
had substantially disavowed the seizure of the Maria and agreed to
make restitution of the goods, and impliedly reparation to their owners, and in the case of the 
Mashona had explained its situation in the prize court, and agreed that the cargo was not contraband and would be delivered to the American owners on proof of ownership, as stated in my cable of the 10th, and more fully in my dispatch No. 281. I shaped accordingly the claims made in the several cases presented, and took it for granted that you would not have me complain of pretensions which he had not set up. I was also in daily expectation of receiving your answer to my advice that the owners should accept the suggestion of Lord Salisbury to sell to the British Government at the prices to be fixed on the basis named by the Pennsylvania Milling Company, which, if carried out, would probably close the whole matter. As to the costs and damages incurred, if any, he has not thus far shown any disposition to deny liability, but only to postpone, until we both knew the facts, further discussion about it.

I inquired constantly at the foreign office for Lord Salisbury, but he did not come again to town until Tuesday, the 16th, when I had an interview with him. I took it for granted that you were looking after the prize court; but, knowing the summary character of the proceedings in such courts, I was apprehensive of what might happen there if the counsel for the Government and the court should be left to their own devices in respect to the question to be passed upon there, and I also thought it was very strange that I had received no more information in respect to the facts involved in the several seizures. On the first point he was very satisfactory. I told him in substance all that I had cabled you after our interview of the 10th, and that I had had no reply; but I urged him to cable out to the prosecuting officer at the prize court what we had at that interview agreed upon as to the 
Mashona, which he very promptly consented to do at once, but said it would have to go through the colonial office. Before I had left his office he had prepared it and sent it over to Mr. Chamberlain, and I was promised a copy next day.

I then pressed for more information, as my Government ought not to be left in the dark about the grounds of detention and removal of the goods in the cases of the Maria and the Beatrice, and that I could not understand why full accounts had not been received of such actions so prejudicial to our citizens which had happened a month ago. He, however, could not give me any more information about the Maria and the Mashona than was contained in a cable received from Sir Alfred Milner, from Capetown, on the 10th, of which I inclose a copy. I complained of the effect of his answers, even as to the cargoes of the two vessels, that the owners might go and take them where they were, and could not get precise information where to go for them. I got the impression that he was much embarrassed by the extraordinary slowness of the people at the cape, but was evidently desirous of communicating all information that he had, or could get, and we made an appointment for the next day.

In the meantime, on Wednesday morning, the 17th, I received your cable of inquiry. This was directly in the line of what I had constantly been pressing him for. We met in the afternoon and he gave me a copy of the cable which, at my request, he had prepared and sent over to the colonial office, and which showed upon its face that it had been sent off the same night (I annex a copy); but he had not yet received "the facts" and could not give me any more than I immediately cabled
GREAT BRITAIN.

you (copy annexed). I protested again most earnestly that our goods ought not to be taken out of our hands short of the port of destination, and no department of his Government be able, after so long a time, to find out why. He could only answer as before.

You will observe what Sir Alfred Milner said in his cable of the 10th about the Mashona, but Lord Salisbury could not tell whether the whole or part of her cargo was with her or had been discharged at Durban or at Port Elizabeth, as the papers stated, but he promised that his inquiries should not cease until he was able to answer my questions. We discussed somewhat the questions of law involved. He claims no blockade or siege of Delagoa Bay, but only, so far as I can understand, the right to seize goods really contraband of war on the high seas which are destined for the enemy’s forces, a question in which we are not yet directly involved; but if our goods are to be treated in this way, and taken out of the ship because there are some such articles on board shipped by other people, our indirect interest is considerable.

I suppose that “the failure to find bills of lading” on the Mashona, as stated by Sir Alfred Milner, is the same thing which was reported as the want of a “manifest” the day before.

I hope very soon to receive your views on my cable of the 10th, and on the two notes of Lord Salisbury, of which I gave you the substance there, and the full text in my dispatch No 231.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1 in No. 234.]

Mr. Choate to Lord Salisbury.

LONDON, January 15, 1900.

My Lord: I have the honor to state that I am instructed by my Government to inform your lordship that the president of the Pennsylvania Milling Company, an American corporation created by the State of Pennsylvania, the owner of the seized flour hereinafter mentioned, has filed his personal affidavit in the State Department, by which it appears that that company has been for several years engaged in the sale of flour to merchants engaged in trade in various parts of South Africa, and has never sold flour with direct or ulterior destination to the South African Republic, by resale or otherwise; that all its sales have been made for the ordinary uses of life; that since the war broke out the company has made no sales of flour to merchants or others in the South African Republic; that said company sold May 20, 1899, 2,000 bags of flour, branded Speria, and marked O. & Co., Delagoa Bay; also June 10, 1,512 bags of flour, branded Goldfields, and marked diamond T, with letter S outside the diamond, T S, Delagoa Bay—all of which it shipped, consigned to Delagoa Bay, on the Dutch steamer Maria, leaving New York about August 13, freight prepaid by said company, and which is now reported to have been landed, under orders of the British Government, at Port Natal, and to be now in custom-house there.

And that the same company also sold, June 10, 1,956 bags flour, branded Goldfields, and marked diamond T, S outside $ Delagoa Bay, and 4,359 bags flour, branded Johannesburg, and marked diamond B, with letter M outside $ Delagoa Bay, and consigned to Delagoa Bay, all of which was shipped on the British steamer Beatrice, leaving New York about October 12—freight prepaid by the company—all of which has now been reported to have been discharged into lighters at East London, by orders of Her Majesty’s Government. And that said company also sold, July 20, 3,154 bags of flour, branded Johannesburg, and marked diamond B, letter M outside diamond $ Delagoa Bay, and consigned to Delagoa Bay, which was shipped on the British steamer Mashona, leaving New York on October 30—freight prepaid by
the company—and which is now reported as having been discharged at Durban, under orders of the prize court. All these sales were made by the milling company to be delivered at Delagoa Bay, and remain the company’s property until so delivered.

My Government is still awaiting with great anxiety your lordship’s promised statement of the grounds of seizure in the case of the Beatrice, and of the grounds of detention and removal of the cargo at Port Natal, short of the port of destination, in the case of the Maria.

In the case of the Mashona, which, in your lordship’s letter of the 10th instant, is stated to have been seized and taken in for adjudication on the charge of trading with the enemy, and where the flour was not seized as contraband, and is not claimed to be contraband, and certainly could not be involved in the charge against the ship, it is manifestly a great hardship for the owners of the flour to be compelled to go into the prize court for it, at a port short of the port of destination, even to prove their ownership, which necessarily involves costs and damages for detention and possible deterioration.

The president of the milling company represents that in the climate of South Africa flour soon spoils unless cared for. He would, however, be satisfied if the British Government would pay for the flour at its value at Delagoa Bay at the time it would have arrived in due course of voyage if the same had been uninterrupted.

I have, etc.,

JOSEPH H. CHAOTE.

[Inclosure 2 in No. 234.]

Mr. Choate to Lord Salisbury.

LONDON, January 15, 1900.

My Lord: I have the honor to advise you of further shipments on the Mashona, Maria, and Beatrice, made by the firm of W. H. Crossman & Co., of New York, of which I annex their detailed memorandum.

The goods by the Maria are, of course, a part of the cargo of that vessel, referred to in your letter of the 10th, and my remarks in my note of to-day in regard to Flint, Eddy & Co.’s shipment apply equally to them.

Messrs. Crossman & Co.’s goods by the Mashona and the Beatrice seem not to differ in character in the main from those by the Maria, and I venture to hope that they may be also restored or released. The matter of indemnification for costs and damages, if any, your lordship seemed to think might better be discussed when the facts are more commonly known, and I say no more at present.

I have, etc.,

JOSEPH H. CHAOTE.

[Inclosure 3 in No. 234.]

Mr. Choate to Lord Salisbury.

LONDON, January 15, 1900.

My Lord: I have the honor to advise your lordship of the details of the shipment of Messrs. Flint, Eddy & Co., American citizens, by the British steamer Beatrice from New York for Delagoa Bay, and there consigned to neutral merchants, Messrs. F. Bridler & Co., which vessel, as we are now informed, has been detained and a portion of her cargo, destined for Delagoa Bay, by order of Her Majesty’s naval authorities, has been discharged at East London.

There were so shipped by Flint, Eddy & Co.:

[Invoice marks, F. B. & Co., Delagoa Bay.]

Fifteen cases canned meats, invoiced at $54.95. Five numbered 94, 5 ditto 95, and the remaining 5, 96.

Fifteen cases dried fruits, No. 98, invoiced at $88.66.

Three cases honey, No. 99, invoiced at $14.70.

Four crates baking powder, Nos. 101–103, invoiced at $148.50.

Twenty-five cases cereals, No. 104, invoiced at $73.13.

Fifty cases canned salmon, Nos. 105 and 106, invoiced at $103.55.

Total invoices with charges, $668.80.

My Government does not see from what point of view this consignment and that of Mr. R. W. Geldart by the same vessel, which I reported to you in my note of the 4th of January, can be regarded as contraband. It is the opinion of my Government that the owners above mentioned will look to Her Majesty’s Government for damages
resulting from loss and deterioration, as to which I shall doubtless receive further instructions when we know the grounds of detention and seizure.

Messrs. Flint, Eddy & Co. have never heard a suggestion that the property was destined, even remotely, for the Transvaal or the Orange Free State, or for citizens of those States. The goods were shipped in the ordinary course of trade to reputable merchants in Delagoa Bay, and the shipment was not an unusual one, but, on the contrary, was only one of the usual shipments made by them in the ordinary commerce with the East coast.

I have, etc.,

JOSPEH H. CHOATE.

[Inclosure 4 in No. 234.—Telegram.]

Sir A. Milner to Her Majesty's Government.

Sir A. Milner, in a telegram to Her Majesty's Government of the 10th instant, says that the Maria was not seized. She put into Durban, where they detained her, but on her landing cargo was allowed to proceed. No cargo is in prize court. Certain goods were seized and other goods detained for safety. Any of the latter may be taken away on application of authorized agents; some of it originates from the United States, but whether it is owned there is not known.

The Mashona was seized on her arrival in Algoa Bay. As the ship had no bills of lading there was much difficulty in dealing with the cargo. After consultation with the admirals, the United States consul will be informed that an application through him for the release of any bona fide American citizen's goods would receive immediate attention.

[Inclosure 5 in No. 234.—Telegram.]

Mr. Chamberlain to High Commissioner Sir Alfred Milner.

Prime minister has assured United States ambassador that American owners of any part of cargo of Mashona may have it on proof of ownership and that there is no allegation that the cargo is contraband. You should inform colonial attorney-general to this effect.

Mr. Choate to Mr. Hay.

[Telegram received in cipher.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 19, 1900.

[Mr. Choate states that Messrs. Flint, Eddy & Co., in a letter dated New York, January 9, informed their representative in London that Bridler & Co. reported that after considerable delay all goods shipped by the Maria for Delagoa Bay had been delivered.]

Messrs. Flint, Eddy & Co. to Mr. Hay.

NEW YORK, January 19, 1900.

SIR: Mr. Hopkins has favored us with an extract from your request for information as to our shipments to South Africa on vessels whose voyages were interrupted by the naval force of the British Government. We beg to inclose herewith a memorandum of all shipments made by us on these vessels and to state that a large proportion of these invoices have doubtless been paid for by the consignees. It is our custom to have our agents, the Standard Bank of South Africa, collect drafts on the buyers. The merchandise is shipped on bills of lading drawn to order, and these bills of lading are surrendered or
not, at the discretion of the bank, before payment. As we have not learned from the bank what percentage of the bills of lading have been surrendered it is impossible for us to determine whether we still have or have not a lien upon much of this merchandise. We have, however, received a telegram from Messrs. F. Bridler & Co., of Delagoa Bay, to make a claim for their account.

We are quite unable to furnish copies of bills of lading, as, the transactions being documentary, the bills of lading have gone forward with the drafts for collection and are in possession of the collecting bank or of the receiver of the merchandise.

Should we receive a further request to make claims we shall at once communicate with the Department. We do not know whether any claim could be properly made for the detention of merchandise destined to ports other than Delagoa Bay. We understand that the vessels have been diverted from their regular voyage. This is a matter, however, that we shall not enter upon unless some of our correspondents request us so to do.

Very respectfully, etc.,

FLINT, EDDY & CO.

MESSRS. FLINT, EDDY & CO. TO MR. HAY.

NEW YORK, JANUARY 19, 1900.

SIR: We have to-day forwarded the documents making such claims as we desire to have presented to the British Government for settlement. We desire to state that from the beginning our main object with reference to this was that the Department should do all possible to avoid an extension of belligerent rights to the detriment of commerce, and we beg to express our thanks to the Department for the energetic, efficient, and thorough manner in which the matter has been treated. The interests of ourselves and of all other American merchants have been carefully safeguarded, and new precedents have been established which can not fail to be universally beneficial to international trade, and friction has been avoided.

With great respect, etc.,

FLINT, EDDY & CO.

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[Inclusee.

Steamship Maria.

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**GREAT BRITAIN.**

Steamship Beatrice.  

October 20, 1809.

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Steamship Mashona.

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Invoice of merchandise shipped by Flint, Eddy & Co. on board the steamship Beatrice, bound for Delagoa Bay, for account and risk of Messrs. F. Bridler & Co., of Delagoa Bay, consigned to order.

Marks: F., B. & Co., Delagoa Bay.

<table>
<thead>
<tr>
<th></th>
<th>Nos.</th>
<th>Gross</th>
<th>Net</th>
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<tbody>
<tr>
<td>5 cases</td>
<td>94</td>
<td>624</td>
<td>409</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 cases</td>
<td>95</td>
<td>664</td>
<td>439</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5 cases</td>
<td>96</td>
<td>194</td>
<td>112</td>
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**Order No. 37, July 8, '99.**

**Canned meats, “Libby’s.”**

- 5 cans Vienna sausage, 242 = 10 dozen, $2.35.
- 5 cans c.c. ham, 481 = 20 dozen, $1.20.
- 5 cans assorted potted meats, 824 = 20 dozen, 40 cents.

**Less 1 per cent**

**Order No. 72, March 25, '99.**

**Dried fruit.**

- 150 cartons, Los Gatos, p’c’y royal apricots, 15 cents.
- 180 cartons, Los Gatos, unp’d peaches, 10¢ cents.
- 150 cartons, Los Gatos, white nectarines, 11 cents.
- 180 cartons, Los Gatos, unp’d ½ pears, 13½ cents.

<table>
<thead>
<tr>
<th>12 cartons ca. above in each case</th>
<th>90.00</th>
<th>1.79</th>
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</thead>
</table>

**Cartage.**

**Order No. 106, Sept. 2, '99.**

**Bees’ honey.**

- 3 cases honey, Leggitt’s white, extracted, 1-pound tins, 3/90.

**Baking powder.**

<table>
<thead>
<tr>
<th>10 cases</th>
<th>20 dozen</th>
<th>1-pound Royal</th>
<th>93.00</th>
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**Oreos.**

<table>
<thead>
<tr>
<th>25 cases</th>
<th>104</th>
<th>72</th>
<th></th>
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</table>

**Canned salmon.**

<table>
<thead>
<tr>
<th>100 dozen</th>
<th>1 “Alaska” salmon</th>
<th>90.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 dozen</td>
<td>1 Haleyon salmon</td>
<td>107.50</td>
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**Stamps and pettys**

<table>
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<tr>
<th>1.55</th>
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**Revenue stamps**

<table>
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<tr>
<th>22</th>
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**Freight prepaid**

<table>
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<th>1.77</th>
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<table>
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<th>69.63</th>
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<table>
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<table>
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<th>16.81</th>
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<th>668.50</th>
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</thead>
</table>

**Commission, 2½ per cent.**

**Value net cash, U.S. gold.**

E. & O. E.

We certify this a true copy of original invoice.

January 15, 1900.

[Seal.]

Certificate filed in New York County.

FLINT EDDY & CO.,

BY JAMES EDDY, President.

FRANKLIN ABRAMS,

Notary Public, Kings County.
GREAT BRITAIN.

Invoices of merchandise shipped by Flint, Eddy & Co., on board the S. S. Mashona, bound for Delagoa Bay, for account and risk of Messrs. F. Bridler & Co., of Delagoa Bay, consigned to order.

New York, October 31, 1899.

Marks: F. B. & Co., Delagoa Bay.

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<tbody>
<tr>
<td></td>
<td>Gross</td>
<td>Net</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 bags</td>
<td>100</td>
<td>98</td>
<td>50 98-pound bags Sphinx, $2</td>
<td>$100.00</td>
</tr>
<tr>
<td>50 bags</td>
<td>100</td>
<td>98</td>
<td>50 98-pound bags Ulula, $2</td>
<td>100.00</td>
</tr>
<tr>
<td>50 bags</td>
<td>100</td>
<td>98</td>
<td>50 98-pound bags Snowdon, $1.75</td>
<td>87.50</td>
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<tr>
<td>50 bags</td>
<td>100</td>
<td>98</td>
<td>50 98-pound bags Southern Beauty, $1.60</td>
<td>80.00</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>$367.50</td>
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</tbody>
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Cable, October 20, 1899.

Flour.

Order No. 97, July 8, 1899.

Canned soups, "Libbys."

Order No. 106, September 2, 1899.

Quaker oats.

200 bags .................................................... 200 98-pound bags Orion, $1.80 ........................................... 200.00

5 cases..................................................... 48 5 cases ox-tail soup 43/4, 20 ounce, $1.10. Less 1 per cent ... 22.00

25 cases..................................................... 92 25 cases each 3/2, packages, $2.92 1/2 ................................ .... 73.12

Stamps and petties ........................................... 2.05

Revenue stamps ............................................. 1.18

Freight prepaid ............................................. 2.23

Insurance, premium on $1,255 at 1 per cent. Commission 2½ per cent ........................................... 1,056.85

Value, net cash, U. S. gold .................................. 1,099.83

E. & O. E.

We certify this a true copy of original invoice.

FLINT, EDDY & Co.

BY JAMES EDDY, President.

Acknowledged to me this 19th day of January, A. D. 1900.

FRANKLIN ABRAMS,

Notary Public, Kings County, certificate filed in New York County.


New York, January 20, 1900.

SIR: Your telegraphic message of the 18th instant duly reached us, and we have again to express our high appreciation of your courtesy and kindness in affording us additional information in respect to the South African shipments per Mashona, Beatrice, and Maria seized by the British Government.

Still further information in relation thereto we note to be promised as soon as possible by the British minister of foreign affairs, and we would esteem it a favor when these further advices come to hand if you will still further add to our obligations by advising us of their tenor.

We are, dear sir, yours, respectfully,

W. H. CROSSMAN & BRO.,

By J. W. SMITH.
Mr. Hay to Messrs. Norton & Son.

DEPARTMENT OF STATE,
Washington, January 22, 1900.

GENTLEMEN: I have to acknowledge the receipt of your letter of the 17th instant, enclosing copy of your former one of January 13, to which you state you have received no reply.

The Department answered your last-mentioned letter by its telegram of the 18th instant, saying that the attitude of the British Government, so far as the Department is advised, is that—

food stuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy’s forces. It is not sufficient that they are capable of being so used. It must be shown that this was in fact their destination at the time of the seizure.

While this answer is in its terms not so comprehensive as to cover all of your questions in terms, yet, in view of the principle indicated, the Department does not apprehend that further difficulties will arise. It is impracticable for the Department to prescribe instructions in anticipation of all questions that might arise, and that can only be dealt with when they arise in the light of all the facts and circumstances attending them.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Choate.

[Telegram in cipher—paraphrase.]

DEPARTMENT OF STATE,
Washington, January 24, 1900.

[Mr. Hay inquires whether Mr. Choate needs a certified copy of the Mashona’s manifest, received by the Department of State from the collector of customs at New York?]

Mr. Choate to Mr. Hay.

No. 287.]

AMERICAN EMBASSY,
London, January 26, 1900.

Sir: I have the honor to report that after my dispatch No. 234 of January 18, mailed in the bag of the 20th, I was waited on by a local representative of Messrs. Flint, Eddy & Co., who showed me a letter dated January 9 from their New York house, which stated that they had that day received a letter from Messrs. Bridler & Co., stating that all goods shipped by the Maria, destined for Delagoa Bay, had been delivered, though after considerable delay—whereupon I cabled you to that effect, partly in cipher (copy annexed). The letter did not state whether all goods of all shippers by the Maria had been so delivered, or only those of Messrs. Flint, Eddy & Co. It simply said “all goods shipped,” but I suppose that you have already ascertained that. It seems to be the impression at the foreign office that all the cargo by the Maria, consigned to Delagoa Bay, has been delivered there, and I sincerely hope so, for that would seem to dispose of that case entirely.
On the 23d I received your cable in cipher acknowledging and approving my dispatch No. 251, and asking where prize court sits. On the 24th I had an interview with Lord Salisbury, from whom I learned that there was a prize court at Durban and another at Cape Town, but that the latter had charge of the Moshuna, which lies at that port, presumably with her cargo, whereupon on the same day I sent you cipher cable. On the same evening I received your further cipher cable about the manifest of the Moshuna, to which I at once replied in cipher.

