JAPAN.

DIFFICULTY BETWEEN JAPAN AND RUSSIA.

Note.—Continuation of Foreign Relations, 1903.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, January 8, 1904.

(Mr. Griscom transmits a statement from the minister for foreign affairs relating to the two points proposed by Russia, whose answer was received yesterday.

First. To maintain the stipulation relating to the establishment of the neutral zone as originally proposed by Russia; that is to say, neutralization of the Korean territory lying between Korea-Manchuria frontier and the thirty-ninth parallel north latitude.

Second. Regarding Manchuria the following stipulation is proposed by Russia: Japan to recognize that Manchuria is entirely outside her sphere of interest, and Russia not to impede in Manchuria the rights and privileges belonging to Japan and other powers under their existing treaties with China, exclusive of the establishment of foreign settlements.

Mr. Griscom reports that according to the minister’s statement the Japanese Government has not yet determined what stand it will take and that the serious consideration of the matter will consume several days. The minister called special attention to the provision excluding foreign settlements, and advanced the opinion that the same practically nullifies the agreement offered by Russia not to obstruct the rights of foreign powers in Manchuria which have been established by treaties, as the absence of foreign settlements would make it impossible for any foreigner to trade or reside in Manchuria.

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Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, January 13, 1904.

(Mr. Griscom reports that in accordance with the decision of the council of the Empire, which met yesterday, the following modifications of the Russian proposals will be submitted to the Russian Government by the Japanese minister at St. Petersburg:

First. To insist upon suppressions of the article relating to the
establishment of a neutral zone in the Korean territory north of the
thirty-ninth parallel.

Second. Russian proposal concerning Manchuria to be modified
as follows:

(a) Recognition by Japan of Manchuria and its littoral as being
outside her sphere of interest, and an engagement on the part of
Russia to respect the territorial integrity of China in Manchuria.

(b) Russia, within the limits of Manchuria, will not impede Japan
nor other powers in the enjoyment of rights and privileges acquired
by them under existing treaties with China.

(c) Recognition by Russia of Korea and its littoral as being out-
side her sphere of interest.

APPENDED NOTE.—It should be remarked that suppression of the
clause including the establishment of settlements in Manchuria is
because of its conflict with the stipulations of the new commercial
treaty between Japan and China. In this respect, however, Japan
will be satisfied if she receive equal treatment with another power
which has already acquired similar rights in regard to settlements
in Manchuria.

The above appended note will be a part of the note verbale which
will be presented to Russia, which will also state that “the modifica-
tions are presented in a spirit of perfect conciliation and in the hope
that they will be received in the same spirit on the part of the Rus-
sian Government,” and which will close by expressing “the hope of
an early reply.”

It is intended to make it clear that the note verbale is in no way
considered an ultimatum, and the council decided that “in the event
of no reply from Russia being forthcoming within a reasonable time,
or of the receipt of an unfavorable reply, the Japanese Government
will consider and decide what measures it may have to take to protect
its rights and interests.” The note verbale will not specify any time
limit in which a reply is expected. It will be telegraphed to St.
Petersburg this evening.)

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, January 27, 1904.

(Mr. Griscom reports that the Japanese Government has intimated
to the Russian minister that an answer is now about due to its note
verbale of the 16th instant.)

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, February 5, 1904.

(Mr. Griscom reports that warlike preparations are being rushed,
and that it seems that the Japanese Government has decided that it
has waited longer for an answer from the Russian Government than is reasonable.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, February 6, 1904.

(Mr. Griscom reports that the minister for foreign affairs has informed him that the Japanese minister at St. Petersburg has been instructed to present a note to the Russian Government, the full text of which will be presented to the Department by the Japanese minister at Washington, terminating negotiations, and to break off diplomatic relations.)

Memorandum left with the Secretary of State.

JAPANESE LEGATION,
Washington, February 6, 1904.

Copy of a note addressed by the Japanese minister to Russia to the Russian minister for foreign affairs:

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Japan, has the honor, in pursuance of instructions from his Government, to address to his excellency the minister for foreign affairs of His Majesty the Emperor of all the Russias the following communication:

The Government of His Majesty the Emperor of Japan regard the independence and territorial integrity of the Empire of Korea as essential to their own repose and safety, and they are consequently unable to view with indifference any action tending to render the position of Korea insecure. The successive rejections by the Imperial Russian Government, by means of inadmissible amendments, of Japan’s proposals respecting Korea, the adoption of which the Imperial Government regarded as indispensable to assure the independence and territorial integrity of the Korean Empire and to safeguard Japan’s preponderating interests in the peninsula, coupled with the successive refusals of the Imperial Russian Government to enter into engagements to respect China’s territorial integrity in Manchuria, which is seriously menaced by their continued occupation of the province notwithstanding their treaty engagements with China and their repeated assurances to other powers possessing interests in those regions, have made it necessary for the Imperial Government seriously to consider what measures of self-defense they are called upon to take. In the presence of delays which remain largely unexplained and of naval and military activities which it is difficult to reconcile with entirely pacific aims, the Imperial Government have exercised in the pending negotiations a degree of forbearance which they believe is abundant proof of their loyal desire to remove from their relations with the Imperial Russian Government every cause for future misunderstanding, but finding in their efforts no prospect of securing from the Imperial Russian Government an adhesion either to Japan’s moderate and unselfish proposals or to any other proposals likely to establish a firm and enduring peace in the extreme East, the Imperial Government have no other alternative than to terminate present futile negotiations. In adopting that course the Imperial Government reserve to themselves the right to take such independent action as they may deem best to consolidate and defend their menaced position as well as to protect their established rights and legitimate interests.
Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

**AMERICAN LEGATION,**
Tokyo, February 7, 1904.

(Mr. Griscom reports that the departure of the Russian minister will take place on the 12th instant.)

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Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

**AMERICAN LEGATION,**
Tokyo, February 9, 1904.

(Mr. Griscom reports the beginning of hostilities. The minister for foreign affairs informed him of a naval engagement to-day near Chemulpo, in which the Russian gunboat Korietz was sunk and the cruiser Variag was captured. The telegram announcing the engagement alleges that the Korietz begun hostilities by opening fire on Japanese torpedo boats.)

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Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

**AMERICAN LEGATION,**
Tokyo, February 11, 1904.

(Mr. Griscom reports that the declaration of war was issued on the 10th instant.)

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Mr. Griscom to Mr. Hay.

No. 48.]

**AMERICAN LEGATION,**
Tokyo, February 18, 1904.

Sir: I have the honor to transmit herewith for the information of the Department translations of several important ordinances and regulations from the Official Gazette, relating to the state of war now existing in Japan. The translations include the following:

Declaration of war.
Exemption of Russian merchant ships from capture.
Rules governing contraband of war.
Regulations for press correspondents with army and navy.
Strategical sea areas—Tokyo Bay, Hakodate, Nagasaki, and Kobe.

I have, etc.,

Lloyd C. Griscom.
The following is an official translation of an imperial proclamation issued last night:

We, by the grace of heaven, Emperor of Japan, seated on the throne occupied by the same dynasty from time immemorial, do hereby make proclamation to all our loyal and brave subjects as follows:

We hereby declare war against Russia, and we command our army and navy to carry on hostilities against that Empire with all their strength, and we also command all our competent authorities to make every effort, in pursuance of their duties and in accordance with their powers, to attain the national aim with all the means within the limits of the law of nations.

We have always deemed it essential to international relations and made it our constant aim to promote the peaceful progress of our Empire in civilization, to strengthen our friendly ties with other states, and to establish a state of things which would maintain enduring peace in the extreme East and assure the future security of our dominion without injury to the rights and interests of other powers. Our competent authorities have also performed their duties in obedience to our will, so that our relations with the powers have been steadily growing in cordiality. It was thus entirely against our expectation that we have unhappily come to open hostilities against Russia.

The integrity of Korea is a matter of constant concern to this Empire, not only because of our traditional relations with that country, but because the separate existence of Korea is essential to the safety of our realm. Nevertheless Russia, in disregard of her solemn treaty pledges to China and her repeated assurances to other powers, is still in occupation of Manchuria and has consolidated and strengthened her hold upon those provinces and is bent upon their final annexation. And since the absorption of Manchuria by Russia would render it impossible to maintain the integrity of Korea and would, in addition, compel the abandonment of all hope for peace in the extreme East, we determined in those circumstances to settle the questions by negotiation and to secure thereby permanent peace. With that object in view, our competent authorities, by our order, made proposals to Russia, and frequent conferences were held during the course of six months. Russia, however, never met such proposals in a spirit of conciliation, but by her wanton delays put off the settlement of the question, and by ostensibly advocating peace on the one hand while she was on the other extending her naval and military preparations, sought to accomplish her own selfish designs.

We can not in the least admit that Russia had from the first any serious or genuine desire for peace. She has rejected the proposals of our Government; the safety of Korea is in danger; the vital interests of our Empire are menaced. The guarantees for the future which we have failed to secure by peaceful negotiations, we can now only seek by an appeal to arms.

