DENMARK.

PROTECTION OF DANISH INTERESTS IN SALVADOR BY UNITED STATES OFFICIALS.\(^a\)

Mr. Hay to Mr. Brun.

DEPARTMENT OF STATE,
Washington, October 18, 1901.

My Dear Mr. Brun: In reply to your inquiry the other day, I take pleasure in saying that, if you desire it, I will instruct our minister in San Salvador to use his good offices in behalf of any Danish subjects for whom they are desired, assuming, of course, that the Government of Salvador will make no objection.

Very sincerely, yours,

JOHN HAY.

Mr. Brun to Mr. Hay.

[Translation.]

LEGATION OF DENMARK,
Washington, October 19, 1901.

Mr. Secretary of State: Referring to the conversation that I had the honor to have with your excellency on the 17th instant and to the personal note that your excellency did me the honor to write to me yesterday, I hasten to inform you that the Government of the King would be very grateful if the Government of the United States would have the kindness to permit the Danish interests in the Republic of Salvador (Central America) and the Danish subjects residing in that Republic to be protected, in case of need, by the diplomatic and consular officers of the United States.

As I had the honor to tell your excellency verbally, Denmark has no diplomatic representative nor consular agent in the Republic of Salvador. Neither the Danish interests nor Danish subjects are numerous in that country.

Among the latter is Mr. Andreas Bang, pharmacist, residing in the city of Salvador, who, by a petition to my Government, has occasioned this proposition. Mr. Bang has had no disagreement with the authorities of Salvador; but, at the head of a trade of certain importance, he greatly desires to obtain the protection of the consul of the United States with a view to the possibility of troubles similar to those which exist in other countries of Central America.

Your excellency does me the honor to write me that you will be kind enough to give the necessary orders to this effect if the Government of Salvador does not oppose it.

\(^a\) See also under Nicaragua, Costa Rica, and Salvador, page 836.
The Government of the King would be equally obliged to your excellency if you would undertake to secure the necessary steps for obtaining the consent of the Government of Salvador.

Accept, etc.,

C. Brun.

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Mr. Hay to Mr. Brun.

No. 351.]

DEPARTMENT OF STATE,
Washington, October 25, 1901.

Sir: I have the honor, in reply, to your note of the 19th instant, to inform you that I have to-day instructed the minister of the United States to Salvador to afford his protection to Danish subjects and interests in the Republic named.

Mr. Merry's protection will consist of the exercise of his good offices with the assent of the Government of Salvador, and will, of course, involve no assumption of representative functions on behalf of the Government of Denmark.

Accept, etc.,

John Hay.

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Mr. Brun to Mr. Hay.

[Translation.]

LEGATION OF DENMARK,
Washington, December 2, 1901.

Mr. Secretary of State: Referring to the note which I had the honor to address to your excellency dated October 19 last, relative to the protection of Danish subjects and interests in the Republic of Salvador (Central America) by the diplomatic and consular representatives of the United States in that country, I hasten to inform you that my Government has most gratefully received the communication on this subject contained in your excellency's note of the 25th of October last.

My Government ventures to hope to receive a further communication from your excellency as soon as the necessary consent on the part of the Government of Salvador has been obtained, and will afterwards make it known to the Danish subjects residing in the said Republic.

Accept, etc.,

C. Brun.

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Mr. Hay to Mr. Brun.

No. 356.]

DEPARTMENT OF STATE,
Washington, December 10, 1901.

Sir: I have the honor to acknowledge the receipt of your note of the 2d instant, stating that the Danish Government will issue a notice to Danish subjects in Salvador that they have been placed under the protection of the United States, as soon as it is informed that the Salvadoran Government assents to such protection.

In reply I have the honor to inform you that no reply to the Department's instruction of October 25 to the United States minister to Salvador having yet reached the Department, the minister's attention has been recalled to the matter in an instruction addressed to him this day.