In my interview with Lord Salisbury on the 24th I hoped to receive his answer to the offer of the Pennsylvania Milling Company to sell their flour to Her Majesty’s Government, but he explained to me the circumlocution through which that matter has had to go—first to the admiralty—where it had to be referred to the treasury, where it was decided that the real purchasers ought to be the Cape Colony and Natal, and that cables accordingly had been sent to the authorities of those colonies, and no answers had yet been received, but he hoped that the flour would be purchased. Up to the present writing, however, I have heard nothing further. He had received further advices in writing or by cable about the cases of the Maria and the Beatrice, too voluminous to be stated or remembered, but he undertook to furnish me without delay with a written statement of the contents, which I am hourly expecting.

As to the Beatrice, he did say that they discovered at the bottom of the vessel a lot of cargo (flour, I understood him) belonging to the Transvaal Government, which of course they would hold; that in order to get at it they had to take out the whole overlying cargo, and that having been done the agent of the owner of the ship thought it best to consent to its storage in the Government warehouse, and that some of it had been taken away by the consignees.

It is certainly very embarrassing to be without information upon which you can predicate any claims which you may think it proper to present on behalf of American owners, but the delay seems inevitable in the present case.

I had some casual conversation with Lord Salisbury on the general question of damages, but it was held over for further consideration when the facts are more fully known. Lord Salisbury saying that we might rely on his doing what was just.

Since writing the above I have received from Lord Salisbury two notes of the 24th and 25th, respectively, respecting the Beatrice (copies annexed). As this is the first information received about her, I cable you to-night in cipher the material part of the latter note. Also a note of this date covering a memorandum about the Maria, of which I send copies, but as my present understanding is that all the Maria's goods belonging to American owners have already been delivered to consignees at Delagoa Bay, at any rate all of Flint, Eddy & Co.'s., I do not cable that. Whether the “picks, handles, and lubricating oil destined for the Netherlands Railway,” which is claimed by the Government here to belong to the Transvaal Republic, are a part of Crossman's goods, I have not yet been able to discover. At my next visit to the foreign office I shall endeavor to sift both these communications further. And now comes yet another note from Mr. Barrington, saying: “We have had no answer to the proposal that the flour should be bought on the spot.”

Evidently much time yet will be required to get to the end of these
tangled facts. Can you not learn direct from the United States consul at Cape Town or Durban exactly how the matter stands as to the cargo belonging to such American owners as you wish to protect.

I have, etc.,

JOSEPH H. CHOATE,

I inclose also a memorandum of information received since signing this dispatch, showing that a part of Crossman's goods are claimed to be the property of the South African Republic. January 27, 1900.

[Inclosure 1 in No. 237.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, January 24, 1900.

Your Excellency: I have the honor to acknowledge the receipt of your note of the 15th instant respecting certain goods which were shipped from New York on board the British steamer Beatrice, and I have to inform your excellency that Her Majesty's high commissioner for South Africa has been instructed by telegraph to send home a full report of the circumstances of the case.

I have, etc.,

SALISBURY.

[Inclosure 2 in No. 237.]

Mr. Bertie to Mr. Choate.

FOREIGN OFFICE, London, January 26, 1900.

Your Excellency: With reference to previous correspondence respecting the case of the British vessel Beatrice, I have the honor to inform you that, from a telegram which has been received from the high commissioner for South Africa, dated the 23d instant, it appears that it contained large quantities of goods, principally flour, destined for the South African Republic, which the customs authorities at East London required should be landed at that port. The reason for this requirement was, doubtless, that the Beatrice, being a British ship, was, by carrying goods destined for the enemy's territory, illegally engaged in trade with the enemy in contravention of Her Majesty's proclamation of December 27, 1899. As the cargo was stowed in such a manner as to make it impossible to land the goods destined for the South African Republic without also discharging goods intended for Portuguese East Africa, the master and agents preferred to land the whole of the cargo at East London, where it has been stowed by the customs. The removal of large quantities of the goods so landed has, however, from time to time been permitted for the purposes of local and bona fide Portuguese consumption.

The vessel sailed for Calcutta in ballast on December 11.

I have, etc.,

FRANCIS BERTIE.
(For the Marquis of Salisbury.)

[Inclosure 3 in No. 237.]

Mr. Bertie to Mr. Choate.

FOREIGN OFFICE, January 26, 1900.

Your Excellency: With reference to my note of the 10th instant, respecting the case of the Maria, I have the honor to inclose a copy of a memorandum on the subject which has been drawn up in this department, and which contains all the facts of the case so far as they are at present known in this country.

I have, etc.,

FRANCIS BERTIE,
(For the Marquis of Salisbury.)
MEMORANDUM, RE MARIA’S CARGO.

AMERICAN EMBASSY, January 27, 1900.

We have discovered by comparing the memorandum of the shipments (enclosed in Messrs. Crossman’s letter of December 26th, transmitted in Department’s instruction, No. 267, of January 2) with the memorandum contained in the Netherlands Government’s protest, addressed to the British Government, showing a list of that part of the cargo of the Maria detained or seized at Durban, from the marks which correspond in the two memorandums, that the lubricating oil (1,000 cases), picks (84 cases), and handles (20 cases) consigned to Netherlands South African Railway, referred to therein, were in fact shipped by Messrs. Crossman, and at the foreign office it is understood that there was sufficient evidence brought before the colonial authorities at Durban to show that Netherlands Railway Company were the owners of these goods and not Messrs. Crossman. The Netherlands Railway is held here to belong to the South African Republic, and hence the goods were seized as enemy’s property.

MEMORANDUM ON THE CASE OF THE MARIA.

The Maria is a Netherlands ship, probably under charter to the American-African Line, a British company with its principal place of business in London. She left America for Delagoa Bay and called at Cape Town and Port Elizabeth, whence she cleared for the Bay. She put into Durban for coal, where she anchored in the roadstead on October 29. The Maria was boarded by the commander of Her Majesty’s ship Tartar and consented to come up harbor. No guard was placed on her. On finding that the agents were willing to land “all the contraband” the commander informed them and the port and customs authorities that this could be done and that the vessel need no longer be detained.

The agents of the ship protested and wrote of her as “belonging” to the British company called the American-African Line. The commander of the Tartar pointed out in his reply that British subjects could not, under the governor’s proclamation, trade with the enemy, and mentioned the warning in a local customs notice as to what would happen in case vessels carried contraband of war or other goods of whatever nature the real destination of which was the enemy or their agents in neutral ports.

Attached to the record, dated November 1, of the above proceedings is a “summary of goods consigned” to the enemy Republic “seized and in charge of customs, Port Natal—contraband of war included.” Under Maria are picks, handles, and lubricating oil “destined” for the Netherlands Railway.

A letter of proceedings dated November 28 gives further particulars and refers to the Maria’s cargo of flour as having been landed, and states that in consequence of the receipt of a telegram dated November 3 that food stuffs were not to be treated as contraband the captain of Her Majesty’s ship Philomel informed the customs that the flour ex Maria should no longer be detained. It was released, and while measures for reshipping it (no doubt on the British steamer Matahele) were in progress it was ascertained that it was intended to send it direct to Pretoria. It was then provisionally detained again. But on it being found that the flour was bona fide a part of the Maria’s cargo the agents and all parties concerned were told that no further restrictions would be placed on the shipment, but it was at the same time pointed out that the flour was going direct to the enemy. The governor’s proclamation against trading with the enemy was then studied in connection with the above-mentioned permission, “with the result that agents, shippers, and shipowners all refused to ship or carry the flour, and nobody would have anything to do with it.” No objection of any sort was made by the naval authorities to the cargo being forwarded to its destination.

The Maria must have left Durban soon after she had landed her cargo, for it appears from a letter from Messrs. Rennie & Co., dated Durban, November 20, that at the time of the events narrated in the preceding paragraph the flour was being shipped, not on the Maria, but on to the British ship Matahele, and that it was Messrs. Rennie & Co., a British firm, who, because it was destined for the enemy, refused to carry it.

In a telegram of January 10 the high commissioner says that certain goods for the Netherlands Railway were “seized” and the others “detained,” and that any of the latter may be taken away on application of authorized agents. He adds that it
was not known whether that part of the cargo which came from the United States is owned there.

On January 16 he was asked why the Maria did not carry on the flour and other goods when released. He was also requested to find out the nationality and place of residence of the owners of the goods at the time of seizure, and any further particulars that can be given.

No answer has as yet (January 23) been received to this telegram.

Mr. Choate's note of January 4 states that Messrs. Flint, Eddy & Co., United States citizens, of New York, shipped on the Maria 65 cases canned goods and Libbys, 40 cases lard, 200 bags peas and beans, 1 case lemon squeezers and nail pullers, and 1 case hardware, invoiced to F. Bridler & Co. at Lourenço Marques and consigned to order. The note adds that the goods were drawn against and are invoiced for account and risk of consignees; but the goods not being delivered, the loss will rest with the United States shippers, the actual owners thereof.

Mr. Choate asks for the restitution of the goods.

The canned goods, Libbys, 40 cases lard, and 200 bags peas and beans above alluded to may be considered as being included in the "other goods" mentioned on page 4 as having been released, after temporary but erroneous detention as contraband. It appears probable that the lemon squeezers, nail pullers, and hardware also mentioned were released at the same time unless, indeed, they were never taken out of the ship. A portion only of the Maria's cargo was taken out; the rest was doubtless carried to Delagoa Bay.

The Maria is undoubtedly a Dutch ship, and her agents introduced an element of confusion by speaking of her as "belonging" to a British company; had she belonged to a British company she would have been a British ship, and it would have been unlawful for her to carry for the enemy. It is therefore possible that some of the goods were removed from her on the erroneous supposition that she could not lawfully carry them.

With regard to what is said in Mr. Choate's note as to the goods having been shipped at consignee's risk and to the loss falling on the United States shippers, it is not clearly understood how this can be; it would rather appear that the loss would fall on the consignees. No doubt a further explanation of this point will eventually be furnished by the United States embassy.

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Mr. Choate to Mr. Hay.

[Telegram in cipher—Paraphrase.]

LONDON, January 26, 1900.

[Mr. Choate reports that it appears from cable advices received by Lord Salisbury from Sir A. Milner under date of January 23, that large quantities of the goods carried by the Beatrice, principally flour, were destined for the South African Republic, and these were required to be landed at East London by the customs authorities there, doubtless for the reason that, being a British ship, she was, by carrying goods destined for the enemy's territory, illegally engaged in trade with the enemy, in contravention of Her Majesty's proclamation of December 27, 1899; that the whole of the cargo had been stored by the customs authorities at East London because the masters and agents preferred to land the whole of the cargo there, inasmuch as it was stored in such a manner as to make impossible a landing of the goods destined for the South African Republic without also discharging goods intended for Portuguese East Africa; but that from time to time the removal of large quantities of the goods for the purpose of local and bona fide Portuguese consumption had been permitted.

The Beatrice, on December 11, sailed for Calcutta in ballast.]
Mr. Hay to Mr. Choate.

[Telegram in cipher—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 27, 1900.

[Mr. Hay states that the reported landing (see Mr. Choate's telegram of January 26) of the Beatrice's cargo at East London, and the permitted removal of large quantities of the landed goods for purposes of local and bona fide Portuguese consumption, seemed to imply an embargo on the sale and delivery of noncontraband goods in ordinary course of trade with the people of the South African Republic and the Orange Free State, and would be in conflict with the assurances given by the British Government that foodstuffs with hostile destination are not contraband of war unless intended as supplies for the enemy's forces (Mr. Choate's telegram of January 10) and inadmissible from the view point of the United States Government. Mr. Choate is instructed to draw attention to the discrepancy and to ask that appropriate orders be given if necessary.]

Mr. Choate to Mr. Hay.

[Telegram in cipher—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 29, 1900.

[Mr. Choate states that the American owners of cargo in the Mashona should prove their damages, if any, in prize court.]

Mr. Hay to Mr. Choate.

JANUARY 30, 1900.

Sir: I herewith transmit to you the manifest of the ship Mashona, certified by the collector of the port of New York, as suggested by you in your cablegram of the 24th instant. A copy has been forwarded to our consul at Cape Town.

I am, etc.,

John Hay.

No. 241.]

Mr. Choate to Mr. Hay.

LONDON, January 30, 1900.

Sir: I have the honor to report that since my dispatch of the 26th, No. 237, I have received on Sunday, the 28th, your cipher cable, and on the 29th, in pursuance of the instructions therein contained, I have sent to Lord Salisbury a note of which I annex a copy; but as Parliament sits to-day and his entire attention will be absorbed by that, I do not expect any answer to it, certainly before to-morrow. I had noticed the discrepancy, referred to in your cable, between Lord Salisbury's note on contraband and the action reported by Sir Alfred Milner in the case of the Beatrice, but I had understood Lord Salisbury, in an interview on the 24th, to say that the flour on the Beatrice, which was detained, was reported as belonging to the Transvaal Government—as I wrote to you in my dispatch No. 237—and you will observe that I have called his attention to this in my note of yesterday.
FOREIGN RELATIONS.

Seeing a cable from Cape Town in yesterday's London Times to the effect that the prize court was to take up the Mashona case that day, and being solicitous that the American owners of cargo there should leave no stone unturned, I sent you a cipher cable the same morning. Of course, a judgment of the prize court against the captors would be nominal, but Her Majesty's Government could hardly question it, and I do not see exactly where else the proof of damages could be made so well.

I am yet without an answer to my offer to sell the Pennsylvania Milling Company's flour by all those vessels to the Government, nor have I any means of ascertaining whether the cargo detained on the Beatrice was part of that company's shipment.

I have, etc.

JOSEPH H. CHOATE.

[Inclosure in No. 241.]

Mr. Choate to Lord Salisbury.

LONDON, January 29, 1900.

My Lord: I have the honor to acknowledge the receipt of your lordship's note of the 26th instant, conveying the substance of a cable received from the high commissioner for South Africa, dated the 23d instant.

That cable states that the Beatrice contained large "quantities of goods, principally flour, destined for the South African Republic" and again speaks of them as "destined for the enemy's territory," and adds that "as the cargo was towed in such a manner as to make it impossible to land the goods destined for the South African Republic" without also discharging goods "intended for Portuguese East Africa," the whole was landed at East London, and removal "permitted for the purpose of local and bona fide Portuguese consumption," implying that the flour destined for the South African Republic was detained.

As this indicates a stoppage and detention not as supplies for the enemy's forces, but only for the territory of the South African Republic, is it not in contravention of the rule declared as the decision of Her Majesty's Government in your lordship's note to me of the 10th instant, wherein you said:

Our view is that food stuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy's forces. It is not sufficient that they are capable of being so used—it must be shown that this was in fact their destination at the time of the seizure.

Should not these goods, therefore, be immediately released, unless you have evidence that "the supply of the enemy's forces" was in fact their destination at the time of the seizure?

My Government, to whom I cabled the contents of your note of the 26th, has instructed me to call your lordship's attention to this discrepancy, and to say that the action taken seems to imply an embargo on the sale and delivery of noncontraband goods in ordinary course of trade with the people of the republics of South Africa, and to be inconsistent with the rule as to contraband laid down in your note of the 10th, and also inadmissible from my Government's point of view.

As the action taken by the customs authorities at East London was taken a month or more before the making and promulgation of your
rule as to contraband, I assume that it was upon some other theory, which you have overruled.

I understood your lordship to say in our conversation of the 24th that the flour detained at East London was property belonging to the Government of the South African Republic; but the cable of Sir Alfred Milner, recited in your note, does not confirm that idea and leaves me in doubt whether I may not have misunderstood you.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Hay to Mr. Choate.

FEBRUARY 2, 1900.

Sir: I have to acknowledge the receipt of your No. 234 of the 18th ultimo, inclosing copies of further correspondence on the subject of the seizure and detention of American merchandise bound for South Africa, and stating the present status of the matter.

I take this occasion to inclose, in confirmation, copies of the cablegrams which have passed between us in these cases.

Notwithstanding some confusion in the transmission of the Department’s telegram to you of the 2d ultimo, it was correctly interpreted by you in the sense intended.

Immediately on receipt of your cablegram of January 12 with reference to the sale, by joint consent of consignors and consignees of goods seized, to the British Government, the Department repeated the suggestion to all the American shippers, with the result that the proposition of the Pennsylvania Milling Company, already communicated to you, is the only one which has assumed practical shape. Other shippers, uncertain as to what bills drawn against the goods shipped have been paid, and in doubt on questions of ownership, and also on account of the difficulty in obtaining definite and satisfactory information, have been awaiting fuller developments before deciding.

Inasmuch as it is not claimed by Her Majesty’s Government that any of the goods seized were contraband, and considering the difficulties involved in obtaining definite information to enable the American owners to establish before the prize court their right to the restitution of their goods, it is hoped that the rules of the prize procedure may not be so rigidly enforced as to result in the condemnation of goods for want of opportunity to defend. In the existing circumstances this is especially desirable in order to avoid possible injustice.

The Department fully approves your action and cordially appreciates the skill and vigilance displayed in the conduct of the negotiations in protecting the interests of the American shippers.

I am, etc.,

JOHN HAY.

Mr. Choate to Mr. Hay.

AMERICAN EMBASSY,
London, February 2, 1900.

Sir: I have the honor to report that after sending to Lord Salisbury my note of January 29, based upon your cipher cable of the 27th, I had an interview with him, in which it appeared that he intended no departure from his rule as to contraband of January 10 and was ready to treat the flour referred to by the high commissioner as
detained at East London exactly in the same way as the *Mashona* cargo was treated, viz, to be delivered to the rightful owners on proof of property, and that he did not intend (as I wrote you in my dispatch No. 241) to say that it was being held as the property of the Transvaal Government. And now, as the bag is just closing, without a chance to add more, I have received his promised written reply to my note\(^1\) (copy inclosed). I have, etc.,

JOSEPH H. CHOATE.

I have just had time to read the note, and there is undoubtedly some confusion between the *Mashona* and *Maria* in the last paragraph but one.

[Inclosure.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, February, 1900.

YOUR EXCELLENCY: I have had the honor to receive your note of the 26th ultimo respecting the merchandise removed from the British ship *Beatrice* at East London. I think that there is a misunderstanding as to the details of this case which I can best remove by answering somewhat fully the second paragraph of your excellency's note.

You observe in that paragraph that, according to my communication of the 26th ultimo, the *Beatrice* carried large quantities of goods, principally flour, destined for the South African Republic; that the cargo was so stowed that these goods could not be landed without discharging at the same time goods intended for Portuguese East Africa, and that goods destined for consumption in that last-mentioned territory were allowed to be removed. Your excellency thereupon suggests that the flour destined for the South African Republic is still detained.

A British vessel can not lawfully carry merchandise destined for the enemy's territory, and when the *Beatrice* came within British jurisdiction she was required to land all such merchandise.

This part of the cargo was therefore put ashore, together with such other portions of the cargo as had to be removed in order to reach it.

So far as is known in this department none but British lines of steamers run from the ports of Cape Colony to Delagoa Bay, and this circumstance would account for the flour mentioned by your excellency being still at East London. Such portions of the cargo as were destined for Portuguese territory could be carried on, and, as it appears, were carried on, to that territory, and doubtless by steamers belonging to the several British lines serving the South African ports.

I trust that the explanations which I have offered on the second paragraph of your excellency's note make it unnecessary for me to say more in regard to the subsequent paragraphs than that the flour did not, so far as is shown by the information in this department, come within the definition of contraband, and that it was not detained as contraband.

I have no doubt that the flour and any other merchandise not contraband of war from the *Beatrice* would be handed over to any person who showed that he was entitled to receive it.

I think that the flour to which your excellency refers in the final paragraph of your note as having been detained because it was enemy's property must be that marked "Z. A. R." which formed part of the cargo of the *Mashona*.

I trust that I have now made clear to your excellency how the case of the cargo of the *Beatrice* stands; but if there are still any points which appear obscure I shall be pleased to do my best to throw light upon them, as it is the wish of Her Majesty's Government to put the Government of the United States in possession of the fullest possible information respecting these several shipping cases, and, as far as possible, to meet their wishes in regard to them.

I have, etc.,

SAULISBURY.

\(^1\) Inclosure: Lord Salisbury to Mr. Choate, February, 1900 (received February 2, 1900).
Mr. Choate to Mr. Hay.
[Telegram in cipher.—Paraphrase.]

LONDON, February 8, 1900.

[Mr. Choate reports that a telegram received by Mr. Chamberlain from Sir Alfred Milner states that up to January 24 no claim had been received for the release of any flour on the Mashona on the ground that it was the property of American citizens, and that no representations had so far been made to him on behalf of American owners of goods on any of the other vessels which Her Majesty's ships had seized.]

Mr. Choate to Mr. Hay.
[Telegram in cipher.—Paraphrase.]

LONDON, February 9, 1900.

[Mr. Choate reports that notice was given to the United States consul-general at Cape Town on January 10 by the high commissioner that any application from the consul-general for the release of any goods out of the Mashona which actually belong to a citizen of the United States would receive immediate attention; that he, Mr. Choate, is informed that there is no objection to the consul-general acting on behalf of his nationals so far as Her Majesty's Government are concerned; that Her Majesty's Government will accordingly assume that he has been authorized to do so, and will consider him responsible in this or any other matter of a similar kind, as between themselves and his nationals and Government; also that Her Majesty's Government are ready to allow the consul-general to similarly represent his nationals in regard to the purchase by Her Majesty's Government of American owned flour eventually released by the prize court and also in regard to the American owned flour destined for the enemy's territory and landed in the British ports of South Africa by British ships because they could not lawfully carry it.]