It is our earnest wish that by the loyalty and valor of our faithful subjects peace may soon be permanently restored and the glory of our Empire preserved.

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IMPERIAL ORDINANCE RELATING TO THE EXEMPTION OF RUSSIAN MERCHANT SHIPS FROM CAPTURE.

By Imperial ordinance No. 20, issued on the 9th instant, the rules relating to the exemption of Russian merchant ships from capture were enacted and put into force at once.

ARTICLE I. Russian merchant ships which happen to be moored in any Japanese port at the time of the issue of the present rules may discharge or load their cargo and leave the country not later than February 16.

ARTICLE II. Russian merchant ships which have left Japan in accordance with the foregoing article and which are provided with a special certificate from
the Japanese authorities shall not be captured if they can prove that they are steaming back direct to the nearest Russian port, or a leased port, or to their original destination; this measure shall, however, not apply in case such Russian merchant ships have once touched at a Russian port or a leased port.

**Article III.** Russian steamers which may have left for a Japanese port before February 16 may enter our ports, discharge their cargo at once, and leave the country. The Russian steamers coming under the above category shall be treated in accordance with Article II.

**Article IV.** Russian steamers carrying contraband of war of any kind whatever shall be excluded from the above rules.

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**REGULATIONS FOR WAR CORRESPONDENTS.**

Notification No. 3 of the war department, issued on Wednesday, contains regulations for war correspondents. It runs as follows:

**Article 1.** Newspaper correspondents who wish to follow the army are required to make application to the department of war, together with a sketch of their antecedents and a document of personal guaranty signed by the proprietor of the newspaper to which they belong.

In case of foreign correspondents their application shall be sent through their respective ministers or consuls and the department of foreign affairs.

Foreign correspondents need only mention in their application the name of the newspaper to which they belong, and dispense altogether with the presentation of sketches of antecedents and papers of personal guaranty.

**Article 2.** The applicant must have been engaged in journalistic work for not less than a year as a member of a newspaper staff.

**Article 3.** Foreign correspondents who cannot understand the Japanese language may take with them one interpreter each into the field.

Any correspondent requiring an interpreter may engage one himself and present an application on the interpreter's behalf, accompanied by a paper of personal guaranty for the same.

**Article 4.** A foreign correspondent, in addition to his interpreter, may engage one more servant when circumstances demand it, the procedure of engagement to be in accordance with the foregoing article.

**Article 5.** The authorities, when they consider it necessary, may cause the selection of one person to act as joint correspondent for several newspapers.

**Article 6.** In case any person is allowed to accompany the Japanese forces an official permit shall be given him.

**Article 7.** The applicants allowed as stated above shall be attached to a "Koto Shireiibu" (higher commanding office).

**Article 8.** Correspondents shall always wear foreign clothes, and to their left arms shall be attached a white band measuring about 2 inches in width, on which the name of the newspaper to which they represent shall be written in Japanese with red ink.

**Article 9.** Correspondents shall always carry with them the official permit, and shall, when asked, show it to officers and officials belonging to the Japanese forces.

**Article 10.** Correspondents shall always observe the rules and orders to be issued by the "Koto Shireiibu" so long as they remain with the Japanese forces. In case they disregard the above rules and orders the authorities of the "Koto Shireiibu" may refuse to allow them to accompany the Japanese forces.

**Article 11.** War correspondents will not be permitted to dispatch their communications (whether they be correspondence for publication or private letters or telegrams, etc.) until after their examination by the officer appointed for the purpose by the higher commanding office. No communication containing cypher or symbols will be permitted to be dispatched.

**Article 12.** The army and its officers will accord, as far as circumstances permit, to the war correspondent suitable treatment and facilities, and, when in the field and in case of necessity, give him food, etc., or at his request, give him transportation in vessels or vehicles.
ARTICLE 13. In case the war correspondent is guilty of a violation of the criminal law, military criminal law, law for the preservation of military secrets, etc., he may be adjudged and punished by the court-martial according to the military penal code.

ARTICLE 14. Articles 6–13 are applicable to interpreters and servants.

CONTRABAND OF WAR.

[Corrected translation.]

The translation of the regulations relating to contraband of war published in our issue of the 11th instant being incorrect in one or two instances, we print a corrected translation of the same, as follows:

Instruction No. 1 of the department of state for the navy.

It is hereby decided that the undermentioned goods shall be regarded as contraband during the present war between Japan and Russia:

1. The following goods shall be treated as contraband of war in case they are going to pass through the enemy’s territory or in case they are destined for the enemy’s territory or his army or navy:

Arms, ammunition, explosives, and the raw materials thereof (including lead, saltpeter, sulphur, etc.) and apparatus for manufacturing them, cement, uniforms, and equipment of military and naval men, armor plates, materials for the construction and equipment of men-of-war and other ships, and all other goods to be used solely for purposes of war.

2. The following goods shall be treated as contraband of war in case they are destined for the enemy’s army or navy, or in case, from the nature of the locality in the enemy’s territory to which they are bound, they may be considered to be intended for the use of the enemy’s army or navy:

Provisions, drinks, horses, harness, fodder, vehicles, coal, timber, money, gold and silver bullion, and materials for the construction of telegraphs, telephones, and railways.

3. Of the goods mentioned in the foregoing two clauses, those which on account of their quality or quantity may be judged to be evidently intended for the use of the ship that carries them shall not be treated as contraband.

BARON GOMBEI YAMAMOTO,
Minister of State for the Navy.

Dated the 10th day of the 2nd month of the 37th year of Meiji (1904).

[Inclosure 2.]

(Official Gazette, February 12.)

Regulations governing naval war correspondents.

ARTICLE 1. A newspaper war correspondent desirous to accompany the navy shall make application to the naval staff, Imperial headquarters, for permission.

ARTICLE 2. A newspaper war correspondent shall obey all orders of the commanding officer of the fleet which he accompanies.

ARTICLE 3. No communications concerning war shall be sent until after they have been examined by officers nominated for the purpose by the commanding officer of the fleet which he accompanies.

ARTICLE 4. The commanding officer of the fleet may cancel the permission granted to a newspaper war correspondent.

ARTICLE 5. Necessary regulations concerning the treatment of a newspaper war correspondent shall be fixed by the commanding officer of the fleet.

ARTICLE 6. A newspaper war correspondent shall wear European dress and put on a low, round-shaped cap with a visor, and attach on his left arm a strip (1 sun wide) of white woolen cloth with the characters "* * * paper correspondent" on it.

ARTICLE 7. A newspaper correspondent shall always carry his permit mentioned in article 1 with him, and shall show it when asked by army or navy authorities.
Rules to be observed by vessels passing the Tokyo Bay, Hakodate, and Otaru strategical sea areas. (Issued by the commander in chief of the Yokosuka naval station.)

TOKYO BAY.

ARTICLE 1. Vessels passing in or out of Tokyo Bay shall stop their course before they arrive, the former at the line connecting Chiyo-ga-saki on the south side of Uraga Harbor and Kokubo-hana of Awa Province, and the latter at the line connecting Natsu-Shinn and the sea fort No. 2, and shall signal their names, make the following signals, and wait the arrival of the guide boat:
1. Steamers shall hoist the signal "want pilot," and at the same time shall repeat whistles.
2. Sailing vessels shall hoist the signal "want pilot" and blow signal horn.

ARTICLE 2. In response to the above signals the guide boat shall hoist the "response" flag of the International signal code.

When any vessel is to be allowed freedom of movement the guide boat shall haul down the "response" flag.

ARTICLE 3. The guide boat shall carry at its masthead the pilot flag (white upper, red lower) of the special signals to be used for British vessels as mentioned in the international signal code.

ARTICLE 4. In passing through the area vessels shall not proceed at a speed of more than 5 knots.

ARTICLE 5. No vessels are allowed to cast anchor in any part of the area, except in Uraga Harbor.

ARTICLE 6. Fishing and the taking of sea weeds within the area are prohibited.

ARTICLE 7. When necessary passage of vessels may for a time be prohibited within the area.

ARTICLE 8. Vessels of less than 20 tons gross or of less than 200 "koku," or boats or other craft solely or mainly propelled by oars, may traverse the area without observing the provisions of article 1, subject to such restriction as may at any time be necessary.

ARTICLE 9. Vessels passing the area at night in violation of article 7 shall do so at the risk of being fired upon by torpedo boats or patrol boats.

N. B.—The regulations for the strategical sea areas of Hakodate and of Otaru are practically the same as the above.

[Inclosure 4.—Translation.]

Rules governing the strategical area at Nagasaki. (Issued by the commander in chief of Sasebo.)

ARTICLE 1. Vessels which pass in, out of, or anchor in the strategical sea area shall first stop at one of the two places mentioned below, and shall receive from the guard vessel stationed for the purpose directions concerning their movements, beacons, signals, etc.

This rule shall not apply to vessels belonging to persons living on the coast of the sea area.

ARTICLE 2. The places where vessels are required to stop are:
1. When entering the harbor, 1 mile north of Io-jima light-house.
2. When leaving the harbor, one-half mile east of Takahokojima.