Accept, etc.,

John Hay.
Mr. Hay to Mr. Brun.

No. 391.]

Department of State, Washington, March 7, 1902.

Sir: Referring to your note of October 19 last and to subsequent correspondence on the subject, I have now the honor to inform you that the minister of the United States accredited to Nicaragua, Costa Rica, and Salvador advises the Department, under date of February 20, 1902, that the Government of Salvador gives its consent to the exercise of good offices by United States officers in that country on behalf of Danish subjects residing therein, with the same restrictions and in the same form as their exercise is permitted respecting Chinese subjects.

In the case of Chinese subjects, it was understood that good offices by the minister and consular officers were to be extended without assumption of any representative function as agents of China, their efforts being confined to merely intervening in case of need for the protection of Chinese subjects in their persons or property from unjust or harsh treatment, and that consequently United States officers so acting could not originally certify to the fact of Chinese citizenship for a passport, or other documentary attestation to that end, which could only be issued by a responsible agent of the Chinese Government. A form of certificate to be used by the minister and the consul at San Salvador was prepared, after consultation with the minister for foreign affairs of Salvador, to correctly express the character of the protection afforded, in the following words:

I, ———- of the United States of America, certify that ——— claims to be a subject of the Emperor of China, resident in Salvador, and that upon proving his status as such Chinese subject he is under the protection of the Government of the United States and entitled to the good offices of the diplomatic and consular officers thereof in case of need, in pursuance of an understanding between the Governments of Salvador and China to that end.

The United States officers have been instructed to take the same course with regard to Danish subjects.

Accept, etc.,

John Hay.

Mr. Brun to Mr. Hay.

[Translation.]

Danish Legation, Washington, May 5, 1902.

Mr. Secretary of State: I have the honor, by direction of his excellency the minister of foreign affairs of Denmark, to express to your excellency the sincere thanks of the Government of the King for the kindly reception given by the United States Government and by the minister of the United States to San Salvador, to the request of my Government touching the protection of Danish subjects and interests in the Republic of Salvador by the diplomatic and consular officers of the United States.

Be pleased to accept, etc.,

C. Brun.
TREATY BETWEEN THE UNITED STATES AND THE KINGDOM OF DENMARK FOR THE EXTRADITION OF FUGITIVES FROM JUSTICE.

Signed at Washington, January 6, 1902.
Ratification advised by the Senate, January 30, 1902.
Ratified by the President, February 26, 1902.
Ratified by Denmark, March 8, 1902.
Ratifications exchanged at Washington, April 16, 1902.
Proclaimed, April 17, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America and the Kingdom of Denmark providing for the extradition of criminals was concluded and signed by their respective Plenipotentiaries at Washington on the 6th day of January, one thousand nine hundred and two, the original of which Treaty, being in the English and Danish languages, is word for word as follows:

The United States of America and his Majesty the King of Denmark, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States; and His Majesty the King of Denmark, Mr. Constantin Brun, Commander of the Order of Dannebrog and decorated with the Cross of Honor of the same Order, His Majesty’s Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Washington; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Denmark mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II.

Extradition shall be granted for the following crimes and offenses:
1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Denmark as manslaughter.
2. Arson.
3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary, also housebreaking or shopbreaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money whether coin or paper, or of instruments of debt created by national, state, provincial or municipal governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities, or other property, knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than $200. or Kroner 740.

7. Fraud, or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of the countries, and the amount of money or the value of the property misappropriated is not less than $200. or Kroner 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Malicious destruction of, or attempt to destroy, railways, trains or cars, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

11. Crimes committed at sea:
   (a) Piracy, by statute or by the law of nations.
   (b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
   (c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.
   (d) Assault on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

13. Procuring abortion.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished in the United States as a felony, and in Denmark by imprisonment at hard labor.

**Article III.**

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely
charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Denmark respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

**Article IV.**

When the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proofs, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Danish Government before a judge or other magistrate authorized to issue warrants of arrest in extradition cases.