Mr. Hay to Mr. Choate.

No. 286.]

DEPARTMENT OF STATE,
Washington, January 26, 1900.

SIR: I transmit herewith copy of a letter from Mr. Andrew J. Toomey, president of the Pennsylvania Milling and Export Company, in regard to the company's flour seized by the British naval authorities.

I also inclose two copies of each of the invoices and bills of lading referred to in Mr. Toomey's letter, one set of which is for your own use and the other for the use of the British Government, if in the exercise of your discretion you choose to make use of it.

This Government approves Mr. Toomey's views and suggestions as being just and reasonable and as offering a sensible and simple solution of the questions as regards the Pennsylvania Milling Company.

I am, etc.,

JOHN HAY.

3 Not printed.
DEAR SIR: I now beg to hand you herewith, as per your request of the 16th instant, triplicate copies of invoices and bills of lading of goods our company shipped, on different steamers, which have recently been seized or detained by the British naval authorities. I also attach to the different shipments an affidavit in duplicate covering each. I hope I have made the position of our company sufficiently clear in this matter.

During my absence amongst our mills in Pennsylvania your telegram of the 18th instant was received, for which I thank you.

I would respectfully call your attention to the fact that the British Government, after having seized the flour we shipped to our buyers, which was destined for Delagoa Bay and prevented from arriving there in time to meet a good market at that point, especially when it was not sold for any purposes hostile to the British Government, they should not be allowed to consider themselves relieved from any responsibility for indemnity to ourselves for any direct loss we may have to assume or any indirect loss we may have to compensate our buyers for on account of this diversion and detention, by a simple release of the flour to qualified owners, because said owners could not possibly take delivery of the flour owing to the obstacles of war at the point where it now lays; and furthermore, even if they could do so, they would naturally have suffered great loss by conditions of the market and by any deterioration that may have accrued to the flour through climatic deterioration. I would therefore again respectfully suggest to you that the most equitable way of settling this matter would be to have the British Government take the flour which is now in their custody and keep it at the invoice price, and pay proceeds of said invoices to whoever may prove claim for its value, and a reasonable compensation for loss of market and other losses that may accrue to American interests.

As one of the board of managers of the New York Produce Exchange I brought this matter before the chairman of our arbitration committee as a question of equity, and he was of the impression that such a settlement of the matter would not be more than equitable. I am quite willing to leave the matter, as far as the interests of our company are concerned, on a commercial basis, to be adjusted in an equitable way by our arbitration committee, which holds power from the State of New York to adjust the commercial matters presented to them for jurisdiction, provided such action would not in any way embarrass the diplomatic negotiations which you have in hand.

If any of my proposed suggestions be in any way inconsistent with what is proper, I would respectfully beg to withdraw same.

Respectfully yours,

ANDREW J. TOOKEY.

[Subinclosure 1.]

UNITED STATES OF AMERICA.
State of New York, City and County of New York, ss:

Andrew J. Tookey, being duly sworn, deposes and says that the triplicate copies hereto attached of invoices and bills of lading of flour shipped on the Dutch steamer Maria from New York to Delagoa Bay are in all respects true copies of the original documents covering said shipments. Further, that the marks "O. & Co." on the 2,000 bags of flour branded "Speria" were put on to indicate the consignees, Oldfields & Co., the purchasers of the flour, who bought the flour on a basis of cost, insurance, and freight Delagoa Bay, which is indicated on invoice by the letters c. i. f. Further, that the marks c. i. f. on the 1,512 bags flour branded "Goldfields" were put on to indicate the consignees, Treisman & Shapiro, the purchasers of the flour, who bought the same on a basis of cost, insurance, and freight Delagoa Bay, which is indicated on the invoice by the letters c. i. f. The brands of the above flour are only indicated on the invoices, not being required on the bills of lading.

The deponent further states, in explanation of the fact that the invoices are made out in the name of Fowler Brothers, Limited, that said Fowler Brothers, Limited, are the financial agents of the Pennsylvania Milling and Export Company, and that all their profits in the sale of flour made by the Pennsylvania Milling and Export Com-

1 Not printed.
pany consist solely of a commission for financing the sales made by the Pennsylvania Milling and Export Company, and that Fowler Brothers, Limited, hold recourse against the Pennsylvania Milling and Export Company in case of drafts being unpaid or redress demanded by the purchasers of the flour in Africa for any cause; and, further, that the only parties interested in the shipments described, except the buyers already mentioned, are the deponent, the Pennsylvania Milling and Export Company, and Anderson Fowler, managing director of Fowler Brothers, Limited, and further states that said Anderson Fowler is a citizen of the United States of America. The deponent further states that the buyers mentioned, viz., Oldfields & Co. and Treisman & Shapiro, are legitimate flour merchants in Johannesburg and were not contractors to the Transvaal Government at time the purchases were made.

The deponent further states that the documents showing title to the above-mentioned lots of flour were attached to the drafts drawn in payment of same; that the deponent is unaware whether such drafts have been paid or not. The deponent further states that even if the flour in question, which, it is alleged, is now in custom-house in Durban, should be released, the owners would be unable to take delivery of it without very great expense, as they had provided for its delivery at Delagoa Bay instead of Durban, and, further, from the deponent’s personal knowledge of climatic influences at Durban, and also from his practical knowledge of flour, he believes that the said flour would probably have suffered from natural deterioration before delivery could be made.

A. J. TOOMY.

Subscribed and sworn to before me this 23d day of January, 1900.

[Seal.]

L. B. HOWE, (117)
Notary Public, New York City and County.

[Subinclusion 2.]

UNITED STATES OF AMERICA,
State of New York, City and County of New York, ss:

Andrew J. Toomey, being duly sworn, deposes and says that the triplicate copies hereto attached of invoices and bills of lading1 of flour shipped on the British steamer Mashona from New York to Delagoa Bay are in all respects true copies of the original documents covering said shipments. Further, that the marks on the 8,254 bags flour branded “Johannesburg” were put on to indicate the consignees, Broudie & Marks, the purchasers of the flour, who bought the flour on a basis of cost, insurance, and freight Delagoa Bay, which is indicated on invoice by letters c. i. f. The brand of the above flour is only indicated on invoice, not being required on bills of lading.

The deponent further states, in explanation of the fact that the invoices are made out in the name of Fowler Brothers, Limited, that said Fowler Brothers, Limited, are the financial agents of the Pennsylvania Milling and Export Company, and that their profits in the sale of flour made by the Pennsylvania Milling and Export Company consist solely of a commission for financing the sales made by the Pennsylvania Milling and Export Company, and that Fowler Brothers, Limited, hold recourse against the Pennsylvania Milling and Export Company in case of drafts being unpaid or redress demanded by the purchasers of the flour in Africa for any cause; and, further, that the only parties interested in the shipments described, except the buyers already mentioned, are the deponent, the Pennsylvania Milling and Export Company, and Anderson Fowler, managing director of Fowler Brothers, Limited, and further states that said Anderson Fowler is a citizen of the United States of America. The deponent further states that the buyers mentioned, viz., Broudie & Marks, are legitimate flour merchants in Johannesburg and were not contractors to the Transvaal Government at time the purchases were made.

The deponent further states that the documents showing title to the above-mentioned lot of flour were attached to the drafts drawn in payment of same; that the deponent is unaware whether such drafts have been paid or not. The deponent further states that even if the flour in question, which, it is alleged, is now in custom-house in Cape Town, should be released, the owners would be unable to take delivery of it without very great expense, as they had provided for its delivery at Delagoa Bay, instead of

1 Not printed.
Cape Town; and, further, from the deponent's personal knowledge of climatic influences at Cape Town, and also from his practical knowledge of flour, he believes that the said flour would probably have suffered natural deterioration before delivery could be made.

A. J. Toomey.

Subscribed and sworn to before me this 23d day of January, 1900.

[seal.]

L. B. Howe,
Notary Public 117, New York City and County.

[Subinclosure 3.]

UNITED STATES OF AMERICA,
State of New York, City and County of New York, ss:

Andrew J. Toomey, being duly sworn, deposes and says that the triplicate copies hereto attached of invoices and bills of lading\(^1\) of flour shipped on the British steamer Beatrice from New York to Delagoa Bay, are in all respects true copies of the original documents covering said shipments. Further, that the marks \(\text{M}\) on the 1,340 bags flour, branded "Goldfields," were put on to indicate the consignees, Treisman & Shapiro, the purchasers of the flour, who bought the flour on a basis of cost, insurance, and freight Delagoa Bay, which is indicated on the invoice by the letters c. i. f.; further, that the marks \(\text{B}\) on the 4,349 bags, branded "Johannesburg," were put on to indicate the consignees, Broudie & Marks, the purchasers of the flour, who bought the same on a basis of cost, insurance, and freight Delagoa Bay, which is indicated on the invoice by the letters c. i. f. The brands of the above flours are only indicated on the invoices, not being required on the bills of lading.

The deponent further states in explanation of the fact that the invoices are made out in the name of Fowler Brothers, Limited, that said Fowler Brothers, Limited, are the financial agents of the Pennsylvania Milling and Export Company, and that their profits in the sale of flour made by the Pennsylvania Milling and Export Company consist solely of a commission for financing the sales made by the Pennsylvania Milling and Export Company, and that Fowler Brothers, Limited, hold recourse against the Pennsylvania Milling and Export Company in case of drafts being unpaid or redressed demanded by the purchasers of the flour in Africa for any cause; and, further, that the only parties interested in the shipments described, except the buyers already mentioned, are the deponent, the Pennsylvania Milling and Export Company, and Anderson Fowler, managing director of Fowler Brothers, Limited, and further states that said Anderson Fowler is a citizen of the United States of America. The deponent further states that the buyers mentioned, viz: Treisman & Shapiro and Broudie & Marks are legitimate flour merchants in Johannesburg and were not contractors to the Transvaal Government at time the purchases were made.

The deponent further states that the documents showing title to the above mentioned lots of flour were attached to the drafts drawn in payment of same, that the deponent is unaware whether such drafts have been paid or not. The deponent further states that even if the flour in question, which, it is alleged, is now in custom-house in East London, should be released the owners would be unable to take delivery of it without very great expense, as they had provided for its delivery at Delagoa Bay instead of East London; and further, from the deponent's personal knowledge of climatic influences at East London, and also from his practical knowledge of flour, he believes that the said flour would probably have suffered from natural deterioration before delivery could be made.

A. J. Toomey.

Subscribed and sworn to before me this 23d day of January, 1900.

[seal.]

L. B. Howe,
Notary Public 117, New York City and County.

\(^1\) Not printed.
Mr. Choate to Mr. Hay.

No. 246.]  

Mr. Choate to Mr. Hay.

American Embassy,  
London, February 7, 1900.

Sir: I have the honor to report that on the 4th instant I received your instruction No. 256 of January 26 and its enclosures, the bills of lading and invoices of the Pennsylvania Milling Company’s shipments by the Mashona, Maria, and Beatrice, with the affidavits and letter of Mr. Toomey, president of that company.

I have not yet delivered these documents, deeming it prudent to await the answer to my offer of sale to Her Majesty’s Government of this very flour. I assume that the new statement of the price which would be satisfactory to the company stated in this letter, viz, invoice value, with damages, etc., intends the same as was stated in your cable of January 7, viz, market value at the port of destination at the date when it would have arrived there in due course of voyage if the same had been uninterrupted, and so I have not changed the form of my offer.

In view, however, of the long delay which has already occurred in the case of the cargoes landed by all three vessels—the Beatrice, the Maria, and the Mashona—and of vague hints dropped by Lord Salisbury that the owners of cargo might have claim against the two British vessels, I have addressed him a note, dated yesterday (copy annexed), which I hope will meet your approval.

I have, etc.,

Joseph H. Choate.

[Enclosure.]

Mr. Choate to Lord Salisbury.

American Embassy,  
London, February 6, 1900.

My Lord: I have the honor to acknowledge the receipt of your lordship’s note of the 2d instant, giving me such information as you had received up to that date in regard to the cargo of the Beatrice.

Your lordship’s note confirmed the information which I had for the first time received in our interview of January 31, that as British vessels can not under the municipal law of Great Britain carry merchandise destined for the enemy’s territory, “when the Beatrice came within British jurisdiction she was required to land all such merchandise, and this part of her cargo was therefore put ashore (at East London) with such other portions of the cargo as had to be removed in order to reach it; and that so far as is known in your department none but British lines of steamers run from the ports of Cape Colony to Delagoa Bay, which accounts for the flour mentioned by me in my note of the 29th being still at East London.”

Your lordship has no doubt that the flour and any other merchandise not contraban of war from the Beatrice would be handed over to any person who showed that he was entitled to receive it, just as in the case of the Maria and the Mashona you had already declared that on proving property the owners might take the cargo at the place where it was landed, Durban and Cape Town, respectively.

The obligation of restitution of these cargoes to their owners being conceded, the permission extended to the owners to come and take them at ports short of the port of destination can not be considered as a discharge of that obligation, as delivery at the port of destination is, in a commercial sense, the act which gives them the value intended, and you would not claim that you require the owners to go elsewhere for them; and as to all such goods as your note of the 2d relates to, which can not be carried on in British vessels because of your municipal law, or in other vessels, because there are no other to take them, they are as inaccessible to their owners for all the purposes of their commercial adventure as if they had been landed on a rock in mid ocean.
The discharge from the vessel and landing short of the port of destination, and failure to restore and deliver at that port, constitute wrongful acts as against all owners of innocent cargo; and you do not claim that any but British subjects can be guilty of any violation of your municipal act against trading with the enemy. It is now two months or more since the Beatrice's cargo was thus landed at East London, and some of it, at any rate, put out of the reach of its owners, even if they were ready to accept your invitation to go there and take it; and in the climate of South Africa all perishable articles, such as flour and other food stuffs, must be subject to deterioration as well as to the other damages in the loss of the expected price at the port of destination, etc.

The American owners of cargo on these three vessels so treated will claim—and my Government concurs in the justice of their claim—that Her Majesty's Government will be bound to indemnify them for and make good to them all damages and loss sustained by them by such treatment, including damages from the climatic influences which affect all food stuffs, and from the failure to receive their cargo at the port of destination at the due date. They fear that in many instances the damage may subsequently involve the entire value of the goods.

Can nothing be done, therefore, to minimize these damages? If, by reason of your municipal law, no owner of a British vessel can carry innocent goods to the port of destination, and there are not other vessels to carry them, can not your Government itself take up a vessel and so discharge its obligation to restore and deliver at the port of destination, or suspend, in these particular instances, Her Majesty's proclamation, so as to permit this to be done by private owners?

The Pennsylvania Milling Company has invoices of flour on all three vessels, no part of which, so far as I can learn, has reached its port of destination. In pursuance of your Lordship's suggestion, that Her Majesty's Government might be disposed to purchase the flour, I made, by my note of the 13th ultimo, a direct offer of sale, but no reply as yet has been received. While we are waiting the flour may perish from decay. Can not something be done to expedite this particular case, or must these innocent shippers and owners be left to a protracted prosecution of claims for damages, instead of having their property promptly restored to them, as was their right?

I have, etc.,

JOS. H. Choate.

Mr. Choate to Mr. Hay.

No. 251.

American Embassy,
London, February 10, 1900.

Sir: I have the honor to report that since my dispatch No. 246, of the 7th instant, I have received, on the evening of February 5, from Lord Salisbury, one note dated February 6 (copy annexed), upon receipt of which I sent you cable of the 8th instant, and another note, dated February 9 (copy annexed), on receipt of which I sent you cable dated yesterday.

I think there is a feeling of doubt at the foreign office whether the documents furnished to them by us are clear evidence of property in American citizens at the date of seizure; whether upon shipment of the goods they did not become the property of the consignees—this as to the invoices of W. H. Crossman & Co., Flint, Eddy & Co., Geldart, and the Pennsylvania Milling Company. In the first three cases I have furnished them all the papers which I have received. In the case of the Pennsylvania Milling Company the documents covered by your instruction No. 288, of January 28, I have not yet delivered to them, for the reason stated in my last dispatch; but they are not calculated to remove the doubt. The invoices show the foods on the Beatrice to have been shipped "for and on account of Messrs. Tresman & Shapiro and Broudie & Marks" drafts on Messrs. Hyman & Co., Delagoa Bay, and on the Bank of Africa, Limited; the goods on the Maria to have been shipped "for and on account of H. Oldfield & Co. and Tresman & Shapiro" drafts on James Lawrence & Co., Johannesburg and the same bank; and those on the Mushona to have been
shipped for and on account of "Broduie & Marks;" drafts on same bank; and the bills of lading are in all cases to order. The affidavits of the President Toomy in each case are quite consistent with ownership in the consignees, who are legitimate flour merchants in Johannes-
burg, and indicate an actual sale to them in each case; that the price had been drawn for; that the interest of the company is a possible recourse against it in case of the drafts being unpaid, or redress demanded by the purchasers in South Africa for any cause, and that he is unaware whether such drafts have been paid or not.

It was in anticipation of these questions arising on the question of ownership that I made the suggestion contained in my cable of January 12.

Suppose the legal title to be in the consignees, residents of Johannesburg; at the time of the seizure, I assume that you do not mean to present in any way, directly or indirectly, their claims; but in that case are we to claim redress at the hands of the British Government for indirect loss sustained by the American shippers growing out of a sale on credit to citizens of the Transvaal? Of course if the title still remained in the shippers at the time of the seizure, it is all right.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, February 6, 1900.

Sir: With reference to previous correspondence respecting the American-owned flour on board the Mashona, I have the honor to inform you that I learn from a telegram from the high commissioner for South Africa, which has been communicated to me by the secretary of state for the colonies, that up to the 24th ultimo no claim had been received for the release of any portion of the flour in question on the ground that it was the property of citizens of the United States.

Sir A. Milner adds that so far no representations had been made to him on behalf of American owners of goods on any of the other vessels which have been seized by Her Majesty's ships.

I have, etc.,

SALISBURY.

[Inclosure 2.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, February 9, 1900.

Your Excellency: With reference to my note of the 6th instant respecting the case of the Mashona, I have the honor to inform you that I learn from the secretary of state for the colonies that the United States consul-general at Cape Town was informed on the 10th ultimo by the high commissioner that any application from him for the release of goods out of that vessel which actually belong to a citizen of the United States would receive immediate attention.

There is, so far as Her Majesty's Government are concerned, no objection to the consul-general acting on behalf of his nationals, and Her Majesty's Government will accordingly assume that he has been authorized to do so and will, as between themselves and his nationals and Government, consider him responsible in this or any other matter of a similar kind.

Her Majesty's Government are also ready that the United States consul-general should similarly represent his nationals in regard to the purchase by Her Majesty's Government of the American-owned flour eventually released by the prize court, and also in regard to the American-owned flour destined for the enemy's territory and landed in British ports of South Africa by British ships, because they could not lawfully carry it.

I have, etc.,

SALISBURY.
Mr. Hay to Mr. Choate.

No. 307.]

DEPARTMENT OF STATE,

Washington, February 19, 1900.

Sir: Referring to previous correspondence in regard to the steamship Mashona, which was seized by the British authorities at Cape Town before she was given an opportunity to deliver her cargo at several British ports for which she was scheduled, I now inclose copies of bills of lading and invoices, in duplicate, properly signed and attested, covering the entire list of the shipments of Messrs. Henry W. Peabody & Co.

You will observe that the above-named firm desire that such steps may be taken as will protect their interests in the event of their making a loss as the result of the seizure of the Mashona by the British Government.

I am, etc.

JOHN HAY.

NEW YORK, February 13, 1900.

Dear Sir: Reverting to our previous communication in re steamship Mashona, having been seized by the Imperial authorities at Cape Town before having been given opportunity to deliver her cargo at several British ports for which she was scheduled, we now inclose herewith memo. copies of bills of lading, in triplicate, and invoices, in triplicate, properly signed and attested, covering our entire list of shipments per steamship Mashona.

Herewith please find bill of lading, in triplicate, and invoices, in triplicate, for mark.

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We will feel obliged if you will take such steps as will protect our interests in the event of our making a loss as result of steamer’s seizure by the British Government. As before stated, we have written out to South Africa for full information regarding the seizure, but up to this time do not know just where we stand with regard to our shipments.

Yours, very truly,

HENRY W. PEABoDY & CO.,
Vernon W. Smith.

¹Not printed.
No. 308.]

DEPARTMENT OF STATE,
Washington, February 19, 1900.

Sir: Referring to previous correspondence relative to the seizure of American flour and other merchandise off the east coast of Africa by British men-of-war, and with reference particularly to the Department's No. 286, of the 26th ultimo, specially relating to the claim of the Pennsylvania Milling and Export Company, I inclose, for your further information, copy of a letter from the president of that company commenting upon their shipments and stating that they sent nothing directly or indirectly to the Transvaal.

I am, etc.,

J O H N H A Y.

[Inclosure.]
Pennsylvania Milling and Export Company to Mr. Hay.

New York, February 12, 1900.