ARTICLE 3. The guard vessel shall be stationed near the two above-mentioned places, and shall carry at its masthead the national flag by day and two white lights abreast at night.

ARTICLE 4. The guide boat which shall pilot vessels passing the area shall carry at its masthead the pilot flag (white upper, red lower) of special signals to be used for British vessels as given in the international signal code.

ARTICLE 5. Fishing and the taking of seaweeds within the area are forbidden, except with the permission of the commander in chief of the naval station.

ARTICLE 6. The sea area is under the charge of the commanding officer of the Nagasaki mining corps.
FOREIGN RELATIONS.

Inclosure 5.—Translation.

Rules governing the Ki-tan Strait sea area. (Kobe.)

ARTICLE 1. Vessels passing the Ki-Tan Strait strategic sea area shall hoist the national flag and signal their names given in the list of merchant marine, and at night shall carry lights, as required by the rules of the road.

ARTICLE 2. Vessels other than those belonging to the navy or army and those that have obtained permission in accordance with these regulations are prohibited from passing the area.

ARTICLE 3. Vessels passing the area shall stop at the examination station, and after examination and inspection by the guard vessel, shall proceed, hoisting the signal required.

ARTICLE 4. When it is deemed unnecessary to examine any vessel, and she is to be allowed freedom of movement, the guard vessel will signal the fact by hoisting the "answering" and "A" signal of the international code, and at night by showing one blue light.

ARTICLE 5. Sailing vessels of less than 20 tons, gross, or of less than 200 "koku," and other craft principally or solely propelled by oars need not stop at the examining station unless ordered to do so.

ARTICLE 6. Small vessels mentioned in the preceding article may fish within the area by day; but the guard vessel may prohibit them when necessary.

ARTICLE 7. Vessels passing the area shall stop during rain or mist, when the landmarks can not be seen, until the weather clears.

ARTICLE 8. Vessels permitted to pass Ki-Tan Straits between sunset and sunrise must take the channel between Awaji and Oki-no-Shima.

ARTICLE 9. Vessels which are compelled to pass the area at night shall apply to the commander in chief of the Kure naval station for a permit, stating the reason, certified by the local authorities.

ARTICLE 10. The examination station is about 5 miles south of the Oki-no-Shima light-house.

NEUTRALITY OF CHINA IN THE WAR BETWEEN RUSSIA AND JAPAN.

Mr. Hay to Mr. Griscom.

Telegram.—Paraphrase.

DEPARTMENT OF STATE,
Washington, February 10, 1904.

(Mr. Hay instructs Mr. Griscom to express to the minister for foreign affairs that it is the earnest desire of the Government of the United States that the neutrality of China and her administrative entity be respected by both parties in the course of the military operations which have begun between Russia and Japan, and that the area of hostilities be localized and limited, so that undue excitement and disturbance of the Chinese people may be prevented, and the least possible loss may be occasioned to the commerce and peaceful intercourse of the world.)

Mr. Takahira to Mr. Hay.

No. 7.]

LEGATION OF JAPAN,
Washington, February 11, 1904.

Sm: Now that war has been declared between Japan and Russia, I am instructed to inform you that the question of China's atti-
tude consequent upon that unfortunate event has been one which has engaged the serious attention of the Japanese Government. While the struggle must have an interest for China at least equal to that of Japan, and while the Imperial Government are fully alive to the advantages of having at their disposal the great resources of China in men and materials, yet they can not ignore the probable consequences if China were to assume the attitude of a belligerent, as in their opinion such an attitude would throw her finances into still greater disorder and make it difficult if not impossible for her to meet her obligations. Moreover, it would have a disastrous effect upon her foreign trade, and, above all, it would cause a recurrence of the antiforeign feeling among her people, and the world might be compelled to witness events similar to those of 1900. Under these circumstances the Japanese Government have advised the Chinese Government, in case of war between Japan and Russia, to observe neutrality and to take all possible measures for the preservation of internal order and tranquillity.

I am therefore instructed to assure you that should China assume an attitude of neutrality the Japanese Government will respect such neutrality if it is respected by Russia.

Accept, etc.,

K. TAKAHIRA.

Mr. Griscom to Mr. Hay.

No. 45.]

American Legation,
Tokyo, February 15, 1904.

Sir: I have the honor to confirm, as per copies appended hereto on the overleaf, your telegram of the 10th instant, in relation to the desire of the United States Government that the neutrality of China and her administrative entity shall be respected by both Japan and Russia during the war which is now taking place.

In compliance with your instructions I sought an interview with the minister for foreign affairs on the 12th instant and handed him the note as per copy inclosed herewith, in which I embodied your telegraphic instructions. The minister assured me that his Government was heartily in sympathy with all the ideas expressed by you, and from the time when war became imminent he had advised the Government of China to maintain a strict neutrality, with a view of avoiding the very possible resultant evils which are so clearly pointed out by you. He informed me that Mr. Takahira had some two or three weeks ago been instructed to inform you of the views of the Japanese Government in this matter. I then asked him if he would kindly give me as soon as possible a written reply to the note which I addressed to him.

On the following day, the 13th instant, I received Baron Komura’s reply, a copy of which I inclose herewith.

There can be no doubt but what the Japanese Government is in entire and sincere sympathy with the views of the Department in this matter.

I have, etc.,

LLOYD C. GRISCOM.
FOREIGN RELATIONS.

[Inclosure 1.]

Mr. Griscom to Baron Komura.

AMERICAN LEGATION,
Tokyo, February 12, 1904.

Mr. MINISTER: In compliance with telegraphic instructions from the Secretary of State I have the honor to express to your excellency the earnest desire of the Government of the United States that in the course of the military operations which have begun between Japan and Russia the neutrality of China and, in all practical ways, her administrative entity shall be respected by both parties and that the area of hostilities shall be localized and limited as much as possible, so that undue excitement and disturbance of the Chinese people may be prevented and the least possible loss to the commerce and peaceful intercourse of the world may be occasioned.

I avail, etc.,

LLOYD C. GRISCOM.

[Inclosure 2.—Translation.]

Baron Komura to Mr. Griscom.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, February 13, 1904.

Mr. MINISTER: In response to the note which your excellency did me the honor to address to me on the 12th instant on the subject of the neutrality of China during the existing war, I beg to say that the Imperial Government, sharing with the Government of the United States in the fullest measure the desire to avoid as far as possible any disturbance of the orderly and peaceful condition of affairs now prevailing in China, are prepared to engage to respect the neutrality and administrative entity of China outside the regions occupied by Russia so long as Russia, making a similar engagement, fulfills in good faith the terms and conditions of such engagement.

I avail, etc.,

BARON KOMURA JUTARO.

Mr. Hay to Mr. Takahira.

DEPARTMENT OF STATE,
Washington, February 19, 1904.

DEAR Mr. MINISTER: I have the pleasure to communicate to you the reply of the Imperial Russian Government to the proposal of the United States concerning the neutrality of China in the existing war, which I received this morning from the United States ambassador at St. Petersburg. It reads as follows:

The Imperial Government shares completely the desire to insure tranquillity in China; is ready to adhere to an understanding with other powers for the purpose of safeguarding the neutrality of that empire on the following conditions:

Firstly, China must herself strictly observe all the clauses of neutrality.

Secondly, the Japanese Government must loyally observe the engagements entered into with the powers, as well as the principles generally recognized by the law of nations.

Thirdly, that it is well understood that neutralization in no case can be extended to Manchuria, the territory of which, by the force of events, will serve as the field of military operations.

I have instructed Ambassador McCormick to make the following response to the above communication:

The answer of the Russian Government is viewed as responsive to the proposal made by the United States as well as by other powers, and this Govern-
ment will have pleasure in communicating it forthwith to the Governments of China and Japan, each of which has already informed us of its adherence to the principles set forth in our circular proposal.

I have transmitted this correspondence by telegraph to the United States minister at Tokyo for communication to the Japanese Government.

I am, etc.,

John Hay.

Mr. Takahira to Mr. Hay.

Legation of Japan,
Washington, February 20, 1904.

My Dear Mr. Secretary: I beg to acknowledge the receipt of your letter of yesterday’s date conveying the gratifying intelligence that the Government of Russia had responded favorably to the proposal to limit the zone of military activities in the war between Japan and Russia so far as Chinese territories are concerned. Please accept my cordial thanks for your kindness in informing me of this gratifying result of the wise and benevolent policy of your Government.

Believe, etc.,

K. Takahira.

Mr. Griscom to Mr. Hay.

No. 49.] American Legation,
Tokyo, February 20, 1904.

Sir: I have the honor to send you herewith a copy given me by the minister for foreign affairs of an exchange of notes between the Chinese legation and the foreign office here relative to the neutrality of China in the present war.

In the Chinese note the resolve to maintain neutrality is dwelt upon, but the impossibility of its enforcement in places still occupied by foreign troops is pointed out, and China’s sovereignty over the three eastern provinces is affirmed.