In the Kingdom of Denmark the diplomatic or consular officer of the United States shall apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Convention, within two months from the date of his provisional arrest or detention.

**Article V.**

Neither of the contracting parties shall be bound to deliver up its own citizens, born or naturalized, under the stipulations of this Convention.

**Article VI.**

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such offense.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

**Article VII.**

Extradition shall not be granted, in pursuance of the provisions of this Convention, if legal proceedings or the enforcement of the pen-
alty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

**ARTICLE VIII.**

No person surrendered by either of the high contracting parties to the other shall without his consent, freely granted and publicly declared by him, be triable or tried, or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

**ARTICLE IX.**

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

**ARTICLE X.**

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the Government from which extradition is sought is not bound by treaty to give preference otherwise.

**ARTICLE XI.**

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and Provided that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

**ARTICLE XII.**

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. The ratifications of the present Treaty shall be exchanged at Washington as soon as possible and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective plenipotentiaries have signed the
above articles, both in the English and the Danish languages and have hereto affixed their seals.

Done in duplicate, at the City of Washington, this sixth day of January nineteen hundred and two.

John Hay [seal.]
C. Brun. [seal.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the 16th day of April, one thousand nine hundred and two;

Now therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

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

Done at the City of Washington, this seventeenth day of April in the year of Our Lord one thousand nine hundred and two, [seal.] and of the Independence of the United States the one hundred and twenty-sixth.

Theodore Roosevelt

By the President:
John Hay
Secretary of State.

LIABILITY OF NATURALIZED CITIZENS OF THE UNITED STATES TO MILITARY SERVICE IN DENMARK.

Mr. Swenson to Mr. Hay.

No. 254.] Legation of the United States, Copenhagen, May 2, 1902.

Sir: I inclose herewith, for your information, a copy of a letter which I addressed to a Mr. Severin Jacobsen, under date of December 30, 1901, relative to the question of his liability to military duty in Denmark.

I have, etc.,

Laurits S. Swenson.

[Inclosure.]

Mr. Swenson to Mr. Jacobsen.

Legation of the United States, Copenhagen, December 30, 1901.

Sir: In reply to your interrogatories sent through the United States consul at this place, I beg to inform you that if it is your intention to return to the United States within a reasonable time with a purpose of residing and performing the duties of citizenship therein, you are not liable to military duty in Denmark.

It appears from the statement of your case that you emigrated to the United States before having attained the age fixed by Danish law for military service (22) or even for enrollment on the conscription lists (17); that the naturalization of your father as a citizen of the United States July 8, 1803, conferred American citizenship upon you,
being a minor at that time, and that you returned to your native country in July, 1896, where you have since resided. In view of these facts, the question of your exemption from military service must be determined by intention or nonintention to return to the United States, as stated above.

I would advise you to procure a United States passport as evidence that you wish to conserve your American citizenship.

Respectfully, yours,

Laurits S. Swenson

PROTECTION OF CUBAN INTERESTS BY UNITED STATES CONSULAR OFFICIALS.

Mr. Swenson to Mr. Hay.

No. 261.] Legation of the United States, Copenhagen, June 6, 1902.

Sir: I have to acknowledge the receipt of your cablegrama of the 24th ultimo.

In reply to a request which I addressed to the foreign office, under date of the 26th ultimo, the minister of foreign affairs informs me, in a note of the 3d instant, that the Danish Government grants the desired permission.

I have so notified our consular officers in Denmark proper and in the Danish West Indies.

I have, etc.,

Laurits S. Swenson.

ACCIDENT TO PRESIDENT ROOSEVELT.

Mr. Swenson to Mr. Hay.

No. 275.] Legation of the United States, Copenhagen, September 6, 1902.

Sir: The news of the accident which befell President Roosevelt and party near Pittsfield, Mass., the 3d instant, caused much solicitude here, until it was known with certainty that the President had not sustained any serious injuries.