Sir: Referring to alleged discoveries by the British authorities of flour said to belong to the Transvaal Government, at the bottom of the cargo of the steamship Beatrice, I beg to state that if such flour was found it did not emanate from us. We had no shipments of flour on the Beatrice, except such as was described in the affidavit we filed with your Department, and as stated therein, this flour was sold to regular merchants, and as far as we know was not intended for the use of the Transvaal Government, with whom we have never had any dealings either direct or indirect. The marks on the flour indicate the initials of the buyers and the brands on the flour are ones that the writer established himself when in the Transvaal three years ago and which are well known commercially, being distributed by our buyers to the ordinary users of flour, such as bakers, storekeepers, etc. It is notorious in the African trade here, however, that an English firm, Messrs. Collier & Sons, of Bristol, who are represented in the Transvaal by the firm of Arthur May & Co., of which firm Mr. Collier is the resident African partner, have been the shippers of some of the flour that was on the same steamers that carried ours, and it is rumored that they had made large sales to the Transvaal Government. It is, therefore, possible that their shipments may be confounded with ours to our detriment.

We are only awaiting the arrival of our original documents through the mails to establish our complete title to the shipments seized, but as they are very uncertain at present, all we can do is to ask you to establish our innocence of wrong intent, with the data we furnished you with for that purpose, and we expect that by the time the question of indemnification has been satisfactorily settled, we will be in position to establish our right to the proceeds of the flour by the presentation of the original documents, of which you have copies.

PENN SYLVIA MILLING AND EXPORT COMPANY.

No. 311.]

DEPARTMENT OF STATE,
Washington, February 20, 1900.

Sir: Referring to the Department's No. 266, of December 21 last, relative to the detention by the British authorities of goods belonging to Mr. R. M. Geldart, en route from New York to Delagoa Bay, I inclose for your use copy of a letter from Mr. Geldart in regard to shipments of merchandise made by the Maria, Beatrice, and Mashona, respectively, with accompanying bills of lading¹ for the same in duplicate.

¹ Not printed.
You will observe that Mr. Geldart’s papers are accompanied by his affidavit, dated the 19th ultimo, in which he declares that he is the shipper of certain goods, to wit: One hundred cases, each containing two 5-gallon tins of cotton-seed oil, placed on board the steamship Maria for delivery at Delagoa Bay.

I am, etc.,

John Hay.

[Inclosure.]

Mr. Geldart to Mr. Hay.

New York, January 19, 1900.

Sir: I am duly in receipt of your favor of the 16th and 18th instant relative to detention of goods en route from New York to Delagoa Bay by the British authorities. As the question of ownership comes in with respect to shipments ex Beatrice and Mashona, I must write my correspondents at Delagoa Bay for their permission before selling the goods in question. The Maria’s shipments, however, covers a lot of oil, draft against which went to protest. (See Exhibits 1 and 2.) I prefer under the circumstances, especially as cotton-seed oil is an article that easily spoils in a hot climate, to abandon the shipment to the British authorities, and would be pleased to have you exercise your good offices for the recovery of the amount of invoice, together with a fair profit on the transaction. Inclosed triplicate bills of lading¹ and duplicate of affidavit as requested.

Respectfully,

R. W. Geldart.

[Subinclosure 1.]

African Banking Corporation to Mr. Geldart.

New York, January 19, 1900.

Dear Sir: We beg to state that we negotiated for you on August 23 last two bills, £75 9s. and £4 2s. 6d., drawn on Patansky Brothers, Johannesburg, for shipment of goods per steamship Maria. These bills fell due on October 28, and are still unpaid. Yours, faithfully, for African Banking Corporation, Limited,

E. J. Fraser-Campbell, Agent.

[Subinclosure 2.]

Mr. Van Exter to Mr. Geldart.

Johannesburg, October 28, 1899.

Dear Sir: I hereby beg to give you notice that a certain first bill of exchange for a total amount of £75 16s. 8d. (viz., £75 9s. capital + 5s. 8d. exchange + 2½s. - stamp), dated New York, August 23, 1899, and drawn by you on memorandum Patansky Brothers, of this town, and which fell due on the 28th instant, and whereof my clients, the African Banking Corporation Limited, Johannesburg, are the legal holders, has been duly presented for payment, but was dishonored and is still unpaid. I am instructed to request you, as I hereby do request, to make immediate provision for the payment, either to me at my said office or to my said clients, of the said amount of £75 16s. 8d., together with interest up to the date of payment and my costs (£1 13s.).

Yours truly,

T. Van Exter,
Notary Public, etc.

¹ Not printed.
GREAT BRITAIN.

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[Subinclosure 3.]

Invoice of cotton-seed oil shipped by the undersigned per steamship Maria to Delagoa Bay, South Africa, for account and risk of Messrs. Patlansky Brothers, of Johannesburg.

Marks: P. B. — J. Delagoa Bay. No. 1/100.
100 c/s summer oil, containing 1,000 gallons and costing 42 cents, less 1 per cent. $415.80

Charges:
Freight .................................................. $60.27
Bill of lading stamp .................................. .10
Insurance .............................................. 4.50
Bill stamps ............................................ .08
Commission ............................................ 12.02

Total .................................................... 76.97

492.77

E. & O. E.,
New York, August 23, 1899.

R. W. GELDART.

[Subinclosure 4.]

NEW YORK, January 19, 1900.

I, the undersigned, do solemnly swear that I am the shipper of the within-mentioned goods, to wit: One hundred cases, each containing two 5-gallon tins, of cotton-seed oil, placed on board the steamship Maria for delivery at Delagoa Bay.

That the merchandise was shipped in good faith to Patlansky Brothers, British subjects, residing at Johannesburg, S. A. R., and that the draft against said merchandise went to protest.

That the within-mentioned invoice, $492.77, represents actual cost to-day and does not cover expenses of protest, cablegrams, etc., and that I am a lawful citizen of the United States of America.

R. W. GELDART.

STATE OF NEW YORK, City and County of New York:

Sworn to and subscribed to before me this 19th day of January, 1900.

[SEAL.]

Tho. Nash.

Mr. Hay to Mr. Choate.

No. 313.]

DEPARTMENT OF STATE,
Washington, February 21, 1900.

SIR: I inclose for your use a copy of a letter from Messrs. Arkell & Douglas, of New York City, relative to the shipment of certain merchandise by said firm by the steamships Maria, Beatrice, and Mashona, which were recently seized and detained by the British naval authorities off the east coast of Africa.

Bills of lading¹ in duplicate for the merchandise in question are herewith transmitted to you.

I am, etc.,

JOnH Hay.

[Inclosure.]

Arkell & Douglas to Mr. Hay.

NEW YORK, January 5, 1900.

DEAR SIR: We beg to advise that we shipped from New York, through the agents of the American and African Line and the agents of the Union Clan Line, Messrs. Norton & Son and Messrs. Barber & Co., respectively, various lines of goods for the

¹ Not printed.
port of Lourenço Marquez, Delagoa Bay, on the steamships Maria, Beatrice, and Mashona.

The lines named are English lines and the steamers named were English steamers. They were going to the port of Delagoa Bay, which is a neutral port. No intimation was given to us by either agent that it was not perfectly in order to make these shipments, and bills of lading were issued accordingly.

We received these orders from firms in South Africa to whom we have been shipping for many years, and most of the cargo was ordered by British subjects; in fact, probably all of the cargo, except in one or two cases, and in those cases the parties were regular importers and had been for a long time.

We attach herewith a copy of the bill of lading, representing each shipment made by us. The shipment embraces all classes of general cargo—kerosene oil, brooms, stoves, building material, white meal, shovels, turpentine, lard oil, plows, shellers, flour, etc. So far as our knowledge goes, there is nothing contraband of war in the shipments, nor do we understand or believe that any of these goods were imported with the intention of shipment from Delagoa Bay to the Transvaal now that a condition of war exists.

The British Government, we understand, have landed the cargo ex steamship Maria at the port of Cape Town, the cargo ex steamship Beatrice at the port of East London, and the cargo ex steamship Mashona at the port of Port Natal. The various houses to whom we have shipped, so far as we know, have no branch houses or affiliations at these ports, and as we have a large amount involved, having paid for and purchased these goods in good faith and shipped them, we desire to put in a strong protest against the action of the British Government in diverting this cargo from its proper destination, and to claim such compensation and damages as may be right and proper.

We have failed to get any proper explanation or guaranty of redress from the agents of the English lines who carried this cargo. The value of the cargo, with the prepaid freight, will amount to some £3,000, and there is besides unknown amount of charges, expenses, etc., which will now be placed on the cargo; also the question of damage to cargo, which is a serious point, especially in the case of goods which are more or less liable to injury through storage.

We have no way of knowing as to what disposal has been made of these goods, whether they are stored in public warehouses, covered by insurance, whether the consignees have been notified that they can obtain delivery at the ports of discharge, or any other facts.

We trust that you will see from the above statements that our position is a most unsatisfactory one, and that it does not appear to our minds that the British Government were within their rights in making these practical seizures of our cargo.

We hope you will kindly let us know what stops are being taken, and will be taken, to protect us in this matter, and we remain,

Respectfully, yours,

ARKELL & DOUGLAS.

Mr. Hay to Mr. Choate.


Sir: I inclose for your use a copy of a communication of the 26th ultimo, from Messrs. H. W. Peabody & Co., of New York, relative to copies of invoices and bills of lading covering merchandise shipped by them on the steamship Maria and Mashona, which were recently seized and detained by the British naval authorities.

You will observe that the above-mentioned letter is accompanied by an affidavit in duplicate of Mr. Charles D. Barry, a member of said firm, attesting the genuineness of the shipments of said merchants, with an explanatory memorandum in duplicate intended, as said firm states, to make clear all points bearing upon the shipments in question.

I am, etc.,

JOHN HAY.

1Not printed.
GREAT BRITAIN.

Henry W. Peabody & Co. to Mr. Hay.

NEW YORK, January 26, 1900.

Dear Sir: Reverting to letter from your Department dated January 16th, we now have pleasure in handing you triplicate copies of invoices and bills of lading covering goods shipped by us on the steamships Maria and Mashona and which have been recently seized or detained by the British naval authorities. We also inclose here-with, in duplicate, affidavit attesting to the genuineness of the said shipments, also an explanatory memorandum, in triplicate, in which we have endeavored to make clear all points bearing upon the shipments in question.

Now, as to making clear the question of ownership and title in the said goods, this is something which we can not do at this time, having received no advice as yet from South Africa as to whether our drafts upon consignees have been retired. Of course if such is the case we have no further interest in the goods. We are very strongly inclined to believe that consignees have declined acceptance of our several drafts, and that the title of the goods remains vested wholly in us. So far as the shipment of 230 bags of white corn meal shipped per steamship Mashona is concerned, there is no doubt about it, since the goods went out for our own account and risk, we having declined to make shipment to the parties in the Transvaal who originally ordered the goods.

We have written to South Africa in the hope of securing full details as to the position of the several shipments, but in the meantime expect that you will file our claims and take such steps to protect our interests as may be necessary, in accordance with our letter to you of January 15.

Yours, truly,

HENRY W. PEABODY & CO.

VERNON W. SMITH.

Inclosures 1:

Three copies of invoices.

Three consignors' copies of bills of lading covering 230 bags white corn meal, per steamship Mashona, under mark W Delagoa Bay.

Three consignors' copies of bills of lading covering shipment 30 bundles of windows, 150 bundles frames, 1 box sash ends, 4 barrels cement, per steamship Maria, under mark JHB NAC transit Delagoa Bay.

Three consignors' copies of bills of lading covering shipment of 250 cases evaporated B G cream, under mark J H B Delagoa Bay.

[Inclosure 2.]

Henry W. Peabody & Co. to Mr. Hay.

NEW YORK, January 26, 1900.

Dear Sir: With regard to documents accompanying our letter of this date, we think they will be found sufficiently explicit without much comment on our part.

Re the shipment of 230 bags white corn meal under mark M Delagoa Bay, this was an order cabled from our South African office under date of September 19, but we deferred making shipment for a time, being apprehensive of trouble, and finally decided to cancel the order altogether, but found that the goods were stowed away in the steamer and in such a portion of the ship that it was impossible for us to obtain delivery of them at any port except Delagoa Bay. We therefore made up invoices for our own account, intending to dispose of the goods to a legitimate merchant in the port of Delagoa Bay. There is no question as to the title of these goods being vested in ourselves. It was originally our intention to make shipment to Messrs. Winter Brothers, Barberton, South African Republic, a legitimate firm of importers with whom we had been doing business for some time past.

With regard to the shipment of windows, etc., per steamship Maria, would say that these were intended for the Norwegian-African Company, Limited, of Johannesburg, lumber merchants, to whom we are in the habit of shipping regularly, the

1Not printed.
shipment, per Maria, representing an order dated March 29, 1899, which we were instructed to repeat monthly.

So far as we know, the draft against this shipment has not been protected, and title remains invested in us. The goods are liable to deterioration as result of being held, and we should expect to be reimbursed in full for amount of invoice.

With regard to the 250 cases of evaporated cream, shipped per Maria, this was for account Mr. B. Gundelfinger, Johannesburg, likewise a legitimate importer, to whom we had been shipping continuously for many months. The order for cream represents a monthly order for these goods.

Yours, truly,

HENRY W. PEABODY & CO.

VERNON W. SMITH.

Mr. Hay to Mr. Choate.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 21, 1900.

(Mr. Hay states that Peabody & Co. bring the Department's attention to newspaper reports to the effect that the British naval authorities have seized the steamer Sabine on the ground of carrying contraband cargo for the Boers; that they have shipments aggregating $30,000 to $40,000 made in January, to Mossel Bay, Algoa Bay, and Durban, on orders from Cape merchants. The cargo is to be landed at British ports, the destination of the vessel being only such ports, and the port authorities may presumably, and are assumed to be bound to, prevent transmission through British territory of contraband destined for the Boers. Mr. Hay deplores the action of the naval authorities, declaring that such seizure seems unnecessary and seriously destructive of legitimate American trade, and directs that Mr. Choate take necessary steps looking to the protection of the interests of American shippers.)

Mr. Choate to Mr. Hay.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
London, February 22, 1900.

(Mr. Choate reports that the foreign office had not, until his inquiry, learned of the seizure of the Sabine, but that inquiries will at once be instituted and the results reported to him. He requests to be advised of date and place of seizure and present whereabouts of the vessel.)

Mr. Choate to Mr. Hay.

No. 262.]

AMERICAN EMBASSY,
London, February 24, 1900.

Sir: I have the honor to report that your cable instruction in reference to the seizure of the Sabine was duly received at the embassy on the 22d instant. As I had gone out of town in the morning, it did not reach my hands until the afternoon. I immediately called at the foreign office. Lord Salisbury was absent, but I saw the under secretary,
Sir Thomas Sanderson, and stated to him the substance of your cable. My inquiry was the first information which the foreign office had received of the seizure, but he promised to institute immediate inquiry and to inform me of the result without delay. Whereupon, on the same afternoon, I cabled you. It was impossible for Lord Salisbury to receive me yesterday on account of a cabinet meeting and other engagements, but I have an appointment with him for this afternoon. In the meantime, however, cables from Port Elizabeth, published in the newspapers yesterday afternoon and this morning, announce the release of the Sabine, which I suppose closes the incident, except that I shall still see Lord Salisbury and impart to him your views in the hope that there may be no more such seizures. I suppose from the immediate release of the Sabine, that, as in the case of the Maria, it was a mistake on the part of the commander of the gunboat.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Choate to Mr. Hay.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
London, February 24, 1900.

(Mr. Choate reports that Lord Salisbury says the Sabine, which is a British vessel, was stopped and examined at Port Elizabeth charged with violating municipal law, trading with the enemy; she was also suspected of having actual contraband aboard, which suspicion was not pressed. Ship's papers were not in proper form; goods were found on board, which, though shipped to ports this side, were marked for persons residing in Boer territory. The naval authorities looked upon the case as a very suspicious one under municipal law, but, as the evidence was not very complete, they gave the vessel the benefit of the doubt, and she pursued her voyage after a short detention.

Mr. Choate expressed the hope that no more such seizures would be made, representing the great prejudice to established trade from occurrences of this character.)

Mr. Choate to Mr. Hay.

No. 264.]  

AMERICAN EMBASSY,
London, February 26, 1900.

SIR: I have the honor to report that after my dispatch No. 262, of February 24, and on the same day, I had an interview with Lord Salisbury on the subject of the seizure of the Sabine, of which I sent you a concise account the same day by cable.

I stated to him the substance of your cable instructions to me, received on the 22d instant, but the vessel had already been released; and although it was suggested that a part of her cargo was contraband, her detention was not based upon that ground. The real reason of it was a supposed violation of the British municipal law, which prohibits “trading with the enemy.” There was, therefore, no reason to discuss the matter on the contraband ground. To what was stated in my cable, I have to
add that Lord Salisbury suggested that an ultimate destination to citizens of the Transvaal, even of goods consigned to British ports on the way thither, might, if the transportation were viewed as one "continuous voyage," be held to constitute, in a British vessel, such a "trading with the enemy" as to bring the vessel within the provisions of the municipal law. He added that, although their general purpose was to prevent British vessels over which they had control from engaging during the war in carrying goods destined for the enemy's territory, his Government did not feel disposed to press that point in this instance.

I represented to him that the indirect injury to American trade by such seizures was very great—far greater than the value of goods actually seized or detained—inasmuch as there had long been established between American ports and South Africa a regular course of trade, which ought not to be interrupted. In view of this I ventured to express the hope that there would be no more such seizures, a hope with which I think he sympathized, for they appear to have given as much trouble to the British Government as to ours.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Hay to Mr. Choate.

No. 315.]

DEPARTMENT OF STATE,
Washington, February 26, 1900.

SIR: I have to acknowledge the receipt of your dispatch No. 251, of the 10th instant, and for your information to transmit herewith copies of the following letters: From G. F. Lough & Co., dated February 14, 1900; Pennsylvania Milling Company, dated February 16, 1900; Arkell & Douglass, dated January 30, 1900, and February 14, 1900; W. H. Crossman & Bro., dated January 30, 1900; C. C. Abel & Co., dated January 27, 1900, and February 14, 1900; Norton & Son, dated February 13, 1900.

With reference to the suggestion contained in the last paragraph of your dispatch, it is the view of the Department that, in order to support a claim for indemnity against the British Government for the seizure of the goods, it must appear both that the claimant was an American citizen and that he was the owner of the goods when seized, within the rule of the prize jurisdiction, that the consignee on whose account and at whose risk the goods were shipped is considered such owner during the voyage. The rule would seem to suggest as a corollary that the right to claim for damages caused by the illegal seizure would be in the owner.

On the interesting question whether there may be a basis for a claim for "indirect loss sustained by the American shippers growing out of a sale on credit to citizens of the Transvaal," the further question might arise whether the consignor might, notwithstanding the seizure, be able to recover at law the full contract price from the consignee; and, if so, whether the seizure could be considered legally as a wrong against the consignor, and, on the other hand, if unable to recover at law, whether, under all the circumstances of the case, such inability would be legally imputable to the act of the British Government in making the seizure. In view of the possible considerations of fact and
law involved in the question, the expression of any opinion thereon is reserved until a claim shall be presented on a case stated by the shippers to the Department.

You will observe from the inclosed correspondence that C. C. Abel & Co. have withdrawn their claim, for the reason that the consignees are pressing their claim through their own Government; that W. H. Crossman & Bro. have likewise cast the burden of settlement upon their consignees, British subjects; that Norton & Son, shipping agents for some of the shippers, are of opinion that most of the flour was sold at the time of shipment, and that the shippers have received pay for the same.

From the recent correspondence of the shippers, the Department is hopeful that other claims may proceed to an acceptable solution. Nevertheless, the Department would be pleased with the continuation of your efforts until a final solution satisfactory to the American shippers is reached in all of the cases.

The Department has forwarded to the Pennsylvania Milling Company that part of your dispatch relating to their claim, with the request for further evidence to strengthen your hand. Their letter (copy inclosed) names prices for the sale of the flour. The Department has instructed the consul-general at Cape Town to cooperate as requested.

I am, etc.,

JOHN HAY.

[Inclosure 1.]

G. F. Lough & Co. to Mr. Hay.

NEW YORK, February 14, 1900.

DEAR SIR: We are in receipt of your favors of the 10th and 13th instant, dealing with the cargoes per steamships Beatrice and Mashinga, which we have read with attention.

We thank you for your offer to instruct the United-States consul-general at Cape Town, to act in our behalf in the sale of any of our goods which may have been seized, but in view of the points laid down in your letter of the 3d instant, "That in order to maintain a claim for indemnity it should appear both that the owners of the goods were American citizens and that they were such owners at the time of the seizure," we do not see that we can at present ask you to act. The shipment in which we are interested per steamship Mashinga was made by us, American citizens, in fulfillment of an order received from a British subject. Owing to the detention of the Mashinga the goods deteriorated and our customer declined to accept our draft. These are the facts, as received by cable, but at an early date we expect letters giving fuller details. The bills of lading drawn "to order" were attached to the draft and would not be given up without acceptance. These documents should be sufficient proof of ownership. We have instructed our agent in South Africa, who is the holder of our power of attorney, to act in this matter.

Thanking you for the interest you have taken in our case, we are, etc.,

G. F. Lough & Co.

[Inclosure 2.]

Pennsylvania Milling and Export Company to Mr. Hay.

NEW YORK, February 16, 1900.

SIR: Your favor of the 12th instant duly received. We delayed replying to same until we got some more definite information concerning value of flour at Delagoa Bay about the period at which our flour would have arrived there had it not been seized.
From what we can learn, flour was bringing in the neighborhood of £1 per bag on dock at that time. This, of course, not inclusive of either the Portuguese regular duty or the ordinary transit duty, which is charged there for flour going to the interior. However, as our flour has been sold at prices ranging from 10 shillings to 11 shillings per bag, having been sold much earlier in the season than the time of shipment, we would be satisfied to have the flour taken off our hands by the British authorities at the different points where the flour has been landed, provided they pay us, say, 15 shillings per bag, free of all charges for storage, landing, and any other expenses that may have accrued through the action of the British authorities in the matter.