As will be seen, the Japanese reply states this Government’s position toward China’s neutrality, assuages the Chinese Government that property, Imperial tombs, etc., will be respected by the Japanese forces, and disclaims the intention to acquire territory at the expense of China or to impair her sovereignty.

I am, etc.,

Lloyd C. Griscom.

[Inclosure 1.]

Note from the Chinese minister to Japan addressed to Baron Komura, minister for foreign affairs, dated February 13, 1904:

Japan and Russia have broken off their peaceful relations; but China being on friendly terms with the two countries, her Government attaching great importance to the relations of good neighborhood and in obedience to the Imperial command, have taken steps for the observance of the rules of neutrality and ordered the authorities of each and all provinces to strictly observe them. The local authorities have also been instructed to keep tranquility in their respective
districts and to extend protection to the commercial and Christian population, Moukden and Hsing-king being the sites of the Imperial mausoleums and palaces, the governor-general concerned has been given strict instructions to guard them with the greatest vigilance. The towns, villages, and official buildings in the three eastern provinces, as well as the persons and properties of their inhabitants, shall not be damaged or injured by the two belligerents. The Chinese troops stationed in those provinces shall not attack the troops of the belligerent countries, nor shall the latter be allowed to attack the former. A garrison has been dispatched by the Peiyang commissioner to such districts lying west of the Liao as were already evacuated by Russia. In the various provinces, as well as in Outer and Inner Mongolia, the rules of neutrality are to be carried out, so that troops of the two belligerents may not intrude thereupon, and in case they have crossed the boundary line China will take the measures for repelling them. Such steps on the part of China shall, however, not be taken as making a rupture in the friendly relations.

In Manchuria, however, there are localities still in occupation by foreign troops and beyond the reach of the power of China, where the enforcement of the rules of neutrality will, it is feared, be impossible. The three eastern provinces, as well as the rights pertaining thereto, shall remain under China’s sovereignty whatever side may gain victory, and shall not be occupied by either of the powers now in war.

The above is being communicated to the representatives of foreign powers in Peking. At the same time you are instructed to make the same declaration to the minister for foreign affairs of the Government to which you are accredited.

[Inclosure 2.1]

Reply, dated February 17, 1904, of the Japanese Government to the Chinese note.

The Imperial Government, desiring to avoid as far as possible a disturbance of the peaceful condition of affairs which now prevails in China, will, in all parts of the Chinese territory excepting the regions occupied by Russia, respect the neutrality of China so long as Russia does the same.

The rules of war which govern the Imperial forces of Japan in the field do not permit the wanton destruction of property. Accordingly, the Imperial Chinese Government may rest assured that the mausoleums and palaces at Moukden and Hsing-king and the public buildings of China everywhere will be secure from any injury not attributable to the action of Russia.

Furthermore, the rights of the Chinese officials and inhabitants within the zone of military operation will, in their persons and property, be fully respected and protected by the Imperial forces so far as military necessity permits. In the event, however, they should extend aid and comfort to the enemy of Japan the Imperial Government reserve to themselves the right to take such action as the circumstances require.

It only remains to say, in conclusion, that the present war is not being waged by Japan for the purpose of conquest, but solely in defense of her legitimate rights and interests, and consequently that the Imperial Government have no intention to acquire territory as a result of the conflict at the expense of China.

The Imperial Government also wish the Imperial Chinese Government to clearly understand that whatever action may be taken by them on Chinese territory which is made the theater of war will be the result of military necessity and not in impairment of Chinese sovereignty.

Mr. Hay to Mr. Griscom.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 15, 1904.

(Mr. Hay informs Mr. Griscom that, according to a telegram from the American minister to China, the Chinese Government, grateful
for the friendly interest shown by the United States, is resolved to maintain an attitude of strict neutrality, and that provocation will not be afforded either belligerent.)

Mr. Griscom to Mr. Hay.

No. 61.]

American Legation,
Tokyo, Japan, March 17, 1904.

Sir: I have the honor to confirm your telegram received on the 16th instant in relation to the neutrality of China.

Immediately upon receipt of your telegram I embodied the information it contained in a note to the minister for foreign affairs and presented it to him in person. He expressed to me his high appreciation of the efforts of the Government of the United States in this matter and his gratification at the successful outcome, so important in the interest of peace and order in China.

The note of the Imperial Government in reply to that of this legation has now been received, and copies of both are transmitted herewith.

I have, etc.,

Lloyd Griscom.

[Inclusion 1.]

Mr. Griscom to Baron Komura.

American Legation,
Tokyo, March 16, 1904.

Mr. Minister: I have the honor to inform your excellency that Mr. Conger, minister of the United States at Peking, has informed the Department of State at Washington that the Chinese Government, grateful for the friendly interest shown by the United States, is resolved to maintain an attitude of strict neutrality, and that provocation will not be offered either belligerent.

I avail, etc.,

Lloyd Griscom.

[Inclusion 2.]

Baron Komura to Mr. Griscom.

Department of Foreign Affairs,
Tokyo, March 17, 1904.

Mr. Minister: I have the honor to acknowledge the receipt of your excellency's note of the 16th instant respecting the neutrality of China.

In reply I hasten to assure your excellency that the Imperial Government, desiring that the present war may be confined to the original belligerents, and being, moreover, extremely solicitous regarding the effect of the conflict upon the Chinese Government and people, were highly gratified to learn of the successful issue of the efforts of the United States in the interest of peace and order in China.

I avail, etc.,

Baron Komura Jutaro.

Mr. Takahira to Mr. Hay.

Legation of Japan,
Washington, May 12, 1904.

My Dear Mr. Secretary: Referring to our conversation this morning, in which I informed you that I had received instructions
from my Government relative to the question of China’s neutrality, I beg to transmit herewith the context of the instructions, as follows:

You are hereby instructed to inform the Government to which you are accredited that the attitude of the Chinese Government in regard to the war between Japan and Russia has been the subject of constant observation on the part of the Imperial Government since the commencement of hostilities, and that, although they have no reason to entertain any apprehension as to China’s departing from her neutral attitude, nevertheless, in the presence of persistent rumors giving color to such apprehension, they have thought fit to instruct His Imperial Majesty’s minister at Peking to advise China to continue to observe an attitude of strict neutrality, and to use every endeavor to maintain internal good order and tranquility.

I remain, etc.,

K. TAKAHIRA.

Mr. Griscom to Mr. Hay.

AMERICAN LEGATION,

Tokyo, Japan, August 15, 1904.

Sir: I have the honor to transmit herewith a copy of a résumé of official reports received by the Japanese Government regarding the capture of the Russian destroyer Ryeshitelni at Chefoo, informally communicated to me to-day by Baron Komura.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure.]

Résumé of several reports so far received concerning capture of Russian destroyer at Chefoo. On the night of August 10, while cruising in search of dispersed Russian squadron, our destroyers Asushiwo and Kasumi sighted one apparently Russian destroyer steaming in full speed westward and immediately pursued her, but the latter disappeared in darkness. Continuing search till next morning, they found that the enemy’s destroyer had fled to Chefoo. They remained outside territorial water till night, vainly expecting her coming out. Then they entered Chefoo and found that the enemy’s destroyer was Ryeshitelni, and that there was no sign of her being dismantled. Accordingly Lieutenant Terashima was sent on board Ryeshitelni and offered the Russian commander alternative either to leave port before dawn or to surrender. The latter accepted neither, and while discussing proceeding he ordered his men to destroy machinery and to fire. Then suddenly taking Terashima in arms he jumped overboard. Another Russian also jumped into the sea with a Japanese interpreter. Then other Russians commenced hostilities. Meanwhile magazine of Ryeshitelni exploded, causing casualties among our men. Therenon Ryeshitelni was captured and towed out. Our casualties were 1 killed, 14 wounded.

Mr. Griscom to Mr. Hay.

AMERICAN LEGATION,

Tokyo, Japan, August 20, 1904.

Sir: Referring to my dispatch of the 15th instant, transmitting a paper received from the foreign office in regard to the capture of the Russian destroyer Ryeshitelni at Chefoo, I have now the honor to inclose a copy of a letter received from Baron Komura on the 18th instant, together with a statement of the position taken by his Government in that case.

I have, etc.,

LLOYD C. GRISCOM.
August 18, 1904.

Dear Mr. Griscom: The statement which I enclose for your information has been telegraphed to Mr. Takahira for communication to the United States Government. It explains the position taken by the Japanese Government regarding the Chefoo Incident.

Yours, very sincerely,

Jutaro Komura.

Statement of Japan’s position regarding the capture of the “Ryeshitelni” at Chefoo.

The Imperial Government sustain the action of the Japanese destroyers Asashio and Kasumi in capturing the Russian destroyer Ryeshitelni in the harbor of Chefoo on the morning of the 12th August, upon the following grounds:

(1) That the neutrality of China, territorially speaking, is incomplete and extends only to those places which are not for the time being occupied by the armed forces of either belligerent.

(2) That, independently of the question of the effect of the presence of the Ryeshitelni in the harbor upon the neutrality of China, Russia had, prior to the capture, violated the neutrality of Chefoo.