Many officials and private persons called at the legation to express their congratulations on the President's escape from death.

Be good enough to convey to the President my personal congratulations on his providential escape.

I have, etc.,

Laurits S. Swenson.

COURTESIES TO U. S. S. CHICAGO AND ALBANY.

Mr. Swenson to Mr. Hay.

No. 279.] Legation of the United States, Copenhagen, September 30, 1902.

Sir: The U. S. S. Albany and Chicago, Captains Craig and Dayton commanding, arrived at the port of Copenhagen the 20th ultimo, on a visit of courtesy. The Chicago put out to sea again the 23d, on telegraphic orders, while the Albany remained in the roadstead until the

aPrinted, page 6.
The ships had been at Christiania, Stockholm, and Cronstadt, coming here from the latter place, thus completing their cruise of the Baltic. Part of this squadron, which was under command of Rear-Admiral Crowninshield, and which originally comprised two more vessels, the flagship Illinois and the San Francisco, had been sent to English waters to participate in the naval review held at Spithead in connection with the ceremonies attending the coronation of Edward VII. The entire squadron was to have visited Copenhagen, but injuries sustained by the Illinois while entering the harbor of Christiania made this impracticable, necessitating a change in the plans. Much regret was expressed here on that account.

Shortly after the arrival of the Albany and the Chicago the commanders called at the legation. A time was appointed for my return visit, as well as for the different calls to be made on the Danish officials. I presented Commanders Craig and Dayton to the minister of foreign affairs and to the minister of marine, and assisted them in making other customary calls.

I secured an audience with the King and the Crown Prince for Captain Craig and Lieutenant-Commander Rush, of the Albany. Prince Valdemar, the minister of marine, Vice-Admiral Uldall, and other Danish marine officers paid visits on board the ships, which they inspected with great interest. They complimented the officers on the fine appearance of their ships and crews. Private Americans and Danes were also given an opportunity to go on board, and they spoke in high praise of what they saw. The press contained many complimentary notices of the officers and ships.

I gave a dinner at the legation, which was attended by Captain Craig and six of his officers, the minister of marine, the commanding admiral, and many other high Danish navy officers—in all, 21 persons.

The usual toasts were drunk, beginning with the health of the King, which was proposed by me. The minister of marine, in return, showed a like honor to President Roosevelt; after which, Captain Craig raised his glass to the Danish Navy, and Vice-Admiral Uldall to the American.

The minister of marine invited some of the officers of the Albany and myself to a dinner at the hotel Phoenix, and Vice-Admiral Uldall entertained a few of these officers at a luncheon at his home, to which my wife and I were also asked. Many Danish officers were present on both occasions.

Our officers expressed themselves as being delighted with their visit here. Every courtesy was extended to them. The minister of marine, Vice-Admiral Uldall, and others made special efforts to render the stay as pleasant and interesting as possible. An officer was detailed to act as honorary attaché to Captains Craig and Dayton while they remained here. The American officers were received most cordially everywhere, and made to feel that they were welcome on their own account as well as on account of the country they represented.

I have, etc.,

Laurits S. Swenson.
MILITARY SERVICE CASE OF JAMES NELSON.

Mr. Swenson to Mr. Hay.

No. 284.]

Legation of the United States,
Copenhagen, December 13, 1902.

Sir: I have the honor to inclose herewith copies of my notes to the
foreign office in the military service case of James Nelson, which has
not previously been reported to the Department.

Under date of March 22, 1902, the minister of foreign affairs advised
me that, in accordance with my request, Mr. Nelson's sentence had
been commuted to a fine.

This was satisfactory to Mr. Nelson, and permitted him to proceed
on his homeward journey without further interruption.

I have, etc.,

Laurits S. Swenson.

[Inclosure 1.]

Mr. Swenson to Dr. Deuntzer.

No. 139.]