We hereby authorize you to instruct the consul-general at Cape Town to act in our behalf in the sale of all the seized flour on the different vessels at price of 15 shillings sterling per bag net to us—that is, no expenses for storage or other charges to be deducted from same. The freight on the flour was prepaid at this end, as was also the insurance.

For your guidance we will recapitulate lots of flour that were seized.

On the steamship Mashona 3,254 bags marked “M Delagoa Bay,” and branded “Johannesburg.” This lot, we understand, is at Cape Town.

On the steamship Beatrice 4,349 bags marked “M Delagoa Bay,” and branded “Johannesburg,” also 1,340 bags marked “S" and branded “Goldfields.” This lot, we understand, is at East London.

On the Maria there were 2,000 bags marked “O. & Co. Delagoa Bay,” and branded “Speria;” also 1,512 bags marked “S Delagoa Bay,” and branded “Goldfields,” These lots, we understand, are at Durban.

Each bag of flour weighs 100 pounds, and the quality of all is alike, being the very best grade of spring wheat patent manufactured in this country.

If you require any invoice or anything of that kind to be made out we shall be pleased to furnish you with all the necessary detail.

We thank you for your interest in the matter, and remain, etc.

PENNSYLVANIA MILLING AND EXPORT COMPANY,
Per A. J. Toomey, President.

[Inclosure 3.]

Arkell & Douglas to Mr. Hay.

NEW YORK, January 30, 1900.

DEAR SIR: We have pleasure in acknowledging your further letters of January 25 and January 26, and we observe what you say in reference to the South African status, and the issues you raise are those we have had in our mind, as you will have noted by our letters to you, and that there are considerable complications for us to settle before we could make any specified and definite claim.

We have received word from our house in South Africa that a few of the shipments have been taken up by the parties who originally ordered the goods, so that those cases are removed. There are, however, a very considerable number of the shipments which we do not look for any settlement on, and we think we should be able to claim as absolutely our property, but we have not been able as yet to reach definite conclusions.

Your telegram also received, with thanks, and as you may have observed from our bills of lading sent you, we have a shipment of flour on this steamer. This shipment, we consider, is absolutely our property, and we anticipate receiving advice to that effect daily. We shall, acting on your telegram, as soon as we have information, cable our house at Cape Town to put a claim in, and, if necessary, to consult the American consul there.

We presume you will kindly keep us posted with such further details as you may receive, and we remain,

Faithfully yours,

Arkell & Douglas.
GREAT BRITAIN.

New York, February 14, 1890.

Messrs. Arkell & Douglas to Mr. Hay.

Dear Sir: We beg to acknowledge your favors of February 10 and 13, and we thank you very much for the information which you have given us. We observe what you say in reference to cargo having been found at bottom of the steamer Beatrice probably belonging to the Transvaal government. We would state that we doubt very much the accuracy of any such information. Of course the flour may have been marked for some firm in the Transvaal who had been in the habit of importing, but this does not follow it was not for legitimate business.

Regarding the steamer Mashona, we cabled our house at Cape Town to put in a claim for the damage we had sustained by reason of flour shipped by this vessel not having gone to Delagoa Bay, and to consult with the United States consul as might be necessary.

In reference, however, to the sale of any of our goods, while thanking you for the offer, having our own houses at both Cape Town and Port Elizabeth, we naturally can look after any such issue without troubling the consul; but advised our people to see the consul at either place in case it would be necessary to secure the discharge of the goods.

We are, etc.,

Arkell & Douglas.

[Inclosure 5.]

W. H. Crossman & Bros. to Mr. Hay.

New York, January 30, 1890.

Sir: We beg to thank you for your favor of 26th instant, also telegram of 29th instant, and to express our high sense of obligation and thanks for the valuable particulars and advice given us therein in respect to the Maria, Mashona, and Beatrice cargoes.

As indicated per our previous advices the conditions under which all our shipments were made (none of which seem to us to be susceptible of being considered contraband), makes the question of the seizures purely a matter as between Great Britain and the property of her subjects, our obligations in respect thereto having ceased at the moment they were put on board the respective ships here in accordance with orders to us from the importers at the other end.

Notwithstanding this position, we are, of course, keenly interested in anything that transpires in respect to this matter, which may be of service to us later on or instructive in the meantime, and we shall highly appreciate further advices from you in the premises should it please you to favor us with same.

With respect, etc.,

 Jas. W. Smith.

[Inclosure 6.]

C. C. Abel & Co. to Mr. Hay.

New York, January 27, 1890.

Sir: We beg to acknowledge the receipt of your telegram of the 18th instant and of your letter of the 26th same, and we again thank you for your kind efforts in our behalf. As our correspondents, the East African Company, of Rotterdam, have since paid us for the 400 cases petroleum of Beatrice, we have informed them that their protest against the British Government will have to be made through the Dutch state department at the Hague.

Whether a claim on us for nondelivery of goods at Delagoa Bay will be pushed by the East African Company remains to be seen. If it is we may be compelled to address you again on the subject.

We are, etc.,

C. C. Abel & Co.
MR. C. C. Abel & Co. to Mr. Hay.

NEW YORK, February 14, 1900.

Sir: We have again to thank you for your various communications regarding the seizures in South African ports of merchandise shipped from United States ports, and beg to inform you that we have definite information from Rotterdam to the effect that the claim relating to the 400 cases petroleum per steamship Beatrice is being pushed by the Dutch state department, as the property has been paid for by the Dutch company, and we consequently withdraw our claim in the matter.

We are, etc.,

C. C. ABEL & CO.

[Inclosure 3.]

Norton & Son to Mr. Hay.

NEW YORK, February 13, 1900.

Sir: We beg to acknowledge the receipt of your valued favor of the 10th instant, and thank you very much for the information contained therein, which is about as we expected—that very little, if any, of the flour shipped from the United States to South African ports was owned by bona fide American citizens. We think most of the flour was sold at the time of shipment, and the shippers here received pay for same.

Yours, very respectfully,

Norton & Son.

Mr. Choate to Mr. Hay.

No. 265.]

AMERICAN EMBASSY,
London, February 27, 1900.

Sir: I have the honor to report that on my last interview with Her Majesty's secretary of state for foreign affairs he informed me that the high commissioner for South Africa was treating with the United States consul at Cape Town in respect to the flour ex Mashona, and, as I understood him, also as to that ex Maria and Beatrice, and had reported by cable a new difficulty encountered in respect to the question of titles to goods, viz., that in several cases third parties—parties other than the consignor or consignee—were claiming. He seemed indisposed to undertake to settle any such questions, and to be of opinion that they should be left to the high commissioner and the consul to settle in South Africa, where more evidence was accessible; and so of the purchase of goods, he has never withdrawn his original suggestion that the best way to settle each case would be for the British Government to purchase; but he thought that that, too, should be remitted to South Africa, and was unwilling to conclude any purchase here.

I have to-day sent to the foreign office the bills of lading and invoices of the Pennsylvania Milling Company by all three vessels, which I retained at the time of their receipt for the reason which I have already communicated to you by my dispatch No. 246, of February 7; but I have not transmitted Mr. Toomey's affidavit, which, it seems to me, would be detrimental and create greater confusion, for the reason stated in my dispatch No. 251, of February 10. The goods have already been detained so long that those of them which are perishable in their nature must have already greatly deteriorated, and the owners will have to resort to their claim against the British Government, or,
in the case of the Mashona, against the captors, which is ultimately the same thing.

I have never heard from you what authority has been given to the United States consul at Cape Town, but I assume that he is looking after the interests of all owners whom our Government is bound to protect.

I annex a copy of my note of this date to Lord Salisbury, which covered the invoices and bills of lading referred to.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

Mr. Choate to the Marquis of Salisbury.

AMERICAN EMBASSY,
London, February 28, 1900.

My Lord: I have the honor to transmit to you copies of the invoices and bills of lading of the several lots of flour shipped by the Pennsylvania Milling and Export Company in the name of Fowler Brothers, Limited, its financial agents, by the Mashona, the Maria, and the Beatrice. The company is understood to continue interested in the flour until its delivery to the consignees at Delagoa Bay. Referring to my previous notes in regard to this company's shipments, and particularly to the offer of sale to Her Majesty's Government contained in my note of 23d ultimo, I have only to add that, in case of the purchase of the flour by the British Government, the company is willing that it should take as purchaser the flour which is already practically in its custody, and pay the price which may be agreed upon for it to whoever may prove entitled to receive it, in view of any questions as to legal title arising between consignor and consignee.

I suggested to my Government some time ago that, in case of any such question in respect to any American goods seized, both consignor and consignee could unite in any sale or in proving title as claimants.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Hay to Mr. Choate.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 2, 1900.

(Mr. Hay states that the United States Government would be pleased if, through Mr. Choate's good offices, the Mashona, a chartered British vessel plying between New York and South African ports, could be released as soon as practicable after the purchase by the British Government of the cargo, on its discharge, without prejudicing in any way the rights and interests of American owners of cargo; that American shipping interests are subjected to serious injury on account of the prolonged detention of the vessel.)

Mr. Choate to Mr. Hay.

No. 268.] AMERICAN EMBASSY,
London, March 3, 1900.

Sir: I have the honor to report that on the 1st instant I received your Instruction No. 308, dated February 19, with its inclosures, and having reason to believe that the foreign office was now desirous of
disposing of the case of the Pennsylvania Milling and Export Company, I immediately addressed to Lord Salisbury a note dated the 1st instant—of which I annex a copy—and inclosed in it a copy of President Toomey's letter to yourself, dated February 12, and also copies of Mr. Toomey's affidavits, which accompanied the duplicate sets of the company's bills of lading and invoices. It appeared to me that the president's letter cleared up the doubts arising from the previous documents, including the bills of lading and invoices, and that the British Government, if actually disposed to close the matter, were entitled, before doing so, to all the evidence which was in our possession. I inferred, also, from your reference to the matter in your Instructions No. 290 and from President Toomey's letter that the Pennsylvania Company would be prepared to make complete title to a purchaser of the goods seized.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

Mr. Choate to Lord Salisbury.

American Embassy,
London, March 1, 1900.

My Lord: I have the honor to transmit to your lordship a copy of a letter dated February 12 from the president of the Pennsylvania Milling and Export Company, also copies of three affidavits by the same gentleman explanatory of that company's bills of lading and invoices by the Mashona, Maria, and Beatrice, already sent you by me.

This letter of the president of the company will, I think, be found to clear up much that was left doubtful by the previous papers. It shows the entirely innocent and legitimate character of all their shipments, and declares that the original documents to establish their complete title to the shipments seized—though now delayed in the mails—will speedily be in their hands.

I have inferred from your note of the 9th ultimo, and from your subsequent references to the matter in our personal interviews, that Her Majesty's Government is ready to purchase the flour.

May I therefore ask that after an examination of the papers now submitted, in connection with those relating to the same shipments heretofore sent you, you will authorize me to report by cable to the Secretary of State that your Government will purchase these particular lots shipped on these vessels by the Pennsylvania Milling and Export Company, and on what terms as to price, date of payment and vouchers. I have every reason to believe that his reply would be prompt and enable us to dispose finally of the matter of this company's shipments.

I have, etc.,

JOSEPH H. CHOATE.

Mr. Choate to Mr. Hay.

[Telogram—Paraphrase.]

American Embassy,
London, March 6, 1900.

(Mr. Choate reports that Sir Alfred Milner, high commissioner for South Africa, cables to Lord Salisbury that in the consul-general's first list of property of American citizens many consignments are claimed by other persons; that in the second list, which does not state the names of the owners, two consignments are claimed by a Russian subject. Mr. Choate thinks the discharge of the vessel would be expedited if shippers could furnish further information, as without this the high commissioner can not go to the prize court, but when it is furnished he will render all possible assistance.)
(Mr. Choate reports that Lord Salisbury says the British Government are prepared to buy flour owned by United States citizens which was taken out of the Beatrice, paying the price it would have brought at Lourenço Marquez the date it would have reached there if the ship’s voyage had not been interrupted; and that they are willing to accept the intermediation of the United States consul in consummating the purchase, under the conditions set forth in Lord Salisbury’s note to Mr. Choate of February 9, but that clear evidence of title of United States citizens to the goods must be furnished, and it must be known to whom the purchase money should be paid, before the transaction can be completed.

Mr. Choate assumes that all claims for damages to the goods will be covered by the price mentioned, should it be accepted.)

Mr. Choate to Mr. Hay.

No. 274.]

Sir: Since my No. 268, of the 3d instant, inclosing copy of my note to Lord Salisbury dated the 1st instant, I have the honor to report that I received, on the 4th instant, a note from Lord Salisbury, dated the 29th ultimo (copy inclosed), the main points of which I sent to you in my cable dated the 6th instant. You will observe that Sir Alfred Milner’s telegram dated the 23d ultimo, referred to in Lord Salisbury’s note of the 28th ultimo, above mentioned, states that the United States consul-general at Cape Town sent in to him a list of consignments showing the names of the American owners of goods on board the Mashona, many of which on inquiry he found had been claimed by other parties, and on the 22d ultimo the consul-general sent in a further list, which did not show the names of the owners of the goods. Two of the consignments shown in this second list were, it is stated, claimed by a Russian subject.

The consul-general was accordingly informed that it would be impossible for the high commissioner to go to the court on the information so far furnished, especially as regards proof that any loss accruing would fall on United States citizens. He was further informed, however, that if these particulars could not be obtained by the 2d of March that Sir Alfred Milner would be ready to consider any representations that might be made to him, and to give all possible assistance even in the even of the goods having been consumed.

To-day I received a further note from Lord Salisbury, dated the 8d instant (copy inclosed), respecting the case of the Beatrice, the substance of which is contained in my cable of this date. This note is in answer to mine of the 6th ultimo.

You will observe that his lordship takes issue with me in regard to the position I took in my note to him on the 6th ultimo in respect to the damages due to the owners of the cargo, on account of the failure
of the ship to deliver it at the port of destination, but if, as it now appears most likely, Her Majesty’s Government is willing to purchase all the flour at a given price, the contention set forth in his lordship’s note would seem to be of a purely academic nature.

I therefore stated in my telegram to you of to-day, already mentioned, that the price offered, if accepted, would, I assumed, cover all claims for damages to goods so purchased.

Meanwhile I am daily expecting an answer to the special case of the Pennsylvania Milling Company’s goods, which I have reason to believe will be treated separately.

I shall do what I can when I see Lord Salisbury, as I expect to do to-day, to secure the release of the Mashona, so that she may resume her regular service between New York and the British ports of South Africa; although, in view of his Government’s definite purpose to prevent any violation by British ships of their municipal law, it may be a little embarrassing.

I have, etc.,

JOSEPH H. CHOATE.

[Inclusion 1.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, February 28, 1900.

YOUR EXCELLENCY: With reference to my note of the 9th instant, respecting the case of the Mashona, I have the honor to inform you that it appears from a telegram from Her Majesty’s high commissioner for South Africa, dated the 23rd instant, that the United States consul-general sent in a list of consignments showing the names of the American owners of goods on board that vessel.

On inquiry, however, Sir A. Milner ascertained that many of these consignments had been claimed by other parties.

On the 22d instant the United States consul-general sent in a further list, which did not, however, show the names of the owners of the goods. The high commissioner has since ascertained that in the case of two of the consignments shown in this second list the claimant before the prize court states in an affidavit that he is a Russian subject.

The high commissioner has accordingly informed the consul-general that it is impossible to go to the court on the information with which he has so far been furnished, and that between now and the 2d proximo he hopes to receive further particulars of each case, especially as regards proof that any loss accruing would fall on United States citizens. He has added that if these particulars can not be obtained by the time mentioned he will be ready to consider any representations that may be made to him and to give all possible assistance, even in the event of the goods having been consumed.

Sir Alfred Milner hopes that it is understood that the difficulties which have arisen in connection with dealing with the matter are due entirely to the impossibility of at once obtaining the necessary information on the various points involved.

I have, etc.,

SALISBURY.

[Inclusion 2.]

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE, March 3, 1900.

YOUR EXCELLENCY: I have had under my consideration your note of the 6th ultimo, respecting the case of the Beatrice, and I have the honor to inform you that Her Majesty’s Government are prepared to buy such flour, being owned by United States citizens, as was taken out of that vessel, paying for it the price it would have fetched at Lourenço Marques on the day on which it would have arrived there had the voyage of the ship conveying it not been interrupted.

In carrying out this purchase Her Majesty’s Government, as already stated in my
note of the 9th ultimo, are prepared to accept the intermediation of the United States
consul under the conditions therein stated; but the transaction can not be completed
until clear evidence that the goods concerned are owned by United States citizens is
forthcoming and until it is known to whom the purchase money in respect of them
should be paid.

With regard to your excellency’s observations as to the damages due to the owners
of the cargo on account of the failure of the ship to deliver it at the port mentioned
in the freight contract, it would appear that any claim for damages (assuming such
claim to be sustainable at law, a matter which will apparently depend on the terms
of the contract of carriage) should properly be brought by the owners of the goods
against those who entered into or became responsible for the execution of a contract
for delivery which they failed to perform. Her Majesty’s Government are unable
to admit that they are in any way liable in damages to the owners of the flour, as its
detention has been due entirely to the circumstance that the vessel was unable to
complete its voyage, owing to the fact that such voyage was illegal by the law of the
flag under which the vessel was sailing.

I have, etc.,

SALISBURY.

Mr. Choate to Mr. Hay.

No. 275.]

AMERICAN EMBASSY,
London, March 8, 1900.

SIR: I have the honor to report that in my interview with Lord Salisbury yesterday, in reference to his note of the 3d instant, in
which he offered to purchase the flour ex Beatrice and dissented from
my theory of damages stated in my note of February 6 last, I said that
I had observed what he said in his letter about damages, but as he
seemed ready to buy all the flour at the price at the port of destination
at the date when it would have arrived if the voyage had been uninter-
rupted, the question of damages would be largely an academic one,
to which he replied, in substance, that that was probably so, as if the
owner got a full price there would not be much room to claim damages.
I have, etc.,

JOSEPH H. CHOATE.

Mr. Choate to Mr. Hay.

No. 276.]

AMERICAN EMBASSY,
London, March 8, 1900.

SIR: I have the honor to report that I have seen Lord Salisbury in
reference to your cable received 2d instant, expressing the desire of
American shippers for the speedy release of the Mashona. I told him
that I believed the general interests of American trade between New
York and South Africa would be promoted if she could as soon as pos-

possible be put in a position to resume her trips to the British ports on
that coast, and that it was a disturbance to established trade to have
her taken off for so many months. He agreed with me that it was a
recognized mischief for a vessel engaged in such trade to be kept idle
longer than was necessary, and said that he would do what he could to
hasten her release, though neither of us could define exactly what steps
he could take in that direction. There seem to be interminable delays
about that case arising from two causes, first, the difficulties upon
which I have already dwelt so often, of proving title to the goods,
which they are anxious to release, and, second, the slowness of com-

munication between the departments here and those in the South
African colonies.

I have, etc.,

JOSEPH H. CHOATE.
Mr. Hay to Mr. Choate.

Department of State,
Washington, March 8, 1900.

(Mr. Hay states that shippers have been advised in accordance with Mr. Choate’s cablegram of the 7th instant.
Directs that British foreign office be advised that Norton & Son suggest the danger of long continued confinement below hatches of a shipment of oil on the Mashona, resulting in spontaneous combustion and destruction of ship and cargo.)

Mr. Hay to Mr. Choate.

No. 325.]

Department of State,
Washington, March 9, 1900.

Sir: I have to acknowledge the receipt of your dispatch No. 265 of the 27th ultimo in which you report the substance of a conversation with Lord Salisbury as to the American flour seized by the British naval authorities in South African waters, and state that you have sent to the foreign office the invoices and bills of lading of the Pennsylvania Milling Company.
The Department has advised the American shippers, from time to time, of the suggestions made by you with a view to facilitating the sale or release of the goods seized by the British naval authorities, and that the United States consul at Cape Town has been instructed to cooperate with them in effecting a satisfactory adjustment with the British High Commissioner in South Africa. The shippers are acting in harmony with your views and those of the Department by forwarding to the consul-general proofs of ownership, etc. The Department has advised them of the importance of presenting clear evidence of ownership or of procuring the relinquishment by the consignees of their apparent title and their assent to the sale by the consignors to Her Majesty’s Government. The spirit of cooperation shown by them, and the willingness of Her Majesty’s Government to purchase the goods at the price they would have brought at the port of destination at the time they would have arrived there in course of uninterrupted voyage, induce the hope that the whole matter may be adjusted to their reasonable satisfaction. They have been advised that if their goods are bought by the Government on these terms it would be with the understanding that no damages should be claimed for the seizure and detention of the goods thus purchased.
The Department appreciates and has not failed to advise the Pennsylvania Milling Company of the difficulties of apparent ownership in their case. Their contention is that, through their failure to insure against war risks and on account of the seizure and detention of the goods, the ownership will revert to them. The Department has not yet found it necessary to express any opinion upon the question whether such would be the legal effect of their contract with the consignees, nor on the other question suggested by you, whether there would be a liability on the part of the British Government for indirect
loss to the consignors in case the consignees should accept the goods subject to recoupment of damages by deterioration. It is thought advisable to avoid raising issues, so far as practicable, in the hope that through a mutually reasonable and conciliatory spirit the whole matter may be adjusted without substantial loss to the shippers by the sale of their goods, on the terms and in the form suggested, to the British Government.