(3) That the Ryeshitelni first began the struggle which resulted in her capture.

As to the first ground:

The Imperial Government at the beginning of the war declared that they would respect the neutrality of China outside the regions occupied by Russia so long as Russia did the same. All military operations are now being carried on within the territorial limits of China. So long as the armed forces of the belligerents remain within the limits of Manchuria, so long will that region continue to be the only portion of the Chinese Empire outside the neutrality of China. But, in the opinion of the Imperial Government, a Russian vessel of war escaping from Port Arthur and seeking in the harbor of Chefoo an asylum which her home port no longer affords her, is guilty of a violation of the neutrality of China which, so far as that incident is concerned, fully justifies the Japanese Government in taking such measures of self-protection as they may consider necessary.

As to the second ground:

It is the contention of the Imperial Government that the Ryeshitelni, by taking refuge in Chefoo under the circumstances, violated the neutrality of that port. It is not only in this case that Russia has openly disregarded the neutrality of Chefoo. Shortly after the investment and isolation of Port Arthur a system of wireless telegraphy was installed between the beleaguered fortress and the Russian consulate at Chefoo. That system has been maintained ever since, notwithstanding the repeated protests of the Imperial Government. In these circumstances neither Russia, which had already disregarded China’s neutrality, nor China, which had utterly failed to enforce her neutrality, is in position to complain of the action of Japan.

As to the third ground:

The Ryeshitelni, by being the aggressor in the struggle which resulted in the capture, instead of relying for protection upon the authorities of the port, has deprived Russia of the right of complaint which she might have possessed if the lawfulness of the capture were otherwise in doubt.

The Imperial Government are still fully resolved to respect the neutrality of China so long as Russia does the same, but they can not consent that their enemy’s ships of war, in defiance of China’s neutrality laws, shall be permitted to find in the harbors of China an asylum which, by reason of the military operations of Japan, is no longer offered them by their own ports.

The case under consideration is in itself of trifling moment, but the principle involved is of the highest importance; for if the harbor of Chefoo could under circumstances be sold to afford an asylum for the Ryeshitelni, it would equally give to the big ships of the Russian navy a safe refuge against attack, to the constant menace of Japan. It can not be expected that the Imperial Government would give their consent to such a condition of things.
Mr. Griscom to Mr. Hay.

AMERICAN LEGATION,
Tokyo, Japan, August 26, 1904.

Sir: I have the honor to inclose herewith copy of a letter from the minister for foreign affairs dated yesterday, with which he sent me a statement of the position of the Japanese Government and of their negotiations with China regarding the Russian warships Askold and Grossovi remaining at Shanghai.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure 1.]

Baron Komura to Mr. Griscom.

AUGUST 25.

DEAR MR. GRISCOM: The inclosed statement has been telegraphed to-day to Mr. Takahira for communication to your Government. There is, however, a prospect of an amicable settlement of the question, as it appears from the latest telegram from Shanghai that the Russian authorities at the port have been instructed to proceed at once to disarm the two war ships in question.

Yours, very sincerely,

JUTARO KOMURA.

[Subinclosure.]

The Russian cruiser Askold and destroyer Grossovi, escaping from Port Arthur, entered Shanghai on the 15th instant, having arrived at Woosung on the previous day. Twenty-four hours, prescribed by China’s neutrality regulations, passed, but the Russian ships showed no sign of taking departure. Consequently the Japanese consul-general at Shanghai, acting under instructions of the Imperial Government, addressed a communication to the Taotai of Shanghai, pointing out that as the two vessels had already remained in Shanghai for more than twenty-four hours they should be called upon to take their departure at once, and, in case of refusal, they should be disarmed and detained at Shanghai until the end of the war without being permitted to repair. The consul-general added that the Imperial Government reserved to themselves the right, in case either of the above alternatives was enforced, to take such action as they might deem proper, and that the responsibility for the consequences would rest with China. The Taotai acceded to the demand, but he proved quite powerless before the Russian consul, who, notwithstanding the former’s repeated pressure, categorically refused to effect either of the two alternatives and persistently adhered to his equivocal declaration that the vessels would be prepared to leave the port only upon completion of the repairs which were under contemplation. It then transpired that those repairs were of a very extensive nature, almost tantamount to the restoration of fighting power of the vessels, requiring, in case of Askold, four weeks for their completion. To permit such repairs would be evidently incompatible with the neutral obligation of China. Accordingly the Japanese consul-general at Shanghai was again instructed to call the most serious attention of the Taotai to the matter and to demand that the repairs to be permitted to the Russian war ships should be of such nature as were required to make them seaworthy, and that the period therefor should be limited to two days. He had further to warn the Chinese authorities that in case China’s acquiescence in the restoration of the fighting power of the Russian ships by allowing the repairs as planned by them Japan would be compelled to take such measures as might seem proper to them. It was after a great deal of hesitation and repeated pressure of our consul-general that the Taotai at last notified the Russian consul, on the 9th instant, in the sense desired by us. But this again met peremptory refusal on the part of the latter, who in reply declined on behalf of the two vessels to submit to any limitations or conditions. In the meantime the Imperial Government instructed on the 9th instant their minister at Peking to formally notify the Chinese Government to the following effect;
"That the Russian war ships should be called upon to take immediate departure from Shanghai. If they are really unable to so leave on account of their damages, two days' repairs should be permitted to them just to make them seaworthy. In case, however, they are unwilling from the beginning to leave Shanghai, they should be disarmed without making any repairs and detained in the port until the conclusion of the present war.

"In the event of China's failure to enforce either of the three alternatives above set forth the Japanese Government would take such measures of self-protection as they may deem necessary, and responsibility for the consequences will rest solely with China."

In view, however, of the difficult position under which the Chinese Government were laboring, the Japanese Government consented to fix the 21st of August, noon, as the time upon which two days' period above alluded to to commence, and the Chinese Government assured the Japanese minister to at once take the necessary steps vis-a-vis the Russian minister in China and the Taotai of Shanghai in the sense desired by Japan. It was with great surprise that the Japanese Government learned, through their minister in Peking, that, notwithstanding the assurances given, as above stated, the Chinese Government granted on the 23rd instant further extension of time for the completion of repairs and departure of the ship until noon of the 28th instant. Against such extension the Japanese Government have protested and declared that they would be compelled to have recourse to such action as they consider proper and that the responsibility for the consequences would rest entirely with China.

The foregoing are the most important facts of the case. Beyond question they constitute a grave infraction of the neutrality of China to the serious prejudice of the belligerent rights of Japan. Having in view, however, the special interests of the powers in the port of Shanghai, the Imperial Government have exercised in the present instance, as they did in the case of the Manajur, a degree of forbearance and restraint under great provocation, which is, they believe, sufficient proof of their earnest desire not to disturb the orderly state of affairs at that place. But it is not to be expected that the Imperial Government will consent to an indefinite continuation of a condition of things which constitutes a grave menace to their warlike operations as well as to their commerce. But having regard to interests of the powers involved in the maintenance of the orderly state of things in the port of Shanghai, the Imperial Government think it right to bring the actual state of things to their attention before the exigencies of the situation will compel them to take final action.

(Note.—For further correspondence relating to the Chefoo and Shanghai incidents, see under China, page 156.)

NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN RUSSIA AND JAPAN.

Mr. Hay to Mr. Takahira.

DEPARTMENT OF STATE,
Washington, May 5, 1904.

My DEAR MR. MINISTER: In a communication dated the 14th ultimo the Secretary of the Navy inclosed a letter from the commandant of the Mare Island Navy-Yard, transmitting copies of circulars received in an envelope from the consulate-general of Japan at New York City, addressed "To the Japanese serving in the United States Navy," soliciting subscriptions to Japanese bonds, contributions to the relief fund for Japanese soldiers and sailors, and in aid of the Red Cross Society of Japan. In view of the President's proclamation of neutrality, the Secretary of the Navy asked whether the circulars should be forwarded.

While Japanese in the United States doubtless have a right to subscribe to Japanese bonds or to contribute to relief and Red Cross
Society funds of Japan, yet it is undesirable that such contributions should be sought through the naval official channels of this Government.

Pursuant to these views, the commandant of the Mare Island Navy-Yard has been instructed not to forward to the Japanese serving in the United States any circulars of the character above described.

I now bring the matter to your attention with the request that you will inform the consular officers of Japan in the United States of the attitude of this Government in the matter.

I am, etc.,

JOHN HAY.

Mr. Takahira to Mr. Hay.

LEGATION OF JAPAN,
Washington, May 6, 1904.

My Dear Mr. Secretary: I beg to acknowledge the receipt of your note of the 5th instant with reference to the circulars sent from the consulate-general of Japan at New York to the commandant of the Mare Island Navy-Yard and transmitting copies of circulars addressed "To the Japanese serving in the United States Navy," in which subscriptions to Japanese bonds, and contributions to relief funds for Japanese soldiers and sailors, and in aid of the Red Cross Society of Japan are solicited.