Legation of the United States,
Copenhagen, January 28, 1902.

Excellency: I have the honor to invite your excellency's attention to the following
military service case:

James Nelson was born at Eged, Horreby Sogn, Falster, Denmark, May 20, 1862.
Conformably to the Danish conscription laws, he performed military service from
January 30, 1883, to October 3, 1884, and from September 2 to October 3, 1885. He
would have been called in again for duty in September, 1886, but meanwhile emi-
grated to the United States, in March of that year, without having applied for or
procured the required official permission. He was naturalized as a citizen of the
United States before the district court of the second judicial district of Ramsey
County, at St. Paul, Minn., November 24, 1897. His home is at St. Anthony Park,
Minn., where he is engaged in the dairy business. In December, 1901, he returned
to his native country for the purpose of visiting his mother and other relatives, as
well as benefiting his health. He is accompanied by his wife and two of the minor
children. Two of his children, one 7 years of age and one 8, were left behind at
the home in Minnesota.

He intends to return to the United States as soon as his little son, who was taken
sick with gastric fever shortly before the holidays, regains sufficient strength to under-
take the journey. On the 17th of this month Mr. Nelson was summoned before the
authorities at Falster's Vestre Herred Kontor, Nykøbing, Falster, and fined 8 kroner
for having emigrated without the required permission, as stated above.

On the 26th instant he received notice from the recruiting officer of Fourth Regi-
ment of Dragoons, Second Squadron, at Nestved, to report forthwith for military
duty. The following day he called at this legation and made a full statement of his
case, as set forth above. He exhibited his certificate of naturalization and a passport,
No. 48884, issued to him by the Secretary of State November 1, 1901.

He appealed for my intercession in his behalf; I advised him to appear at the
Nestved office and to explain the situation to the officer in charge, who, on learning
the facts would, in my opinion, press the matter no further. This morning I received
a letter from Mr. Nelson, as follows:

Nestved, January 27, 1902.

Sir: In spite of strong protest on my part, the authorities of the Fourth Regiment
of Dragoons, Nestved, compelled me to enter upon military duty. I respectfully
request you to do everything in your power, at the earliest possible moment, to secure
my release.

Respectfully yours,

James Nelson.

Under the above circumstances, I feel confident that the necessary orders for Mr.
Nelson's exemption from military duty will be given as soon as his case is brought to
the knowledge of the proper appellate authority. I will thank your excellency to communicate the contents of my note to the competent official; and I would earnestly request that the matter be expedited as much as possible, in order that Mr. Nelson may be released without delay.

He is subjected to great inconvenience by being detained at Nestved.

Be pleased to accept, etc.,

Laurits S. Swenson.

[Inclosure 2.]

Mr. Swenson to Dr. Dewitzer.

No. 140.]

LEGATION OF THE UNITED STATES,
Copenhagen, February 7, 1909.

EXCELLENCY: In my No. 139 dated the 28th ultimo, I invited your excellency’s attention to the military service case of James Nelson, a naturalized citizen of the United States. Mr. Nelson informs me by letter, under date of the 6th instant, that after three days’ service he has been released from further duty.

The fine of 6 kroner which he had paid for failure to comply with the Danish military regulations before emigration has been refunded to him. He has been informed, however, that he will be adjudged to pay a heavier fine and to serve a few days in prison. He desires to know if this penalty can not be reduced to a mere fine. I am not sufficiently familiar with the laws governing the case to know why Mr. Nelson’s exemption from service on the ground of his American citizenship should in any way affect the question of penalty for violation of military regulations before his naturalization; but I take it that the authorities may exercise discretion in passing on the case in question; and in view of the facts set forth in my former note to your excellency, I would respectfully request that leniency be exercised in dealing with Mr. Nelson, and that he be saved from the humiliation involved in imprisonment. Could not the original fine be allowed to stand, and the case thus considered closed? I wish to express my appreciation of the dispatch with which my intercession in behalf of Mr. Nelson was acted upon, and to thank your excellency in advance for your further good offices in the matter.