The Department approves your action reported in this end in previous dispatches.

I am, etc.,

John Hay.

Mr. White to Mr. Hay.


Sir: With reference to Mr. Choate’s dispatch No. 276, of the 8th instant, I have the honor to inclose the copy of a note which I addressed to the Marquis of Salisbury upon the receipt of your telegraphic instruction dated the 8th instant.

I have, etc.,

Henry White.

[Inclosure.]

Mr. White to the Marquis of Salisbury.


My Lord: I have the honor to acquaint you that I have received a telegram from my Government instructing me to inform your lordship that Messrs. Norton & Co., shippers of cargo by the steamship Mashona, have suggested that there is a considerable quantity of oil in the hold of that vessel, and they fear, in view of its long confinement below hatches, that there is danger of spontaneous combustion and fire in the cargo, and of the consequent destruction of the latter as well as of the vessel.

I have, etc.,

Henry White.

Mr. White to Mr. Hay.

[Telegram—Paraphrase.]


(Mr. White reports that the colonial secretary has been requested to ascertain price which flour shipped on Mashona, Beatrice, and Maria by the Pennsylvania Milling Company would have brought at Lourenço Marquez had it not been for the interruption of the voyages of those vessels. If assurance could be given to Lord Salisbury that the flour is now owned by the Pennsylvania Milling Company, and that Mr. White is willing to receipt for the amount of purchase money when it has been ascertained, the settlement of the case would probably be hastened. Such arrangement would be subject, in case of flour shipped by the Mashona, to an order being made by the prize court releasing the flour.)
Mr. Hay to Mr. White.

No. 329.]

DEPARTMENT OF STATE,  
Washington, March 15, 1900.

Sir: I inclose for your information copy of a letter from the Pennsylvania Milling and Export Company relative to the seizure of certain flour by a British steamship which was shipped on the Mashona, and stating that said company has sent invoices, power of attorney, and all information possible in the matter to Consul-General Stowe at Cape Town, so that he may dispose of the flour seized there.

You will observe that the company state that other parties are making claim to many of the consignments on the Mashona, among them being Russian subjects; that they do not know whether their buyers were Russian subjects or not, but that they have advised Consul-General Stowe in regard to the questions which may arise in the cases of both the Mashona and the Beatrice.

I am, etc.,

[Inclosure.]

JOHN HAY.

Pennsylvania Milling and Export Company to Mr. Hay.

NEW YORK, March 8, 1900.

Sir: In compliance with your telegram of the 5th instant, we have sent invoices and power of attorney to Consul-General Stowe, of Cape Town, so that he may dispose of the flour seized there to the British Government.

I also note your wire of the 6th instant, stating that other parties are making claim to many of the consignments on the Mashona, among them being Russian subjects. We are sending all information possible in the matter to Consul-General Stowe. We do not know whether our buyers were Russian subjects or not, but we have written Consul-General Stowe that should the other parties laying claim to the flour turn out to be our buyers, as described in our letter of information to him on the subject, and should they produce proof of title to the property and be willing to accept it without further claim on us, that we would withdraw our claims against the British Government for any such parcels as presentation of the documents by these parties would indicate payment on their part of our drafts, and would also be evidence that they had considered that we had fulfilled our contract. We have instructed him, however, that in the case of the Beatrice there is one lot on which the drafts have not been paid and which drafts are now in process of being returned to this country. This lot, of course, we shall have to ask the British Government to settle for.

It would simplify the matter greatly if the buyers would take delivery without further redress on us.

Yours, respectfully,

PENNSYLVANIA MILLING AND EXPORT CO.,
Per A. J. Toomey, President.

Mr. White to Mr. Hay.

No. 283.]

AMERICAN EMBASSY,
London, March 16, 1900.

Sir: Referring to my dispatch No. 278 of the 10th instant, I have the honor to inclose herewith the copy of a note which I have received from the Marquis of Salisbury with reference to the proposed purchase by Her Majesty’s Government of the flour shipped by the Pennsylvania Milling Company on the steamships Mashona, Beatrice, and Maria.

I have, etc.,

HENRY WHITE.
[Inclosure.]

FOREIGN OFFICE, March 10, 1900.

Sir: I have had the honor to receive Mr. Choate’s notes of the 26th ultimo and of the 1st instant respecting flour exported to South Africa by the Pennsylvania Milling Company and shipped by the Mashona, the Beatrice, and the Maria.

Mr. Choate is already aware that Her Majesty’s Government are prepared to purchase this flour on the ground that it is neutral owned, and I have already asked the secretary of state for the colonies to ascertain for what price these several consignments could have been sold at Lourenço Marques on the days respectively on which they would have been landed there had the voyages of the ships named not been interrupted.

It appears to me that the settlement of this case would be hastened if you could give me an assurance that the flour is now owned by the Pennsylvania Milling Company and that you are willing to receive the purchase money, payable when its amount has been ascertained, and to give a receipt for it. This arrangement would, however, in the case of the flour shipped by the Mashona, be subject to an order releasing the flour being made by the prize court.

I have, etc.,

FRANCIS BERTIE.

Mr. Hay to Mr. White.

No. 384.]

DEPARTMENT OF STATE,
Washington, March 20, 1900.

Sir: I have to acknowledge the receipt of Mr. Choate’s dispatch No. 264, of the 26th ultimo, reporting his interview with Lord Salisbury on February 24 in relation to the seizure of American merchandise bound for South Africa.

The Department has not failed to observe the suggestion made to Mr. Choate by Lord Salisbury that—

an ultimate destination to citizens of the Transvaal, even of goods consigned to British ports on the way thither, might, if transportation were viewed as one “continuous voyage,” be held to constitute in a British vessel such a “trading with the enemy” as to bring the vessel within the provisions of the municipal law.

In view of the prospect of a practical solution of the question of the seizures along the lines arranged between Mr. Choate and Her Majesty’s Government, it is not deemed necessary for the Department to express at present either its assent or dissent to the said suggestion; but it would regret to have such an issue actually raised by the British Government, and it does not seem probable that it will be done, either on account of the seizures made in the future, or through the failure to consummate the settlement already arranged for the seizures which have been made.

I am, etc.,

JOHN HAY.

Mr. Choate to Mr. Hay.

No. 300.]

AMERICAN EMBASSY,
London, April 11, 1900.

Sir: With reference to Mr. White’s dispatch No. 288 of the 15th ultimo, I have the honor to transmit herewith the copy of a note which has just been received from Her Majesty’s secretary of state for foreign affairs in relation to the consignment of flour shipped by the Pennsylvania Milling Company on board the steamship Maria.
I am, for the moment, unable to obtain further information as to the details of the transaction therein referred to, but assume that they will be perfectly intelligible to the company.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

Lord Salisbury to Mr. White.

FOREIGN OFFICE, April 7, 1900.

SIR: With reference to my note of the 10th ultimo, I have the honor to make you that I learn from the secretary of state for the colonies that of the 2,000 bags of flour which the Pennsylvania Milling Company consigned by the Maria, 1,959 were landed at Durban; of these 1,758 were sold locally and 200 shipped to Delagoa Bay by the Matabele, 41 having been "short landed." Of the company's other consignment of flour carried by the Maria, consisting of 1,512 bags, the whole was sold locally at Durban and cleared there. The price of flour at Delagoa Bay on the assumed date, November 2, was £14 to £15 per ton "goods in bond."

I have, etc.,

SALISBURY.

MR. CHOATE TO MR. HAY.

No. 301.]

AMERICAN EMBASSY,
London, April 14, 1900.

SIR: With reference to your instruction No. 311 of the 20th February last, in relation to Mr. R. M. Geldart's shipments on board the Beatrice, Mashona, and Maria, I have the honor to enclose herewith copies of a note addressed by Mr. White to Lord Salisbury on the subject and of a reply thereto, which has just been received from the foreign office.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Mr. White to Marquis of Salisbury.

AMERICAN EMBASSY,
London, March 17, 1900.

My Lord: With reference to Mr. Choate's note of the 4th of January last, in relation to the detention by the British authorities in South Africa of merchandise shipped by Mr. R. M. Geldart from New York to Delagoa Bay, under instructions from my Government, I have the honor to inclose for your lordship's further information a copy of a letter from Mr. Geldart to the Secretary of State of the United States, dated the 19th of January, and other correspondence in regard to shipments made by the former on the steamships Beatrice, Mashona, and Maria, respectively, together with a copy of a bill of lading, invoice, and affidavit regarding the Maria's cargo, to which the same refers.

It appears from Mr. Geldart's affidavit, dated the 19th of January, that he is the shipper aboard the Maria of 100 cases of cotton-seed oil, each containing two five-gallon tins, destined for Delagoa Bay.

I have, etc.,

HENRY WHITE.
Lord Salisbury to Mr. White.

FOREIGN OFFICE, April 10, 1900.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo respecting Mr. R. M. Geldart's shipments on board the Beatrice, Mashona, and Maria, and to inform you that it has been sent to the high commissioner for South Africa. I do not think that the British authorities will be able to meet Mr. Geldart's suggestion that the cotton-seed oil should be purchased by them for the amount of the invoice price, together with a fair profit on the transaction, as it appears to me unlikely that they would be able to make any use of a vegetable oil of this nature.

I have, etc.,

SALISBURY.

Mr. Choate to Mr. Hay.

No. 302.]

AMERICAN EMBASSY,
London, April 14, 1900.

SIR: With reference to your instruction 314, of the 21st February last, respecting Messrs. Peabody & Co.'s shipments on the Mashona and Maria, I have the honor to inclose herewith copies of a note from Mr. White to Lord Salisbury in relation thereto, and of the reply from the foreign office, which I have just received.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Mr. White to the Marquis of Salisbury.

AMERICAN EMBASSY,
London, March 17, 1900.

MY LORD: With reference to Mr. Choate's note to your Lordship of the 4th of January last, and to subsequent correspondence, in relation to the steamship Mashona, which was seized by the British authorities in South Africa, I have the honor to inclose a copy of a letter from Messrs. H. W. Peabody & Co., dated the 18th ultimo, together with copies of bills of lading and invoices properly signed and attested, to which the same refers, covering the entire list of the shipments of Messrs. Henry W. Peabody & Co., American merchants, by the Mashona, with a view to the protection of their interests in the event of their making a loss as the result of the seizure of that vessel.

I also have the honor to inclose a copy of a further communication from Messrs. H. W. Peabody & Co. to the Secretary of State of the United States, dated the 26th of January last, relative to copies of invoices and bills of lading covering merchandise shipped by them on the steamship Maria and Mashona. A copy of an affidavit of Mr. Charles D. Barry, a member of that firm, attesting the genuineness of the shipments is also inclosed herewith, together with the copies of invoices and bills of lading already referred to.

I have, etc.,

HENRY WHITE.

[Inclosure 2.]

Lord Salisbury to Mr. White.

FOREIGN OFFICE,
London, April 9, 1900.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, respecting Messrs. Peabody & Co.'s shipments by the Mashona and the Maria. A copy of this note and its inclosures will be forwarded to the high commissioner for South Africa.
The information now given is still not sufficiently ample to allow of the determination of the question who ought to be paid for such goods as are covered by the undertaking of Her Majesty's Government to buy the flour and any other articles of use to the military authorities.

I have, etc.,

SMITH.

Mr. Choate to Mr. Hay.

No. 304.]  

AMERICAN EMBASSY,  
London, April 16, 1900.

SIR: Referring to your instruction No. 313 of the 21st of February last in relation to Messrs. Arkell & Douglas's shipments to South Africa by the Maria, Mashona, and Beatrice, I have the honor to inclose herewith copies of Mr. White's note to Lord Salisbury, of the 19th ultimo, and of the reply of the foreign office thereto, of the 18th instant.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure 1.]

Mr. White to the Marquis of Salisbury.

AMERICAN EMBASSY,  
London, March 19, 1900.

MY LORD: With reference to the detention of American merchandise by the British authorities in South Africa, I have the honor, under instructions from my Government, to inclose for your lordship's information copies of bills of lading representing shipments made by Messrs. Arkell & Douglas, a firm of New York merchants, by the steamships Maria, Beatrice, and Mashona, destined for Delagoa Bay.

It will be observed from the bills of lading above mentioned that the shipments made by Messrs. Arkell & Douglas, embrace all classes of general cargo, such as kerosene oil, brooms, stoves, building materials, white meal, shovels, turpentine, lard oil, plows, shellers, flour, etc.

I have, etc.,

HENRY WHITE.

[Inclosure 2.]

Mr. Bertie to Mr. Choate.

FOREIGN OFFICE,  
April 13, 1900.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of Mr. White's note of the 19th ultimo, respecting Messrs. Arkell & Douglas's shipments to South Africa by the Maria, Mashona, and the Beatrice.

A copy of this note and of its inclosures will be forwarded to the high commissioner for South Africa.

The observations which I had the honor to make in my note of the 9th instant in regard to Messrs. Peabody & Company's shipments apply also to the information now supplied in regard to Messrs. Arkell & Douglas.

I have, etc.,

FRANCIS BERTIE.

Mr. Hay to Mr. Choate.

No. 378.]  

DEPARTMENT OF STATE,  
Washington, May 24, 1900.

SIR: Your No. 301 of the 14th ultimo, enclosing copies of correspondence with the foreign office with reference to Mr. R. W. Geldart's
shipments on board the Beatrice, Mashona, and Maria, was duly received.

I inclose herewith, for your information, two letters addressed to me by Mr. Geldart on the 1st and 7th instant, respectively.

According to the judgment of the British prize court at Cape Town, a printed copy of which I also inclose, there was probable cause for the seizure and detention of the Mashona as for trading with the enemy; but the court released the vessel on the ground that she had not in fact traded with the enemy nor intended to do so except with the express or implied permission of the British authorities. In view of the grounds put forward for the seizure of the ship, and of the grounds stated by the court for releasing the ship, the cargo, except so far as contraband, would have the same status as though it had been found aboard a British vessel trading solely between neutral ports. But the court states that there is no question of contraband in the case. The seizure not having been made or justified on account of contraband goods, the effect of the decision must be, therefore, either that the British Government has the right to seize neutral and noncontraband goods aboard British vessels lawfully trading between neutral ports, or else the American owners of such goods would be entitled to full compensation for their damages; and in effecting a settlement by sale of the goods to the British Government, they should not be expected to make sale of the goods on such terms as would involve loss of them by reason of the wrongful action of the British authorities.

You may take such action in the premises as in your judgment will enable Mr. Geldart or other American owners of goods to effect sales on reasonable terms.

I am, etc.,

JOHN HAY.

[Inclusion 1.]

Mr. Geldart to Mr. Hay.

NEW YORK, May 1, 1900.

Sir: Referring to your correspondence dated December 21, January 25 and 26, February 5, 10, 13, and 26, and March 9, also telegrams of December 18, January 29, March 5 and 6, respectively, I have the honor of calling the Department's attention to the fact that though some of the goods ex steamship Mashona were released outright (to which category mine belonged) and allowed to proceed, they have again been stopped at Port Elizabeth and ordered placed in the Queen's warehouse at the expense of consignees, and, continues my Cape Town agent, "there being no possibility of the goods ever getting to Delagoa Bay until after the war, and as by that time the expense of storing the cargo will have been very considerable, we await your instructions, etc."

As the judgment of the prize court declared that it had no jurisdiction over my shipment and ordered them released to proceed on the vessel that, brought them originally to the Cape, it is manifestly unfair that so many obstacles should be thrown in the way of their reaching Laurence Marques.

My shipment to Delagoa Bay ex steamship Beatrice landed at East London by order of the local authorities was recently allowed to proceed, and has again been detained at Durban, and from last accounts was to remain there indefinitely.

The bank holding the documents—drafts against which have been refused acceptance by drawees until arrival of the merchandise covered by same—are clamoring for reimbursement of their advances, and I am somewhat in a quandary as to the advisability of having the goods realized upon at their present places of detention, reserving my rights for indemnity for a later date, as the cargo must have deteriorated.

¹ Not printed.
considerably, seeing the time elapsed since the goods left this port, or wait until you take action on the matter through diplomatic channels. All shipments from this country for Delagoa Bay now proceed via Hamburg or Bordeaux, and are landed at their destination without any remonstrance from the British authorities.

Your prompt and kind attention will oblige,

Respectfully, 

R. W. GELDART.

[Inclosure 2.]

Mr. Geldart to Mr. Hay.

NEW YORK, May 7, 1900.

Sir: I addressed you the 1st instant and am now in possession of another communication from my agents at Cape Town concerning the above seizure.

The English director of supplies, in accordance with an agreement entered into with Consul-General Stowe, consents to purchase the seized goods at a 10 per cent profit above invoice cost, after deduction of buying commission carried on face of said invoice.

This would not pay even draft charges, interest, and protest expenses, without figuring on my agents' commission, and it seems very unfair that I should be the actual loser by this operation.

I should be pleased to hear from your excellency.

Respectfully,

R. W. GELDART.

Mr. Choate to Mr. Hay.

[Telegram—Paraphrase]

AMERICAN EMBASSY, London, June 20, 1900.

(Mr. Choate requests that Mr. Geldart state the price that will reimburse him for shipments on the Mashona.)

Mr. Choate to Mr. Hay.

No. 344.]

AMERICAN EMBASSY, London, June 20, 1900.

Sir: I have the honor to report that on the receipt of your instruction No. 378, of the 24th ultimo, I addressed to Her Majesty's secretary of state for foreign affairs, on the 9th instant, a note upon the subject of Mr. Geldart's goods on the Mashona, and his dissatisfaction with the price of invoice and 10 per cent offered by the British Government. I annex a copy of this note.

Yesterday in an interview with Lord Salisbury the matter was further discussed, and upon my stating to him that now that the ship had been adjudged not to be an offender against the municipal law against trading with the enemy, Her Majesty's Government would seem to be liable to make good all damage done to the innocent shipper of cargo, he said the natural inquiry was what price Mr. Geldart would consider sufficient to make him good, whereupon I sent you a cable of inquiry on that point.

I have, etc.,

JOSEPH H. CHOATE.
Mr. Choate to Lord Salisbury.

American Embassy,
London, June 9, 1900.

My Lord: With reference to my note of the 4th of January last, in relation to the detention by the British authorities in South Africa of merchandise shipped by R. W. Geldart from New York to Delagoa Bay, I have the honor to inclose herewith for your lordship’s further information copies of letters from Mr. Geldart to the Secretary of State of the United States, dated the 1st and 7th ultimo, respectively, with respect to certain goods, viz. 200 bags of flour, 40 cases canned beef, 20 cases canned salmon, shipped by him on board the steamship Mashona.

It appears from Mr. Geldart’s letter, dated the 7th of May last, that the British director of supplies, in accordance with an agreement entered into with the consul-general of the United States at Cape Town (Mr. Stowe), has offered to purchase the seized goods at a 10 per cent profit above invoice cost after deduction of buying commission carried on the face of such invoice. Such an arrangement, Mr. Geldart claims, would not meet the draft, with charges, interest, and protest expenses.

It would appear, according to the judgment of the British prize court at Cape Town that there was probable cause for the seizure and detention of the Mashona, as for the treating with the enemy; but the court released the vessel on the ground that she had not in fact treated with the enemy nor intended to do so, except with the express or implied permission of the British authorities.

In view of the grounds put forward for the seizure of the Mashona and of the grounds stated by the court for releasing the ship, the cargo, except so far as contraband, would seem to have the same status as though it had been found aboard a British vessel trading solely between neutral ports. The court, however, states that there is no question of contraband in the case. The seizure not having been made or justified on account of contraband goods, the effect of the decision would appear to be, therefore, either that Her Majesty’s Government has the right to seize neutral and noncontraband goods aboard British vessels trading between neutral ports or else that the American owners of such goods would be entitled to full compensation for their damages, and in effecting a settlement by sale of the goods to Her Majesty’s Government, in the opinion of my Government, the owners should not, therefore, be expected to make sale on such terms as would involve loss to them by reason of the wrongful action of the British authorities. The decision of the court that the vessel was not engaged in trading with the enemy would seem to make your lordship’s suggestion that the owners of the cargo must first look for their damages to the ship and its owners as having been guilty of misconduct which caused the damage would therefore seem to be inapplicable at any rate to the present case; and I therefore have the honor to ask your lordship to consider the matter further, so that you may, if not inconsistent with your view of justice in such a case, direct the purchase of Mr. Geldart’s goods, wrongfully detained, at a price which would be at least sufficient to protect him from loss, he being manifestly an innocent sufferer. The amount involved in this case is comparatively trifling, but the principles upon which its disposition depends are of considerable importance.

I have, etc.,

Joseph H. Choate.

Mr. Hay to Mr. Choate.

[Telegram—Paraphrase]

Department of State,
Washington, June 23, 1900.

(Mr. Hay states that Mr. Geldart says his shipment by the Mashona, including necessary charges, would be covered by $1,000, and that $575 would cover his shipment by the Beatrice. If better terms can not be had, however, he will accept the British offer.)
No. 401.]

Mr. Hay to Mr. Choate.