Noting what you say concerning the undesirability of forwarding such communications through naval official channels, I shall communicate with the consul-general of Japan at New York upon the subject and give him the necessary instructions in the premises.

I am, etc.,

K. TAKAHIRA.

[Translation of the telegram received by the Japanese minister from Baron Komura. Handed to Mr. Adee by Mr. Takahira September 13, 1904.]

Mr. K. Uyeno, Japanese consul at San Francisco, telegraphs that the Russian auxiliary cruiser Lena, with the crew of 500 men and armament of 27 quick-firing guns, has entered the harbor of San Francisco, the object of which is said to be for repairs of her boilers and engines.

You are hereby instructed to call the attention of the United States Government to the above fact as reported, and to say to the Secretary of State that the Imperial Government expect that appropriate measures regarding the matter will be taken by the United States Government without delay.

Mr. Adee to Mr. Takahira.

No. 169.] DEPARTMENT OF STATE,
Washington, September 15, 1904.

Sir: I have the honor to advise you that the President has to-day, through this Department and the Department of the Navy, issued an order directing that the Russian armed transport Lena, which arrived
in the harbor of San Francisco on the 11th instant, be taken in custody by the naval authorities of the United States and disarmed. The conditions prescribed by the President for disarmament are that the Russian vessel be taken to the Mare Island Navy-Yard and there disarmed by the removal of small guns, breechblocks of large guns, small arms, ammunition and ordnance stores, and such other dismantlement as may be prescribed by the commandant of the navy-yard; that the captain give a written guaranty that the Lena shall not leave San Francisco until peace shall have been concluded; that the officers and crew shall be paroled not to leave San Francisco until some other understanding as to their disposal may be reached between the Government of the United States and both the belligerents; that after disarmament the vessel may be removed to a private dock for such reasonable repairs as will make her seaworthy and preserve her in good condition during her detention, or may be so repaired at the navy-yard if the Russian commander should so elect; that while at a private dock the commandant of the navy-yard at Mare Island shall have custody of the ship, and the repairs shall be overseen by an engineer officer to be detailed by the commandant of the navy-yard; and that, when so repaired, if peace shall not then have been concluded, the vessel shall be taken back to the Mare Island Navy-Yard and be there held in custody until the end of the war. It is further to be understood that the cost of repairs, of private docking, and of the maintenance of the ship and her officers and crew while in custody is to be borne by the Russian Government, but the berthing at Mare Island and the custody and surveillance of the vessel is to be borne by the United States.

The President has taken this action upon the written request of the commander of the Lena, addressed to Rear-Admiral Goodrich, setting forth that, as the vessel is incapable of putting to sea without needful repairs, she must disarm, and asking that needful repairs be permitted after disarmament.

Be pleased to accept, etc.,

Alvey A. Adee,
Acting Secretary.

Mr. Takahira to Mr. Adee.

No. 74.]

Legation of Japan,
Washington, September 16, 1904.

Sir: In regard to the disposal of the officers and crew of the Russian armed transport Lena after her disarmament, as referred to in your note of the 15th instant, I have the honor to inform you that I have received to-day from His Imperial Majesty’s minister for foreign affairs telegraphic instructions to the effect that I should inform the Government of the United States the desire of the Imperial Government to have the said officers and crew detained in the territory of the United States until the end of the hostilities.

In making the above communication to you I beg leave to express my earnest hope that the Government of the United States will find it agreeable to take into their favorable consideration the desire of my Government as above mentioned.

Accept, etc.,

K. Takahira.
No. 170.]

DEPARTMENT OF STATE,
Washington, September 17, 1904.

Sir: I have the honor to acknowledge receipt of your note of yesterday's date, in which, with regard to the disposal of the officers and crew of the Russian armed transport Lena after disarmament, as referred to in my note of the 15th instant, you advise me that you received yesterday instructions to inform the Government of the United States of the desire of the Imperial Government to have the said officers and crew detained in the territory of the United States until the end of the hostilities. In making the above communication to you express the earnest hope that the Government of the United States will find it agreeable to take into favorable consideration the desire of your Government as above mentioned.

In reply I have the honor to state that the President, exercising his prerogative in carrying out the neutrality proclaimed by him, had already, before the receipt of your communication, taken the appropriate steps to detain the officers and crew of the Lena in this country until peace shall have been concluded, unless in the meantime the belligerents shall have concurred in proposing to him other arrangements in this regard.

Be pleased, etc.,

Alvey A. Adee,
Acting Secretary.

(Note.—For further correspondence on this subject see under Russia, p. 780.)

PROTECTION OF JAPANESE INTERESTS IN RUSSIA.

[Telegram received by the Japanese minister from his Government on February 7, 1904. Handed to the Secretary of State.]

See the Secretary of State as soon as possible and ask him whether the United States Government, if Russia consents, will permit its embassy in St. Petersburg and its consulates in various places in Russia to assume charge and protection of the Japanese subjects and interest in Russia.

You will add that the Imperial Government retain lively appreciation of friendly offices extended to them by the United States during the China-Japanese war, and they venture to hope that nothing will prevent the United States from acting for them in a similar capacity in the present instance.

Komura.

Mr. Hay to Mr. Takahira.

DEPARTMENT OF STATE,
Washington, February 9, 1904.

Dear Mr. Minister: I learn from our ambassador at St. Petersburg that the minister of foreign affairs has informed him that the Emperor of Russia sees no objection in the way of our representa-
tives looking after Japanese interests upon the withdrawal from Russia of all diplomatic and consular representatives of Japan. The necessary instructions will be issued at once.

Very sincerely, yours,

John Hay.

Baron Komura to Mr. Takahira.

(Memorandum of telegram left at the Department February 16, 1904.)

You are hereby instructed to express to the Secretary of State cordial appreciation of the Japanese Government for the friendly action of the United States Government in permitting its diplomatic, consular, and commercial representatives to take charge of Japanese interests in Russia, etc.

Komura.

Mr. Takahira to Mr. Hay.

No. 12.

Legation of Japan,
Washington, March 5, 1904.

Sir:

* * * * *

I have the honor to state that the Japanese subjects who have returned to Japan through the efforts of the United States consul at Niuchwang and the United States commercial agent at Vladivostock are deeply grateful for the kindness shown and the assistance rendered by those officials, and I am instructed to extend to the United States Government in the name of the Imperial Government most cordial thanks for the good offices thus rendered.

Accept, etc.,

K. Takahira.

Mr. Takahira to Mr. Hay.

No. 14.

Legation of Japan,
Washington, March 19, 1904.

Sir: With reference to my conversation with you on Thursday last, the 17th instant, I beg herewith to hand to you a copy of telegram which was received by Baron Komura, His Imperial Japanese Majesty’s minister for foreign affairs, from Mr. Inouye, the Japanese minister at Berlin, in regard to a number of Japanese residents in Siberia now suffering from untoward treatment of the Russian police authorities, and consequently requesting protection and assistance to enable them to return to Japan.

I am now instructed to request that the United States Government will have the goodness to instruct His Excellency Ambassador McCormick to take necessary steps to the end that those Japanese subjects now in Russia who are destitute and desire to return to Japan may be sent to Berlin, as the Japanese legation in that city will be prepared to take charge of them. As to the amount of the expenses required for the journey of those Japanese subjects from Tsita to
Berlin I am in the hope that the United States ambassador at St. Petersburg may find means to obtain the necessary information, as I shall be ready to furnish it upon the receipt of such information. Accept, etc.,

K. TAKAHIRA.

[Inclosure.—Telegram.]

The Japanese minister at Berlin to Baron Komura.

Two Japanese, Ikeda and Tachikawa, have just arrived at Berlin from Siberia as delegates of 48 other Japanese now living in Tsita (Chita?) and have applied to me for assistance.

From their statement it appears that 19 Japanese residing in Irkutsk were suddenly ordered by the police authorities to leave the city at a moment's notice, without giving them time to take any of their effects, and were thus forced to retreat to Tsita, where at present 29 other Japanese are also living, but owing to the lives of all Japanese being in constant danger there and being boycotted they are unable to earn any living, thus becoming penniless and suffer great privations. The two Japanese also state that a great number of Japanese have been hanged at Harbin on a charge of their having destroyed railways. Under these circumstances, and as there may be still a great number of other Japanese living elsewhere in Siberia who might also be in want of succor, I hope you will see your way to have assistance and protection accorded to them by proper means, so that they may be able to return home safely.

INOYUE.

Mr. Loomis to Mr. Takahira.

No. 122.]

DEPARTMENT OF STATE,
Washington, March 19, 1904.

Sir: I have the honor to acknowledge the receipt of your note No. 14 of the 19th instant, requesting that the United States ambassador to Russia be instructed to take the necessary steps to the end that certain Japanese subjects now in Russia, who are destitute and desire to return to Japan, may be sent to Berlin to be cared for by the Japanese legation in that city.

In reply, I have the honor to inform you that the Department has just received a telegram from Ambassador McCormick, saying that 12 Japanese—6 men and 6 women—in a destitute condition arrived in St. Petersburg to-day from Irkutsk, not being allowed to proceed east, and who wish to proceed to Germany.