Be pleased, etc.,

Laurits S. Swenson.

[Inclosure 3.]

Mr. Swenson to Dr. Dewitzer.

No. 142.]

LEGATION OF THE UNITED STATES,
Copenhagen, February 21, 1909.

EXCELLENCY: Referring to my Nos. 139 and 140 of January 28 and February 7, respectively, in the military service case of James Nelson, I have the honor to inclose herewith a notice, a petition, a and a transcript of the court records, a which Mr. Nelson has forwarded to me through his attorney, C. B. Oliivarius, of Nykøbing, Falster, with the request that I submit the same to the proper authorities. Mr. Nelson’s delicate health suffers from the nervous strain caused by the sense of imprisonment, and I would earnestly repeat my request of the 7th instant that his sentence be commuted.

Be pleased, etc.,

Laurits S. Swenson.

[Inclosure 4.]

Mr. Swenson to Dr. Dewitzer.

No. 145.]

LEGATION OF THE UNITED STATES,
Copenhagen, March 12, 1909.

EXCELLENCY: Referring to the military service case of James C. Nelson, concerning which I last addressed your excellency in my No. 142, of the 21st ultimo, I beg to bring to your attention a letter which Mr. Nelson’s wife has written to me, under date of the 11th instant. She says, among other things:

"We are now ready to return to America, and would have started by this time if he (Mr. Nelson) could but get his American citizenship papers, but they are still in

a Not printed.
the possession of the authorities at Nyköbing, Falster, who refuse to surrender them before the case is settled. This seems to take a long time, and as my husband’s health is failing instead of improving, we were in hopes that you could hurry the case a little if we asked you. It is three weeks since the papers were sent to Copenhagen. We are so anxious to get home now as soon as possible.”

Your excellency is familiar with all the circumstances in the case, and I am sure you quite agree with me that early action ought to be taken by the proper authorities, in order that Mr. Nelson may be left free to proceed on his homeward journey, in accordance with his wish. To this end I again appeal to your good offices.

I avail, etc.,

LAURITS S. SWENSON.

EFFECT OF THE CONTINUED RESIDENCE OF NATURALIZED UNITED STATES CITIZENS IN THE COUNTRY OF ORIGIN.

Mr. Swenson to Mr. Hay.

No. 286.]

LEGATION OF THE UNITED STATES,
Copenhagen, December 16, 1902.

Sir: I beg to inclose herewith, for your information, copies of a letter from C. Ravn and of mine in reply, respecting the status of his citizenship.

I have, etc.,

LAURITS S. SWENSON.

[Inclosure 1]

Mr. Ravn to Mr. Swenson.

“SOLJEM”, FR. GENTOFT, February 12, 1903.

Sir: I most respectfully beg of you to excuse the liberty taken in writing to you, but I should like your opinion in the following case:

I emigrated to the United States of America twenty years ago and five years after was duly naturalized as an American citizen. During my stay there I held the position of state inspector of immigration (New York State) and later as United States inspector of immigration, which place I held for eight years; but was removed during the last Cleveland Administration, as I had always been a loyal Republican.

As you learn from my address, I am at present in Denmark. Should I decide to remain here, am I still a United States citizen and will I always remain such provided I do not declare my intentions to become a Danish subject? I consulted a lawyer who said that inasmuch as I had been baptized and confirmed here I have not lost my rights as a Danish subject. My contention is, that when I became a United States citizen I swore allegiance to the States and forfeited thereby my Danish citizenship, which, I claim, I can not reobtain unless I remain here the same length of time required of bona fide foreigners. Should you be pleased to decide in this matter I shall feel it as a great esteem.

I beg, etc.,

C. RAVN.

[Inclosure 2]

Mr. Swenson to Mr. Ravn.

LEGATION OF THE UNITED STATES,
Copenhagen, February 17, 1903.