Department of State,
Washington, June 25, 1900.

SIR: I confirm my telegram of the 22d instant with regard to the shipments of Mr. Geldart on the Mashona and Beatrice.

In this connection I inclose for your information copy of his letter on the subject, dated June 20.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Geldart to Mr. Hay.

New York, June 20, 1900.

Your Excellency: In reply to your dispatch of this day, reading as follows, "Ambassador Choate cables let Geldart say what price will make him good on Mashona," I beg to say that my agents have been instructed to close seized shipments on the English Government's terms if better are unattainable.

At the same time I would recall your excellency's attention to protests contained in my correspondence of May 1 and 8, respectively, which are hereby repeated.

The amount necessary to cover shipment ex Mashona is $1,000, and on Beatrice $575.

Thanking you for your kind attention and trusting I may eventually be reimbursed all the expenses attached to shipments in question,

Respectfully,

R. W. G.

P. S.—Actual value of shipment ex Mashona is $702. Add interest nine months, protesting, commission on sale of my agents—5 per cent—cabling, legal advice, bank's collecting commission, and so forth, and I am sure you will admit that my claim is only fair.

R. W. G.

Mr. Choate to Mr. Hay.

No. 350.]

American Embassy,
London, June 27, 1900.

SIR: Referring to my dispatch No. 344, of the 20th instant, and to your telegram in reply, dated the 22d instant, both relative to the terms of payment for Mr. Geldart's shipment on the Mashona and Beatrice, I have the honor to inclose herewith the copy of a note which I have addressed to Lord Salisbury on the subject dated yesterday.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

American Embassy,
London, June 26, 1900.

My Lord: With respect to my interview with your lordship on the 19th instant, in reference to my note of the 9th instant and to previous correspondence, upon the subject of the detention by the British authorities in South Africa of merchandise shipped by Mr. R. W. Geldart from New York to Delagoa Bay, under instructions from my Government, I have the honor to state that Mr. Geldart considers that $1,000 would protect him from the loss with respect to the shipments on board the Mashona, and that he would accept that amount as full payment of his claim, and further that he would accept $575 for his shipments (beer and lard) on board the Beatrice.

I should therefore be glad to hear your lordship's views upon the subject and whether the proposition above stated will be acceptable to Her Majesty's Government.

I have, etc.,

JOSEPH H. CHOATE.
Mr. Choate to Mr. Hay.

No. 361.]

American Embassy,
London, July 23, 1900.

SIR: Referring to my dispatch No. 350, of the 27th ultimo, and to previous correspondence respecting Mr. Geldart’s shipments to South Africa by the Mashona and by the Beatrice, I have the honor to inclose herewith a copy of a note from the foreign office, dated the 20th instant, in reply to mine of the 9th and 26th ultimo, respectively, from which it will be perceived that his lordship, while taking exception to what he terms the misapprehension underlying the statement of alternatives set forth in my note of the 9th, and disclaiming any seizure of the neutral and noncontraband goods on board the Mashona, at the same time agrees in behalf of Her Majesty’s Government to the proposal made in my note of the 26th ultimo, and expresses his willingness to pay Mr. Geldart $1,000 in full payment of his claim with respect to his shipments by the Mashona, and $575 in full payment of his claim for his shipments by the Beatrice, these payments being made on the understanding that they will secure the delivery of the goods from all further claims whatsoever.

His lordship wishes it to be distinctly understood, however, that these payments are made purely “ex gratia,” having regard to the special circumstances of this particular case, no legal liability being admitted by Her Majesty’s Government either to purchase the goods or for the expenses which he has incurred.

I therefore await your further instructions before accepting the drafts for the before-mentioned amounts in payment of Mr. Geldart’s claim.

I have, etc.,

Joseph H. Choate.

[Inclosure.]

Lord Salisbury to Mr. Choate.

Foreign Office, July 20, 1900.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your notes of the 9th and of the 26th ultimo respecting Mr. Geldart’s shipments to South Africa by the Mashona and by the Beatrice. The first of your excellency’s notes was under my consideration when the second arrived. The action which the second enables me to take renders it unnecessary for me to do more than to notice one point in the first. Your excellency writes on the 9th ultimo:

“It would appear, according to the judgment of the British prize court at Cape Town, that there was probable cause for the seizure and detention of the Mashona as for treating with the enemy; but the court released the vessel on the ground that she had not in fact treated with the enemy nor intended to do so, except with the express or implied permission of the British authorities.

“In view of the grounds put forward for the seizure of the Mashona, and of the grounds stated by the court for releasing the ship, the cargo, except so far as contraband, would seem to have the same status as though it had been found aboard a British vessel trading solely between neutral ports.

“The court, however, states that there is no question of contraband in the case. The seizure not having been made or justified on account of contraband goods, the effect of the decision would appear to be, therefore, either that Her Majesty’s Government has the right to seize neutral and noncontraband goods aboard British vessels trading between neutral ports, or else that the American owners of such goods would be entitled to full compensation for their damages.”

I must at once correct the apprehension, which, as I think, underlies this state-
ment of alternatives. In the present instance Her Majesty's Government have neither exercised nor claimed any such right as that indicated; neither have they seized neutral and noncontraband goods; the goods of that description found on board the Mashona were not seized; their passage to Lorenzo Marques was interrupted; but by this interruption they were detained only so far as their presence on board of the ship, which had been arrested, made their detention unavoidable.

Had the prize court held that the arrest of the ship was not justified, it would presumably have awarded damages against the captors of the ship, and the damage would presumably have been so calculated as to enable the ship to meet the merchants' claims arising out of the unjustified interruption of the voyage. But the court did not so hold, and, as it appears to me, the ship must therefore bear the consequences of the arrest and must meet the merchants' claims.

The case of neutral-owned and noncontraband goods on board the British ship Beatrice, mentioned in your excellency's note of the 25th ultimo, is analogous to that of similar goods on board the Mashona. The Beatrice by the law of her flag could not legally carry goods destined for the enemy; if, therefore, she shipped such goods, she must bear the consequences of her act. Among those consequences was the delaying of the goods until such time as they could be placed on a ship that could legally carry them on to Lorenzo Marques.

The offer of the British director of supplies to purchase any of the goods originally carried by the Mashona, or other ships, was authorized by Her Majesty's Government, because it appeared to be a convenient way of making good to the neutral owners the loss which must accrue to them through the delay caused by the arrest of the carrying ship, and, as the case may be, by the necessary landing of them from ships that could not legally carry them. This course had the manifest advantage of saving the owners the trouble of recovering damages from the carrying ships.

The price offered by the director would be fixed by the commercial considerations which regulate such offers, and would not take into consideration the events in consequence of which the goods chanced to be purchasable at Cape Town.

The above observations have no reference to the stoppage of Mr. Geldart's goods at Port Elizabeth. I am ignorant of the cause of the stoppage, and have asked Her Majesty's Secretary of state for the colonies to inquire into it.

But Her Majesty's Government are willing to agree to the proposal made in your note of the 26th ultimo and to pay Mr. Geldart $1,000 in full payment of his claim with respect to his shipments by the Mashona, and $575 in full of his claim for his shipments by the Beatrice. These payments are made on the understanding that they will secure the delivery of the goods free from all further claims whatsoever.

It must be distinctly understood that these payments are made purely "ex gratia" and having regard to the special circumstances of this particular case. No liability is admitted by Her Majesty's Government either to purchase the goods or to compensate Mr. Geldart for the losses or for the expenses which he has incurred.

On hearing from your excellency that these terms are accepted, I shall be happy to forward to you, for payment to Mr. Geldart, drafts for the above-mentioned amounts.

I have, etc.,

SALISBURY.

Mr. Adee to Mr. Choate.

No. 432.]

DEPARTMENT OF STATE,
Washington, August 15, 1900.

Sir: I have to acknowledge the receipt of your dispatch No. 361 of the 23d ultimo, reporting that the British Government is willing to pay Mr. Geldart $1,000 in full payment of his claim with respect to his shipments by the Mashona, and $575 in full payment of his claim with respect to his shipments by the Beatrice, these payments being made on the understanding that they will secure the delivery of the goods free from all further claims whatsoever.

The substance of your dispatch was communicated to Mr. Geldart on the 4th instant. A copy of his letter in reply accepting the offer of the British Government is herewith inclosed for your information.

I am, etc.,

ALVEY A. ADEE.
Mr. Geldart to Mr. Adee.

NEW YORK, August 7, 1900.

Sir: In reply to your favor of the 4th instant, I beg to inform you that I shall certainly accept the offer made by the British Government and am forwarding instructions to my representatives at South Africa to that effect.

Thanking the State Department for all its efforts on my behalf,

Respectfully,

R. W. GELDART.

EXERCISE OF GOOD OFFICES OF U. S. CONSUL IN BEHALF OF BRITISH PRISONERS OF BOERS IN SOUTH AFRICA.

Mr. Hay to Lord Pauncefote.

No. 1612.] DEPARTMENT OF STATE, Washington, November 11, 1899.

EXCELLENCY: Referring to the correspondence had with Mr. Tower touching the desire of Her Majesty's Government for information concerning the health and welfare of British prisoners in the Transvaal, I have the honor to inform you that a telegram was received late last night from the consul at Pretoria stating that Majors Capel and Humphries are both in fine health. Mr. Macrum adds that he is notified by the state secretary that all requests for payment of money to officers and also other inquiries regarding them must in future come through regular military channels at front; that he will not further recognize Mr. Macrum in any British official capacity.

I have, etc.,

JOHN HAY.

Lord Pauncefote to Mr. Hay.

WASHINGTON, November 22, 1899.

Sr: Referring to your note No. 1612 of the 11th instant, and to previous correspondence with Mr. Tower on the subject of remitting money to British prisoners in the Transvaal, I have the honor, acting upon the instruction of my Government, to suggest, for the consideration of your Government, that the United States consul at Pretoria should point out to the Transvaal Government that they are departing from the usual practice in not allowing the friendly offices of the United States consul to be used on behalf of these prisoners. Lord Salisbury calls attention to the fact that during the Crimean war moneys for British prisoners in Russia and for Russian prisoners in England were distributed through the Danish representatives in St. Petersburg and London. Further, that during the Franco-Prussian war moneys were handed to the French prisoners in Germany through the British representative in Germany, and French prisoners were allowed to send their letters to France from Germany through the British foreign office.

Lord Salisbury desires me to add that it is understood that reciprocal privileges would of course be granted to Boer prisoners in our hands.

I have the honor, etc.,

PAUNCEFOTE.
Mr. Hay to Lord Pauncefote.

No. 1619.]

DEPARTMENT OF STATE,
Washington, November 28, 1899.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 22d instant on the subject of remitting money to British prisoners in the Transvaal, in which, under instructions from your Government, you suggest that the United States consul at Pretoria should point out to the Transvaal Government that they are departing from the usual practice in not allowing the friendly offices of the United States consul to be used on behalf of these prisoners.

I have instructed the consul at Pretoria to call the attention of the Government of the South African Republic to the statements and views of Lord Salisbury.

I have, etc.,

                        JOHN HAY.

Mr. Hay to Lord Pauncefote.

No. 1753.]

DEPARTMENT OF STATE,
Washington, April 9, 1900.

EXCELLENCY: You will recall that under date of November 22, 1899, you communicated to me the views and desires of your Government as to the pointing out to the Transvaal Government by the United States consul at Pretoria that they are departing from the usual practice in not allowing the friendly offices of the United States to be used on behalf of British prisoners.

In accordance with my promise to you, copy of your note was forwarded to the United States consul at Pretoria, with instructions to make use if necessary of the precedents therein cited by Lord Salisbury to show that the charitable and humane intervention of the United States consul is usual and regular in time of war.

I have since had occasion to communicate with the consul by telegraph in regard to the opportunity and manner of remittance for charitable aid to the sick and wounded, whether British or Boer, in the course of the present war.

It is only within a day or two that I have received a definite reply from the consul. Mr. Hay now telegraphs me that he can use the money for prisoners and can draw upon me for charitable contributions on both sides.

I have, etc.,

                        JOHN HAY.

Mr. Hay to Lord Pauncefote.

No. 1752.]

DEPARTMENT OF STATE,
Washington, April 9, 1900.

EXCELLENCY: Referring to my note of even date, by which I advise you of the gratifying information cabled by the consul at Pretoria that he can use money for British prisoners, I have the honor to communicate to you, for the information of your Government, copy of correspondence exchanged in January and February last between Mr. W. Stanley Hollis, who served as acting United States consul at Pretoria
after the departure of the consul, Mr. Macrum, and Mr. F. W. Reitz, state secretary of the South African Republic, in regard to the manner and extent of the consul's action on behalf of British interests and in aid of the British prisoners.

Mr. Hollis's report of this correspondence was in execution of an instruction sent to Mr. Macrum under date of November 24, 1899, with which was inclosed a copy of your note of November 22, and therefore represents the position taken by the South African Government prior to the arrival of Consul Hay at Pretoria. Whether Mr. Hay's telegram indicates the confirmation by the South African Government of the understanding so notified to Mr. Hollis, or covers any modification of the terms thereof, can not be clearly known until Mr. Hay's full reports shall have been received by mail.

I have, etc.,

JOHN HAY.

[Inclosure.]

Mr. Hollis to Mr. Hill.

No. 114.]

CONSULATE OF THE UNITED STATES,

SIR: Replying to the instruction from Hon. John Hay, dated November 24 last and numbered 60, I have the honor to report as follows:

I have had a number of conferences with the state secretary and with the secretary of foreign affairs in relation to my attitude toward British interests and toward British prisoners of war in this country.

I have learned from many official and consular sources that the late British agent at this capital was always a thorn in the side of this Government, and that he is, in part, responsible for this present war.

Such being the case, this Government has a strong aversion toward recognizing anyone who may claim to act as a British agent.

The state secretary said to me: "We got rid of the British agent on the 11th of October last, and, God willing, we will never have another one here."

On the other hand, this Government fully expects, when this present war is over, to receive a British minister and British consul, but it will not receive any more British agents.

When I thoroughly understood the situation and the views of this Government thereon, I wrote to the state secretary and gave him an expression of the views of his Government, as I understood them.

Copies of my letter and of the state secretary's reply thereto are herewith inclosed.

I also inclose copies of a telegram that I have received from the press censor at Durban, Natal, and of my reply thereto.

In this connection I have the honor to refer to my dispatch No. 105, of January 5, 1900, which, together with this present dispatch and its inclosures, will, I trust, give you a clear idea of my relations with this Government. I have thus endeavored to come to a clear, friendly, and satisfactory understanding upon these matters with the Government of the South African Republic, and trust that my action in so doing will meet with your approval.

I respectfully request that your acknowledgment of this dispatch be sent to me at Lourenço Marques.

I have, etc.,

W. STANLEY HOLLIS,
United States Consul.

[Subinclosure 1.]

Mr. Hollis to Mr. Reitz.

CONSULATE OF THE UNITED STATES OF AMERICA,
Pretoria, January 31, 1900.

DEAR SIR: I have the honor to refer to our conversation of this morning, in which I stated to you that my Government had instructed me to call your attention to its views and to the views of Lord Salisbury upon the subject of the attitude of the United States consul at this capital in relation to British interests and to the British prisoners of war.
In this conversation I communicated to you the substance of the communication, with its inclosures, that I had received from my Government, and you in turn communicated to me your views in the matter.

It thus seems that the present time is an excellent one in which we can come to a mutual understanding in this matter.

As I understand it, the views of your Government in this matter are as follows:

1. The Government of the South African Republic objects to recognizing the United States (or any other) consular officer as the official representative of the British Government during the present war.

2. The Government of the South African Republic objects to the transmission by the United States consul of—
   (a) Official communications from the British Government and addressed to the Government of the South African Republic.
   (b) Official communications from the British Government and addressed to British prisoners here.
   (c) Moneys or funds sent by the British Government to British prisoners here.

On the other hand, I understand that the Government of the South African Republic will have no objection to the performance by the United States consul at this capital of the following services on behalf of the British prisoners of war and their friends:

1. The forwarding of letters and papers sent by friends or relatives of the prisoners.
2. The distribution of funds (under the supervision of the war office of the South African Republic) sent to the British prisoners by their friends or relatives.

Provided that these services are reciprocal and that the Government of the South African Republic will have the right to request the similar services of the United States consular officers in the British Possessions and on behalf of the Boer and Afrikander prisoners of war that are now in the hands of the British authorities.

I further understand that the Government of the South African Republic reserves to itself the right to revoke any or all of the privileges to receive letters, money, and parcels now enjoyed by the British prisoners of war in this Republic, and that the fact that Boer or Afrikander prisoners of war in the hands of the British authorities are not receiving kind and humane treatment, or are denied privileges similar to the privileges now allowed to British prisoners of war in the South African Republic, will, if proven to your satisfaction, be deemed sufficient cause and reason for such action on the part of your honorable Government.

Assuring you of my high consideration and esteem, and venturing to hope for an early reply, I have, etc.,

W. STANLEY HOLLIS.

[Subinclosure 2.—Translation.]

Mr. Reitz to Mr. Hollis.

DEPARTMENT VAN BUITENLANDSCHE ZAKEN,
GOVERNMENTS KANTOOR,
Pretoria, February 2, 1900.

Dear Sir: I have the honor to acknowledge the receipt of your letter, No. 194, dated January 31, 1900, in which you state the substance of the conversation between us of that date, concerning the views held by this Government in relation to your taking charge of British interests and those of British prisoners of war in this Republic.

I note with pleasure that the view adopted by this Government has been stated with perfect correctness in your letter under reply.

That is the attitude in accordance with which this Government has acted and will continue to act.

Assuring you of my high consideration, etc.,

F. W. REITZ,
State Secretary.

[Subinclosure 3.]

Press Censor to Mr. Hollis.

Telegram.

PRETORIA, 124, February 1, 1900.

Please say if prisoners are allowed to receive parcels tobacco; other things. Are they allowed newspapers?
GREAT BRITAIN.

[Subinclusion 4.]
Mr Hollis to Press Censor at Durban, Natal.

[Telegram.]

UNITED STATES CONSULATE,

Yes; if sent by their friends, and through this consulate. W. STANLEY HOLLIS.

Lord Pauncefote to Mr. Hay.

No. 111.]

British Embassy,
Washington, April 18, 1900.

Sir: With reference to your personal note of March 16, and your note, No. 1753, of April 6, I have the honor, by direction of Her Majesty's principal secretary of state for foreign affairs, to convey to your Government the thanks of Her Majesty's Government for the success which has attended the efforts of the United States consul on behalf of the British prisoners of war at Pretoria.

As regards the treatment of Boer prisoners by British authorities, I am to inform you that telegrams, books, clothing, and luxuries are freely transmitted to them after inspection; that small amounts of money are given to them direct, while larger amounts are handed to the commandant to issue in small sums, and that clothing is issued at the public expense to prisoners who are in great need of it.

I have, etc.,

PAUNCEFOTE.

AWARD BY BRITISH GOVERNMENT TO MRS. GEORGE F. LABRAM IN RECOGNITION OF HER HUSBAND'S SERVICES DURING THE SIEGE OF KIMBERLEY.

Mr. Hill to Mr. White.

No. 445.]

Department of State,
Washington, September 11, 1900.

Sir: I inclose for your information copy of a letter addressed to the Department by Mrs. George F. Labram, of Aurora, Ill., inclosing a communication from Lieutenant-Colonel Kekewich, commanding British troops in South Africa, showing services rendered by the late George F. Labram, and requesting information as to the manner in which his widow should present her claim to the British Government for the death of her husband.

In view of Colonel Kekewich's statement to the effect that Mr. Labram completed many engineering works which materially assisted in prolonging the defense of Kimberley, it is thought possible that the British Government might, upon representation of the facts, feel inclined to make some provision for Mrs. Labram.

You are accordingly instructed to informally present the papers in question to Her Majesty's Government for its consideration, and report the result to the Department.

I am, etc.,

DAVID J. HILL.
FOREIGN RELATIONS.

[Inclosure.]

Mrs. Labram to Mr. Hay.  
AURORA, August 26, 1900.

DEAR SIR: I do not know the proper channel through which a claim can be presented to the English Government, but have been advised to place the facts before the State Department, and have been assured that you would have the documents forwarded to the party whose duty it may be to act for and in my behalf.

My late husband, George Labram, was in the employ of the De Beers Consolidated Mines, Limited, Kimberley, South Africa; was in the town during the time it was besieged; an American citizen, born in Detroit, Mich., in 1859. He never renounced his allegiance to the United States Government, and was at his death, as always, an American. He was killed at Kimberley by the explosion of a shell while in his room in the hotel, on the 9th day of February, 1900. Myself and son, aged 13 years, are his only heirs, and it seems to me that I am entitled to some consideration from the English Government, as he was practically compelled to fight there, to prevent the capture of Kimberley by the Boers in behalf of the English forces. If you would kindly forward any documents for evidence that may be required, of his actions and his death, full information can be obtained from Mr. Gardner Williams, American consul at Kimberley and general manager of the De Beers Consolidated Mines, Limited. Mr. Williams is now in England and can be communicated with by addressing care of De Beers Consolidated Mines, 62 Lombard Street, London, E. C.

I inclose herewith a certified copy of a letter from Colonel Kekewich stating that the English Government was indebted to my late husband.

I trust that I have appealed to the right quarter for aid as I was dependent upon my husband and his engineering ability for my living, and will feel deeply grateful for an acknowledgment of this letter with information as to the disposal made of it.