Mr. McCormick adds that he is arranging to send them to Berlin, where they are to find employment through the Japanese legation or be sent home.

The Department has approved Mr. McCormick's action.
Accept, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Takahira to Mr. Hay.

No. 15.]

LEGATION OF JAPAN,
Washington, March 24, 1904.

Sir: Under instructions from Baron Komura, His Imperial Majesty’s minister for foreign affairs, I have the honor to request
that, in order to enable the Japanese Government to bring back two members of the consular staff and about 600 Japanese subjects who are still being detained by ice at Korsakov, Saghalien Island, and who are believed to be suffering from scarcity of food, the United States Government will have the goodness to instruct His Excellency Ambassador McCormick to take the following steps:

1. To obtain the consent of the Russian Government to the dispatch by the Japanese Government of a neutral ship to Korsakov, in order to bring back the Japanese subjects and officials above referred to.

2. Upon the consent being obtained from the Russian Government, to take proper steps to communicate the fact to the Japanese consulate at Korsakov, so that they may make necessary arrangements for the embarkation of the refugees, as well as for their own withdrawal.

3. To arrange with the Japanese consulate at Korsakov for apprising the Japanese Government, through the United States commercial agency at Vladivostok, as to the proper time for the dispatch of the relief steamer.

In making the above request I beg to assure you that with such request complied with the Imperial Government will have largely to add to their sense of gratitude they feel toward the United States Government for many acts of friendship done since the unfortunate occurrence of the present situation in the Far East.

Accept, etc.,

K. TAKAHIRA.

Mr. Takanira to Mr. Hay.

No. 21.] LEGATION OF JAPAN, Washington, April 9, 1904.

Sir: I have the honor to inform you that I am in receipt of a telegram from His Imperial Majesty's minister for foreign affairs instructing me to bring to your notice the following facts and to request the exercise of the good offices of the Government of the United States with reference thereto.

It appears that a Japanese steamer, the Hanyei Maru, of 64 tons displacement, which was chartered by a correspondent of the Asahi Shimbun, a newspaper published at Osaka, on the 26th ultimo, while within a distance of less than 1 marine league from Dai-ki-ga, one of the Miao Tao Islands, a group belonging to China, was fired upon and sunk by Russian men-of-war. There were 10 Japanese on board the steamer—the correspondent of the Asahi, 4 members of the crew, and 5 passengers—besides 7 Chinese. All of these persons were taken to Port Arthur, but subsequently the Chinese were released, while the Japanese, it is reported, are confined on board the Russian men-of-war Novik and Yermak. It is reported further that a fish-head torpedo was found on the Hanyei Maru, a circumstance which might be construed disadvantageously to the persons on board the steamer. The fact is, however, that the torpedo was purchased by one of the passengers from a Chinese fisherman on the islands, who had picked it up from the sea after the naval engagement at Pigeon Bay.

From the information in their possession the Imperial Government
are convinced that the correspondent of the Asahi was acting solely in the performance of his professional duties, having been induced to charter the Hanyei Maru and to go to the locality where he was captured by the extraordinary success of the correspondents of several foreign newspapers who had employed small steamers for the purpose of observing the naval engagements in the vicinity of Port Arthur. He believed, moreover, that he was perfectly safe at the time, as he was within the territorial waters of China.

The Imperial Government having released all of the passengers on board of the Russian merchant vessels captured by them, and even the officers and members of the crew, excepting those whose presence was deemed necessary in the trial before the admiralty court, feel that they are justified in entertaining the hope that the Russian Government will adopt similar measures with reference to Japanese non-combatants in their custody.

While reserving their views as to the lawfulness of the action of the Russian vessels in sinking a Japanese vessel in neutral waters and making prisoners of those on board, the Imperial Government instruct me to express the hope that you will find it possible to exercise your good offices for the purpose of obtaining from the Russian Government the release of these Japanese prisoners, all of whom are noncombatants and none of whom were engaged in the commission of any act hostile to Russia.

Accept, etc.

K. TAKAHIRA.

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Mr. Hay to Mr. Takahira.

No. 130.] 

DEPARTMENT OF STATE,
Washington, April 12, 1904.

Sir: Upon the receipt of your note of the 9th instant the Department at once instructed Mr. McCormick, at St. Petersburg, to use his good offices in behalf of the members of the crew and the five passengers of the press boat Hanyei Maru.

I am to-day in receipt of a telegram from Mr. McCormick, stating that the Russian minister for foreign affairs has submitted this case to Admiral Alexieff by wire, from whom he has also again asked for a reply to the request for permission for a neutral ship to visit Khorsakov to take off the Japanese consular staff and subjects.

Mr. McCormick adds that he is using great efforts on behalf of the Japanese subjects at Chita and hopes to make a favorable report with regard to them within a few days.

Accept, etc.,

JOHN HAY

__________

Mr. Loomis to Mr. Takahira.

DEPARTMENT OF STATE,
Washington, April 15, 1904.

MY DEAR MR. MINISTER: The Department is just in receipt of the following telegram of to-day's date from Mr. McCormick, at St. Petersburg, stating that he has been informed by the minister for foreign affairs that under the rules of war of February 14 last the
departure of the Japanese from Korsakov will be permitted; that arrangements may be made for a neutral vessel to proceed there when navigation opens, which will take place about May 1; and that facilities have been promised for direct communication with all Japanese subjects in Siberia as soon as information concerning their whereabouts can be obtained. It is stated that some of them desire to remain there.

I am, etc.,

FRANCIS B. LOOMIS.

Mr. Hay to Mr. Takahira.

DEPARTMENT OF STATE,
Washington, May 7, 1904.

DEAR MR. MINISTER: Mr. McCormick, our ambassador at St. Petersburg, informs me that he has heard from Mr. Greener, our commercial agent at Vladivostok, that on request and in order to better protect the Japanese consular buildings he has given charge of them to the port admiral, the president of the local Red Cross association, that after removal and storage of the furniture, the association has improved the grounds and has renovated the houses for the use of patients and Red Cross nurses.

Mr. McCormick at once answered the commercial agent that his duty was to have notified the ambassador of this step in advance, in order that he might have communicated with the Japanese Government and obtained its approval of this use of the property for the purposes named.

I write to express my regret that such action was taken without having previously consulted your Government, and beg you now to let me know whether it meets with their approval.

Yours, very sincerely,

JOHN HAY.

Mr. Takahira to Mr. Hay.

LEGATION OF JAPAN,
Washington, May 9, 1904.

MY DEAR MR. SECRETARY: Upon the receipt of your note of the 7th instant, having regard to the use of the Japanese consular premises at Vladivostok for Red Cross purposes by the Russian authorities, I communicated with the Imperial Government upon the subjects, and am now in receipt of a telegram informing me that the Imperial Government have no objection to the premises being used for the purpose indicated.

I am, etc.,

K. TAKAHIRA.

Mr. Takahira to Mr. Hay.

No. 37.]

LEGATION OF JAPAN,
Washington, May 23, 1904.

SIR: A Japanese merchant steamer, the Hagino-ura Maru, which left Sun-jin for Fusan on the 25th of April last, was sunk by the
Russian fleet on the coast of Hang-Kiang-do, Korea, about the time that the Kinshu Maru was sunk, and the crew was captured. I have the honor to inform you that I am now in receipt of a telegram from the Imperial Government stating that the Hagino-ura Maru was engaged in the coasting trade of Korea for commercial purposes solely, and, unlike the Kinshu Maru, had no connection whatever with the Japanese Government.

I am, therefore, instructed to request you to kindly direct the United States ambassador at St. Petersburg to communicate with the Russian Government upon the subject, so that the crew of the Hagino-ura Maru may be sent back to Japan by some suitable means, as was done in the case of the crew of the Nakano-ura Maru.

Accept, etc.,

K. TAKAHIRA.

Mr. Hay to Mr. Takahira.

No. 152.] Department of State,
Washington, June 23, 1904.

Sir: Referring to your note, No. 37, of the 28th ultimo, I have the honor to inform you that the Department is in receipt of a telegram, dated the 22d instant, from the United States ambassador at St. Petersburg, reporting that the viceroy declines, for considerations pertaining to the state of war, to grant the request of your Government that the crew of the Hagino-ura Maru be returned to Japan.

Accept, etc.,

JOHN HAY.

Mr. Takahira to Mr. Hay.

No. 75.] Legation of Japan,
Washington, October 11, 1904.

Sir: His Imperial Majesty's minister for foreign affairs informs me that in reporting to the Imperial Government of the safe arrival in Germany, en route to Japan, of about 800 of their subjects who had been till lately remaining in Russia, and who will now be sent home by a steamer leaving Bremen on or about the 20th instant, Mr. Inouye, our minister in Berlin, states that this satisfactory result has been brought about entirely through the friendly effort of the United States ambassador to Russia. Baron Komura consequently instructs me that I should convey to the Government of the United States the expression of the profound gratitude which the Imperial Government owe to Mr. McCormick for his good offices in the matter.