Sir: I have to acknowledge the receipt of your letter of the 12th instant, requesting me to enlighten you as to the status of your citizenship. It appears from your statement that you emigrated to the United States twenty years ago, where you were duly naturalized as an American citizen, and that you have returned to Denmark, the country of your nationality, and taken up your residence there.

You ask, “Should I decide to remain here, am I still a United States citizen; and will I always remain such, provided I do not declare my intention to become a Danish subject?”
Further on you say: "My contention is, that when I became a United States citizen I swore allegiance to the States and forfeited thereby my Danish citizenship, which, I claim I can not reobtain unless I remain here the same length of time required of bona fide foreigners."

In reply to your interrogatory, I beg to inform you that your removal from the United States and your taking up a permanent domicile in Denmark would be considered by the executive authorities of the former country as an act of expatriation; that is, you would be looked upon as having voluntarily surrendered your claim to American citizenship and, in consequence, to the protection of the United States Government.

If, on the other hand, your residence abroad is only temporary, and if it is your bona fide intention to return to the United States and continue your residence there permanently, your acquired citizenship would not be forfeited by your absence from the country of your adoption, even for a comparatively long period of years. You will thus see that the question of your American citizenship depends upon your intention regarding future domicile. No mode of expatriation is provided by the Constitution or the statutes of the United States; hence the question as to what constitutes such an act must be determined largely by the circumstances surrounding the case. It is not within the province of diplomatic representatives of the United States to pass upon the civil status of its inhabitants, except in so far as their duty to extend the protection of their Government to citizens of the country makes it necessary for them to determine who are to be considered citizens. Beyond this point the question is one for the judicial, not the executive, branch of the Government to settle. The executive officers, of course, aim to harmonize their decisions with those of the courts; hence it may reasonably be inferred from their opinions what the courts would hold in a given case.

With reference to your contention regarding the Danish laws on naturalization and expatriation, I beg to say that it is not pertinent for me to give an opinion on that subject.

Very respectfully,

Laurits S. Swenson.

Mr. Hay to Mr. Swenson.

No. 163.]

DEPARTMENT OF STATE,
Washington, January 5, 1903.

Sir: I have to acknowledge the receipt of your No. 286, of the 16th ultimo, inclosing copies of correspondence with Mr. C. Ravn respecting the status of his citizenship.

Your views on the subject, as expressed in your letter of February 17, 1903, to that gentleman, are commended by the Department.

I am, etc.

John Hay.

MILITARY-SERVICE CASES OF JAMES JOHN HANSEN AND ANTON MILLER.

Mr. Swenson to Mr. Hay.

No. 287.]

LEGATION OF THE UNITED STATES,
Copenhagen, December 17, 1902.

Sir: I have the honor to transmit herewith, for the Department's information, copies of correspondence bearing on the military-service cases of James John Hansen and Anton Miller, both of which, you will observe, were disposed of in a satisfactory manner.

I have, etc.,

Laurits S. Swenson.
DENMARK.

[Inclosure 1.]

Mr. Swenson to Dr. Dewitzer.

LEGATION OF THE UNITED STATES,
Copenhagen, August 29, 1902.

EXCELLENCY: James John Hansen (Jens Johannes Hansen), a naturalized citizen of the United States, applies to me for intercession with the Danish Government in his behalf. His case is as follows: He was born at Næsby, Denmark, February 17, 1873. In conformity with the conscription laws of Denmark, he performed military service from March 30 to December 17, 1892. Had he remained in this country he would have been liable to duty again in the fall of 1894 and 1896. Meanwhile, however, he emigrated to the United States, April 20, 1893, where he became naturalized as an American citizen, before the supreme court of the State of Washington, for the county of Chehalis, April 20, 1900. On the 2d of September, 1901, he returned to his native country for the purpose of marrying. It had been his intention to return to the United States after a short visit here; but he was prevailed upon by his mother-in-law to prolong his stay. He intends to conserve his American citizenship and to return to the United States within a reasonable time.