Yours, very truly,

[Signature]

Mrs. Geo. F. Labram.

[Subinclosure.]

Lieutenant-Colonel Kekewich to Mrs. Labram.

FEBRUARY 12, 1900.

DEAR MADAM: It was with great grief that I received the sad intelligence on February 9 that your husband, Mr. George Labram, has been killed by a Boer shell.

I write to offer you and your son the deepest sympathy of my staff and myself in the severe loss you have sustained. Not only Kimberley, but the whole British nation, is to-day indebted to your late husband for the invaluable assistance he afforded to the defenders of Kimberley during a siege extending over nearly four months. Your late husband placed unreservedly at my disposal his great genius, and I can not sufficiently express my gratitude for the many works he completed, which have much assisted me to prolong the defense of Kimberley. I can assure you, my dear madam, that the whole of Kimberley mourns the loss of our dear friend George Labram as we would the loss of a dear relative.

Yours, sincerely,

Lieutenant-Colonel, Commanding the Troops at Kimberley.

Mr. Choate to Mr. Hay.

No. 459.]  
AMERICAN EMBASSY,

London, December 19, 1900.

SIR: Referring to your instruction No. 445 of September 11 last, I have the honor to inclose the copy of a note received by me from the Marquis of Lansdowne, transmitting an order, which I also inclose herewith, upon Her Majesty's paymaster-general for £1,000, which the secretary of state for war has awarded to Mrs. Labram.

You will observe "that Her Majesty's Government gladly take this
opportunity of placing on record their sense of the valuable services by her late husband during the siege of Kimberley and of expressing their regret at the loss she has sustained in his death."

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

The Marquis of Lansdowne to Mr. Choate.

FOREIGN OFFICE, December 13, 1900.

Your Excellency: I referred to Her Majesty's secretary of state for war the letter from Mrs. Labram, communicated to me by your excellency on the 2d October last, in which she appeals for a grant from Her Majesty's Government in recognition of the assistance afforded to Her Majesty's troops by her late husband when Kimberley was besieged by the Boer forces. I have pleasure in informing your excellency that Mr. Broderick has found himself able to award Mrs. Labram a sum of £1,000, for which I inclose an order on Her Majesty's paymaster-general.

I have to request your excellency to be good enough to forward this sum to Mrs. Labram, and to add that Her Majesty's Government gladly takes this opportunity of placing their sense of the valuable services rendered by her late husband during the siege of Kimberley and of expressing their regret at the loss she has sustained in his death.

I have, etc.,

LANSDOWNE.

Mr. Hay to Mr. Choate.

No. 522.]

DEPARTMENT OF STATE,
Washington, December 29, 1900.

Sir: I have to acknowledge the receipt of your No. 459 of the 19th instant transmitting an order upon Her Majesty's paymaster-general for £1,000, which the British secretary of war has awarded to Mrs. George F. Labram in recognition of the assistance afforded by her late husband to Her Majesty's troops at Kimberley.

The order has this day been forwarded to Mrs. Labram.

I am, etc.,

JOHN HAY.

Samoan Claims of French Citizens.—Admission to Arbitration.

Lord Pauncefote to Mr. Hay.

[Memorandum.]

BRITISH EMBASSY,
Washington, June 19, 1900.

The French Government have approached Her Majesty's Government with a view to procuring the admission of the claims of French citizens to the forthcoming arbitration before the King of Sweden and Norway on claims arising out of the recent disturbances in Samoa.

According to Article III of the Tripartite Convention either of the three Governments may, with the consent of the others, submit for arbitration claims of persons, not being natives, who are under the protection of that Government. But although French citizens do not, so far as Her Majesty's Government are aware, come within this category, they feel it would be difficult equitably to refuse the application.
of the French Government for the admission of the claims of their citizens to arbitration.

It appears that the French Government have obtained an assurance from the German Government that they will do their best to procure the admission of French claims, and Her Majesty's Government understand that the Government of the United States have also been approached on the subject.

Her Majesty's Government are desirous, before returning a definite answer to the French ambassador, to ascertain the views of the United States Government on the subject and the nature of the answer which they propose to return to the request of the French Government.

Mr. Hay to Lord Pauncefote.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, June 25, 1900.

The Secretary of State has given consideration to the memorandum of the British ambassador, dated June 19, 1900, reciting that the French Government was desirous of having the claims of its citizens arising out of the recent disturbances in Samoa included in the arbitration before the King of Sweden and Norway, pursuant to the convention concluded November 7, 1899, between the Governments of the United States, Great Britain, and Germany, providing for the settlement of certain claims in Samoa by that method.

The Secretary of State agrees that the French claims do not properly fall under the provisions of Article III of that convention, since they are not claims of persons, not natives, who are under the protection of either of the three Governments parties to the tripartite agreement, but the Secretary of State believes that the application of the French Government is one that should be equitably treated. Hence the Government of the United States readily consents, in case both Great Britain and Germany agree, that claims of French citizens growing out of occurrences in Samoa may be included in those to be submitted to the King of Sweden and Norway as arbitrator.

The Government of the United States has not yet been approached upon the subject further than by an informal memorandum left at the Department of State by the chargé d'affaires ad interim of France on December 26, 1899, asking that in case the convention for the settlement of Samoan claims should become a law the claims of French citizens sufferers in Samoa be included in the arbitration. Should it be, the assent of the Government of the United States to the proposition will be given, conditioned only that it meets with the approval of Great Britain and Germany.

Lord Pauncefote to Mr. Hay.

No. 285.]

BRITISH EMBASSY,
Newport, R. I., October 1, 1900.

Sir: I have the honor to inform you by direction of the Marquis of Salisbury that His Majesty the King of Sweden and Norway has signified his willingness to consider the claims of all foreigners in con-
connection with the military operations in Samoa, if the three signatory powers of the convention of November 7, 1899, will consent to their being submitted to His Majesty’s arbitration.

I am instructed by Lord Salisbury to ascertain the views of your Government on this point and to inform you that Her Majesty’s Government on their part are prepared to agree to the proposal.

I have, etc.,

PAUNCEFOTE.

Mr. Hay to Lord Pauncefote.

No. 1952.]

DEPARTMENT OF STATE,Washington, October 13, 1900.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 1st instant, saying that His Majesty the King of Sweden and Norway had signified to Her Britannic Majesty’s Government his willingness to consider the claims of all foreigners in connection with the military operations in Samoa, provided the three signatory powers to the convention of November 7, 1899, would consent to their being submitted to arbitration. You accordingly ask the views of this Government, stating at the same time that the Government of Her Majesty is prepared to agree to the proposal.

The provision of the treaty bearing upon claims other than those of the signatory powers is found in article 3, which says:

Either of the three Governments may, with the consent of the others, previously obtained in every case, submit to the King for arbitration similar claims of persons not being natives, who are under the protection of that Government and who are not included in the above-mentioned categories.

This provision limits the claims of those not natives to be submitted to arbitration to those persons who are under the protection of either the United States, Great Britain, or Germany. No other class of claims is provided for; but in view of the probability that the three Governments concerned will sanction the admission of claims of French citizens there does not seem to be any sufficient reason why equal treatment may not be accorded to other nationals, since the arbitrator is disposed to consider them if agreeable to the treaty Governments.

The Government of the United States accordingly assents to the propositions in case Great Britain and Germany do likewise. It believes, however, that each Government should insist upon knowing the number and character of these claims before their final submission to the arbitrator, and that the Government desiring this special privilege on behalf of its citizens or subjects should prefer its request to each of the signatory powers, so that they may have an opportunity to know what is to be presented to the arbitrator. The claim of a national whose Government is not responsible for its presentation in this way should be excluded.

I have, etc.,

JOHN HAY.

Lord Pauncefote to Mr. Hay.

No. 303.]

BRITISH EMBASSY,
Newport, R. I., October 16, 1900.

SIR: I have the honor to acknowledge the receipt of your note, No. 1952, of the 13th, in which you are good enough to inform me of the
terms on which your Government are prepared to assent to the proposal that His Majesty the King of Sweden and Norway should consider the claims of all foreigners in connection with the military operations in Samoa.

I have forwarded a copy of your note to my Government, and I have now the honor to transmit to you, by direction of the Marquess of Salisbury, a copy of a note addressed to his lordship by the chargé d'affaires of Sweden and Norway in London, stating that the German Government have notified their intention to present on the 1st proximo the claims of Germany for losses suffered in Samoa, and requesting Her Majesty's Government to present the British claims by December 1, or at latest by the end of the current year, together with a copy of the reply returned to Baron Ramel, stating that, in the opinion of Her Majesty's Government, it is necessary first to determine whether the military action through which the claims arose was or was not warranted.

I have, etc.,

PAUNCEFOSE.

[Inclosure 1—Translation.]

Baron Ramel to Lord Salisbury.

LEGATION OF SWEDEN AND NORWAY,
London, September 25, 1900.

Mr. MARQUIS: The minister of Germany at Stockholm has given notice of the intention of the Imperial Government to submit on the 1st of November next to the decision of His Majesty the King indemnity claims of German subjects for losses sustained at Samoa.

As it is important that similar claims of subjects and citizens of the other signatory powers parties to the Washington convention of November 7, 1899, be laid before the arbitral tribunal without too great a delay after the presentation of the German claims, I have been charged by order of the King to request the Government of Her Britannic Majesty to transmit, if possible, before the 1st of December next to the Government of the King the claims of the British subjects for delivery to the tribunal.

Should the Government of Her Britannic Majesty find it impossible to produce these documents before the date mentioned, the King is ready to grant on request a further extension of time.

It would, however, be highly desirable that all documents bearing on the Samoan indemnities be collected in Stockholm before the close of the year.

While bringing the foregoing to the knowledge of your lordship, I venture to apply to your good offices to the end of receiving an answer as promptly as circumstances will permit.

I take, etc.,

CH. EMIL. RAMEL.

[Inclosure 2.]

Lord Salisbury to Baron Ramel.

FOREIGN OFFICE, October 5, 1900.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, in which you are good enough to inform me that the German Government have notified the intention to present on the 1st proximo for the decision of His Majesty the King of Sweden and Norway claims for losses incurred by Germans in Samoa.

These are the losses which, according to the convention signed at Washington on the 7th of November last, Germans allege they have suffered in consequence of unwarranted military action, if this be shown to have occurred, between January 1, 1899, and the arrival of the Joint Commission.
You at the same time request Her Majesty’s Government to present the British claims by the 1st of December, or at the latest by the end of the current year.

I have in reply to observe that it seems necessary in the first instance to determine whether the military action through which these claims arose was or was not unwarranted.

With regard to this point a memorandum setting forth the events which took place between the above-mentioned dates is being prepared and will in due course be submitted for the consideration of His Majesty.

I have, etc.,

F. H. VILLIERS.
(For the Marquess of Salisbury.)

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Mr. Hay to Lord Pauncefote.

No. 1958.]  

DEPARTMENT OF STATE,  
Washington, October 22, 1900.

EXCELLENCY: Referring to my No. 1952 of October 13, 1900, I have the honor to inclose for your information copy of a note\(^1\) from the German chargé d’affaires ad interim of the 15th, and of my reply\(^2\) of the 22d instant, further relating to the submission to arbitration of the claims of foreigners in Samoa, not natives, and not under the protection of either the United States, Great Britain, or Germany.

Copy of the entire correspondence on this subject has been forwarded to Mr. W. W. Thomas, United States minister at Stockholm, with direction to acquaint His Majesty the King of Sweden and Norway of its nature, and to say that the claims of citizens of the United States, as provided for by the convention of November 7, 1899, were being prepared with a view to their early and formal submission.

I have, etc.,

JOHN HAY.

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COURTESIES TO U. S. F. C. S. ALBATROSS, BY BRITISH DEPUTY COMMISSIONER AND VICE-CONSUL AT SUVA HARBOR, FIJI ISLANDS.

Mr. Hay to Mr. Choate.

No. 316.]  

DEPARTMENT OF STATE,  
Washington, February 26, 1900.

SIR: At the instance of the Commissioner of Fish and Fisheries, I transmit herewith a copy of a letter from Commander Jeff. F. Moser, U. S. N., commanding U. S. F. C. S. Albatross, regarding courtesies extended to Prof. Alexander Agassiz and himself by Her Britannic Majesty’s deputy commissioner and vice-consul, Mr. R. Beckwith Leefe, at Suva Harbor, Fiji Islands.

In compliance with Mr. Bowers’s request, you are hereby instructed to convey through the proper channel to Mr. Leefe the cordial thanks of this Government for his courteous services to Commander Moser and Professor Agassiz.

I am, etc.,

JOHN HAY.

\(^1\)Printed, p. 523.  \(^2\)Printed, p. 524.
FOREIGN RELATIONS.

[Inclosure.]

Mr. Bowers to Mr. Hay.

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 16, 1900.

Sir: I have the honor to transmit herewith a copy of a letter from Commander Jeff. F. Moser, U. S. N., commanding U. S. F. C. S. Albatross, regarding courtesies extended to Prof. Alexander Agassiz and himself by Her Britannic Majesty’s deputy commissioner and vice-consul, Mr. R. Beckwith Leefe, at Suva Harbor, Fiji Islands. This Commission would be pleased to have the service acknowledged to the British Government if it is deemed proper by the Department of State.

Very respectfully,

Geo. M. Bowers, Commissioner.

[Subinclosure.]

Commander Moser to Mr. Bowers.

U. S. COMMISSION OF FISH AND FISHERIES, STEAMER ALBATROSS,
Suva Harbor, Fiji Islands, December 10, 1899.

Sir: During our brief visit to Nuku’Alofa, Tonga, where we have no diplomatic or consular representative, Her Britannic Majesty’s deputy commissioner and vice-consul, Mr. R. Beckwith Leefe, placed his services at our disposition, and through him an audience was arranged and held with King George Turbon II. If you deem it proper the Department of State might be notified and the service acknowledged to the British Government.

The audience was formed of three officers, Mr. Woodworth, who accompanied Mr. Agassiz, and myself. We were received by the King and his ministers, and after some questions and explanations as to the nature of our work and expressions of good will we retired.

Very respectfully,

Jeff. F. Moser,
Commander United States Navy, Commanding.

COURTESIES OF BRITISH NAVAL OFFICERS ON OCCASION OF AN EXPLOSION ABOARD THE U. S. S. “WHEELING,” AT HONGKONG.

Mr. Hay to Mr. White.

No. 333.]

DEPARTMENT OF STATE,
Washington, March 20, 1900.

Sir: I inclose for your information copy of a letter from the Secretary of the Navy transmitting a communication from the commanding officer of the U. S. S. Wheeling, wherein he expresses his appreciation of the unreserved kindness of the British officers and men at the time of the explosion on board the Wheeling, at Hongkong, China.

You are instructed to transmit a copy of the letter in question to the proper authorities of Her Majesty’s Government, with a warm expression of this Government’s high appreciation of the kind action of the officers and men of Her Majesty’s navy on the occasion in question.

I am, etc.,

John Hay.

[Inclosure.]

Mr. Long to Mr. Hay.

NAVY DEPARTMENT,
Washington, March 19, 1900.

Sir: I have the honor to forward herewith a copy of a letter from the commanding officer of the Wheeling, wherein he expresses his appreciation of the unreserved kind-
ness of the British officers and men at the time of an explosion on board the Wheel-
ing, at Hongkong, China.

The Department requests that, if compatible with the views of the State Department, this appreciation of the kindness shown be conveyed to the British Government.

I have, etc.,

JOHN D. LONG, Secretary.

[Subinclosure.]

Mr. Burwell to commander in chief of Flagship Brooklyn.

U. S. S. Wheeling,
Hongkong, China, February 1, 1900.

Sirs: 1. I have the honor to report that since the gun accident reported by me on the 27th ultimo to the senior officer present, there have been no material facts obtainable, as no one who was present at the time can yet be examined.

2. The salute was ordered to be fired in honor of the German Emperor. The usual selected crew, under charge of the executive officer, was firing the salute and the men of the spar deck were at "attention." As there were a large number of vessels firing around us, the accident below was not noticed until I saw that our salute had stopped. I went forward and, seeing smoke coming up, ordered the men to fire quarters. Finding that there were casualties, sent to Baltimore for medical aid. In the meantime the English cruiser Brisk, next to us, had noticed the fire alarm and had sent a surgeon. Immediately after, another surgeon was sent from the Centurion, the flagship of Vice-Admiral Seymour. Every assistance was given by the English fleet. The men were transferred at once to the naval hospital, and have since been treated with the utmost kindness.

3. On the day following the accident the funeral of C. A. Campbell, gunner's mate, third class, took place. Admiral Seymour, in a private note, requested me to inform him as to the time of the funeral. The band of the Centurion and mourners from the Centurion and Brisk accompanied the procession. The governor sent promptly an expression of sympathy and permission to land a firing party. Messages of condolence have been received from all the foreign vessels in the harbor.

4. I can not express too strongly my appreciation of the unreserved kindness of the English officers and men at this time. Nor can I tell which I admire most, the admirable preparedness which gave such prompt and efficient aid, or the delicate sympathy which has been shown for us in our misfortune.

I have, etc.,

W. T. BURWELL,
Commander, U. S. Navy, Commanding.

COURTESIES EXTENDED TO AN OFFICER OF THE U. S. ARMY BY BRITISH FORCES IN SOUTH AFRICA.

Mr. Hay to Mr. Choate.

No. 496.]

DEPARTMENT OF STATE,
Washington, November 19, 1900.

Sirs: I inclose for your information a copy of a letter from the Acting Secretary of War, asking that you may be instructed to express to the British Government the high appreciation of the United States War Department for the courtesies extended to Capt. Stephen H. Slocum, Eighth Cavalry, U. S. A., military attaché with Her Majesty's forces during the recent military operations in South Africa, and especially for the kind attention shown him by Colonel Viscount Downe, who had charge of the foreign officers.

I am, etc.,

JOHN HAY.
Mr. Miles to Mr. Hay.

WAR DEPARTMENT,
Washington, November 12, 1900.

Sir: I have the honor to request that the American ambassador at London, England, may be instructed to express to the English Government the high appreciation of this Department for the courtesies extended to Capt. Stephen L. H. Slocum, Eighth Cavalry, U. S. A., military attaché with Her Majesty’s forces during the recent military operations in South Africa, and especially for the kind attention shown him by Colonel Viscount Downe, who had charge of the foreign officers.

Very respectfully,

NELSON A. MILES,
Acting Secretary of War.

CONDOLENCES ON GALVESTON DISASTER.

Lord Pauncefote to Mr. Hill.

BRITISH EMBASSY,
Newport, R. I., September 15, 1900.

Sir: I have the honor to state that I have been commanded by the Queen to express to the President of the United States the great sorrow with which Her Majesty has learned the details of the terrible disaster at Galveston.

Her Majesty wishes me to convey to the President the assurance of her sincere sympathy with the unfortunate sufferers from this calamity.

I have therefore to request that you will be good enough to transmit this message to its destination.

I have, etc.,

PAUNCEFOTE.

Lord Pauncefote to Mr. Hill.

British Embassy,
Newport, R. I.; September 15, 1900.

Dear Mr. Hill: I have received a telegram from the Marquis of Salisbury in which he desires me to convey to the Secretary of State the deep sympathy of Her Majesty’s Government on the occasion of the terrible disaster at Galveston.

I take this opportunity of expressing my own sorrow at this calamitous event.

I am, etc.,

PAUNCEFOTE.

Lord Pauncefote to Mr. Hill.

September 17, 1900.

Sir: I have the honor to inform you that I have been requested by Sir A. Moloney, governor of the Windward Islands, to convey to the Government of the United States an expression of the heartfelt sympathy of himself and the people of those islands on the occasion of the terrible calamity that has befallen the city of Galveston.

I have, etc.,

PAUNCEFOTE.
No. 1924.]

Mr. Hill to Lord Pauncefote.

EXCELLENCY: I have the honor to acknowledge the receipt of your note, No. 263, of the 15th instant, by which you transmit an expression of the great sorrow with which Her Majesty the Queen has learnt the details of the terrible disaster at Galveston and the assurance of her sincere sympathy with the unfortunate sufferers from this calamity.

Your note has been communicated to the President, who charges me to express his sincere appreciation of Her Majesty’s sympathetic message.

I have, etc.,

David J. Hill,
Acting Secretary.

Mr. Hill to Lord Pauncefote.

[Personal.]

DEPARTMENT OF STATE,
Washington, September 20, 1900.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your personal note of the 15th instant, stating that you have received a telegram from the Marquis of Salisbury in which he desires you to convey to the Secretary of State the deep sympathy of Her Majesty’s Government on the occasion of the disaster at Galveston.

In assuring you that Lord Salisbury’s message is highly appreciated by Mr. Hay, I beg to thank you also for your expression of personal sorrow.

I am, etc.,

David J. Hill.

Mr. Hill to Lord Pauncefote.

No. 1925.]

DEPARTMENT OF STATE,
Washington, September 20, 1900.

EXCELLENCY: I have the honor to acknowledge the receipt of your note, No. 270, of the 17th instant, conveying to the Government of the United States an expression of the heartfelt sympathy of the governor and people of the Windward Islands on account of the disaster at Galveston.

I beg that you will assure Sir A. Moloney that his sympathetic message is sincerely appreciated by the Government of the United States.

I have, etc.,

David J. Hill.