The recruiting officer in Sølvgade, this city, has sent him a notice to report for military duty September 10 next.

In view of the facts set forth in the above statement, I would respectfully request that your excellency bring the matter to the attention of the proper authorities, in order that Mr. Hansen may be declared exempt from military duty, to which he is not liable as a citizen of the United States.

I avail, etc.,

Laurits S. Swenson.

[Inclosure 2.—Translation.]

Mr. Krag to Mr. Swenson.

MINISTRY FOR FOREIGN AFFAIRS,
Copenhagen, September 25, 1902.

MR. MINISTER: By a note dated the 26th ultimo you informed me that a Mr. James John Hansen, born in Denmark, February 17, 1873, and naturalized as a citizen of the United States in 1900, had, while temporarily sojourning in Denmark, received notice to report for military service, and you requested that the necessary orders be issued for his exemption from such duty.

I lost no time in submitting Mr. Hansen’s case to the competent authority, and I have the honor to inform you that I have received a communication stating that on producing proof of his American citizenship Mr. Hansen has been exempted from military service in this country. I would add that he will be proceeded against for having failed to complete his service in 1894 and following years, up to the time of his naturalization in the United States.

For the minister,

R. Krag.

[Inclosure 3.]

Mr. Swenson to Dr. Dewitzer.

LEGATION OF THE UNITED STATES,
Copenhagen, August 27, 1902.

EXCELLENCY: I have the honor to submit the following military-service case of Anton Miller (Anthon Marius Miller), a naturalized citizen of the United States. Mr. Miller was born in Denmark March 6, 1864. He performed six months’ military service in 1886, and would have been called in again for the required one month’s duty in 1888 and 1890. In March, 1887, however, he emigrated to the United States, where he became naturalized as an American citizen, before the district court, second judicial district, at St. Paul, Minn., January 5, 1888. The following year he returned to Denmark for the benefit of his wife’s health. He resided two years in Copenhagen, and is now at Veile, Jutland. The condition of his wife’s health, as well as his own, has protracted his stay in his native country. You will find inclosed here-with a certificate from Dr. G. Schleisner, Veile, regarding Mr. Miller’s physical condition.
He intends to return to the United States as soon as his wife has regained sufficient strength to justify him in bringing her back to their home in St. Paul, Minn. In the spring of 1900 he was summoned before the competent authority in Copenhagen and adjudged to pay a fine of 20 kroner and to serve a two days' jail sentence for having neglected to obtain the required permit from the minister of justice at the time of his emigration. Having paid this penalty for an offense committed while yet under the jurisdiction of the Danish authorities, he was not further amenable to the military-service laws of Denmark, his American citizenship exempting him therefrom. He has, nevertheless, received notice from the recruiting office of Fredericia to report for military duty at that place September 12 next. Mr. Miller asks me to intercede for him. I will thank your excellency to bring his case to the attention of the proper authority, with a view to advising the office at Fredericia to make no demand on him for military service.

I avail, etc.,

Laurits S. Swenson.

[Inclosure 4.—Translation.]

Dr. Deuntzer to Mr. Swenson.

MINISTRY FOR FOREIGN AFFAIRS,
Copenhagen, September 20, 1902.

Mr. Minister: By a note dated the 27th ultimo you informed me that a Mr. Anthon Marius Möller (Miller), born in Denmark March 6, 1864, and naturalized as a citizen of the United States in 1898, had, while temporarily sojourning in Denmark, received notice to report for military service, and you requested that the necessary orders be issued for his exemption from such duty.

I lost no time in submitting Mr. Miller's case to the competent authority, and I have the honor to inform you that I have received a communication stating that on appearing before the court of revision he was excused from service on account of sickness. The case is, accordingly, closed.

Be pleased, etc.,

Deuntzer.