In acting upon the above instruction, I beg to request that you will have the goodness to inform his excellency of the purport of my present communication.

Accept, etc.,

K. TAKAHIRA.
PROTECTORATE OF JAPAN OVER KOREA.

LEGATION OF JAPAN,
Washington, February 26, 1904.

[Telegram received by the Japanese minister from his Government on the 25th of February and left with the Secretary of State.]

You are hereby instructed to communicate to the Government to which you are accredited that in the prosecution of the present war the use of some of the ports and some portions of the territory of Korea is found inevitable, and therefore, with a view to facilitate military operations and to show that such use of ports and territory is made with the full knowledge and consent of Korea, and not in disregard or violation of her independence or territorial integrity, and also in order to prevent future complications, the Japanese Government concluded with the Korean Government on the 23d instant the following protocol:

Mr. Hayashi, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Japan, and Major-General Ye Tchi-Yong, minister of state for foreign affairs ad interim of His Majesty the Emperor of Korea, being respectively duly empowered for the purpose, have agreed upon the following articles:

ARTICLE I.

For the purpose of maintaining permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan and adopt the advice of the latter with regard to improvements in administration.

ARTICLE II.

The Imperial Government of Japan shall, in a spirit of firm friendship, insure the safety and repose of the Imperial House of Korea.

ARTICLE III.

The Imperial Government of Japan definitively guarantee the independence and territorial integrity of the Korean Empire.

ARTICLE IV.

In case the welfare of the Imperial House of Korea or the territorial integrity of Korea is endangered by the aggression of a third power or internal disturbances, the Imperial Government of Japan shall immediately take such necessary measures as circumstances require, and in such case the Imperial Government of Korea shall give full facilities to promote the action of the Imperial Japanese Government.

The Imperial Government of Japan may, for the attainment of the above-mentioned object, occupy, when circumstances require it, such places as may be necessary from strategic points of view.

ARTICLE V.

The Government of the two countries shall not in future, without mutual consent, conclude with a third power such an arrangement as may be contrary to the principles of the present protocol.

ARTICLE VI.

Details in connection with the present protocol shall be arranged as the circumstances may require between the representative of Japan and the minister of state for foreign affairs of Korea.
Mr. Griscom to Mr. Hay.

No. 60.]  

American Legation,  
Tokyo, Japan, March 17, 1904.  

SIR: Since my last dispatch in relation to the general political situation, the principal event of importance has been the signature, on the 23d ultimo, of a protocol between Japan and Korea. * * * A copy of the protocol was handed to me by the minister for foreign affairs on the 25th ultimo, but as he informed me that it had been telegraphed in full to the Japanese minister in Washington I refrain from telegraphing it to you.

The intentions of the Japanese Government with regard to Korea seem to be clearly expressed in this protocol, and all my information leads me to believe that it has every intention of respecting the integrity of the Korean Empire. As the question is so largely dependent on the outcome of the war, any speculation as to the future course of Japan would seem to have but little value. However, I think it may be said that if the matter is ultimately left to the decision of the Japanese Government the Empire of Korea will remain intact, although its administration would continue to be under the close Japanese supervision which has already begun.

Marquis Ito has been sent to Seoul as a special ambassador from the Court of Japan to the Korean Emperor and left here on the 13th instant. In order to ascertain the exact nature of his mission I made inquiry of Baron Komura and was informed that it had no political character whatever. Marquis Ito represents the Japanese Court, not the government, and he is not in possession of full powers. He is the bearer of a friendly message from one Emperor to the other and will remain in Seoul but a week.

* * * * *  

I have, etc.,  

Lloyd C. Griscom.

Mr. Takahira to Mr. Adee.

No. 72.]  

Legation of Japan,  
Washington, August 30, 1904.  

SIR: Under instructions from His Imperial Majesty’s minister for foreign affairs, I have the honor to transmit herewith an agreement concluded at Seoul between the minister of Japan, representing the Imperial Government, and their excellencies, the minister for foreign affairs and the minister of finance of Korea, representing the Government of Korea. The first two articles of the agreement were concluded and signed on the 19th instant and the third article on the 22d instant.

In communicating this agreement to the Government of the United States I am instructed to say that it is nothing more than the natural consequence or development of the protocol concluded between the Japanese and Korean Governments on the 23d of last February, which I had the honor to communicate at that time for the information of the Government of the United States. I am further directed to say that the agreement does not in anywise interfere with the full opera-
tion or validity of Korea's existing treaties; and that Article III thereof is not intended to place any impediment in the way of legitimate enterprise in Korea, but merely to check, as far as possible, the future conclusion of unwise and improvident engagements, which in the past have been fruitful sources of trouble and complication.

Accept, etc.,

K. Takahira.

[Inclosure.]

Agreement between Japan and Korea, concluded at Seoul on the 19th of August, 1904 (articles 1 and 2), and the 22d of August, 1904 (article 3).

ARTICLE I.

The Korean Government shall engage a Japanese subject recommended by the Japanese Government as financial adviser to the Korean Government, and all matters concerning finance shall be dealt with after his counsel shall have been taken.

ARTICLE II.

The Korean Government shall engage a foreigner recommended by the Japanese Government as diplomatic adviser to the foreign office, and all important matters concerning foreign relations shall be dealt with after his counsel shall have been taken.

ARTICLE III.

The Korean Government shall consult the Japanese Government before concluding treaties and conventions with foreign powers, and also in dealing with other important diplomatic affairs, such as grants of concessions to or contracts with foreigners.

Mr. Griscom to Mr. Hay.

No. 115.]

American Legation,
Tokyo, Japan, September 1, 1904.

Sir: I have the honor to transmit, inclosed herewith, a copy of an agreement between Japan and Korea which has been handed me this day by Baron Komura, the minister for foreign affairs.

Baron Komura informed me verbally that this agreement had already been telegraphed to the Japanese minister at Washington, to be presented to you. He also explained to me that Article III of the agreement was not intended to affect existing Korean treaties with foreign powers or concessions to foreigners, nor would it interfere in the future with legitimate enterprises to be embarked upon by foreigners in Korea.

It is interesting to note that Mr. Megata, selected to be financial adviser to the Korean Government, was educated in America and is a graduate of Harvard University, and Mr. Stevens, who has been chosen as adviser to the foreign office, is an American gentleman about whom it would be superfluous to inform you.

I have, etc.,

Lloyd Griscom.

a Printed, ante.
Mr. Adee to Mr. Takahira.

Department of State,
Washington, September 2, 1904.

Sir: I have the honor to acknowledge the receipt of your note No. 72, of the 30th ultimo, transmitting a copy of an agreement, containing three articles, concluded at Seoul between the minister of Japan on the one side and the Korean minister for foreign affairs and the minister of finance on the other, the first two articles of the agreement having been concluded and signed on the 19th ultimo, and the third article on the 22d ultimo.

In reply I have the honor to say that the Department has taken note of your statement of your Government's purpose in negotiating the agreement and of its views regarding the effect of the agreement. Accept, etc.,

Alvey A. Adee,
Acting Secretary.

MURDER OF SHIPWRECKED SEAMEN OF THE AMERICAN SHIP BENJAMIN SEWALL IN FORMOSA.

Mr. Loomis to Mr. Griscom.

Department of State,
Washington, December 31, 1903.

Sir: I inclose herewith a copy of a dispatch and of its inclosures from the American vice-consul at Tamsui on the subject of the wreck of the American ship Benjamin Sewall and the killing of several members of her crew by the savages of Botel Tobago.

In the letter dated November 17 last from the chief of civil administration, Formosan government, to the vice-consul at Tamsui, it is stated that the government has "efficiently and strictly censured the savages and will warn them not to repeat such misconduct again in future."

You will bring the matter to the attention of the Japanese Government and suggest to it that something more impressive than censure may suggest itself to the mind of that Government, which, it is not doubted, is earnestly desirous to fulfill all its international duties in regard to the protection of mariners shipwrecked on its coasts.

I am, etc.,

Francis B. Loomis,
Acting Secretary.

[Inclosure.]

Mr. Lambert to Mr. Loomis.

American Consulate,
Daitotet (Tamsui), Formosa, November 23, 1903.

Sir: In reference to the wreck of the ship Benjamin Sewall, I have the honor to inclose for your information copies of the correspondence between this consulate and the Formosan government on the subject of the wreck and the killing of several members of the crew by the savages of Botel Tobago.
I have the honor to call your attention to the fact that the Formosan government have "severely and efficiently censured the natives" for their "ill treatment of the crew of the ship's boat."

With all due respect to the Formosan government, I do not consider that severe and efficient "censure" will be a sufficient deterrent to the said natives from repeating the offense should occasion arise. These people have caused a great deal of trouble and, what is more important, sorrow by their heartless behavior.

Eight lives have been lost through their acts of barbarism, and two men are even now seriously ill through the hardships they have been forced to undergo on account of their ill treatment at the hands of the islanders.

To what extent the "censure" has been carried I have not inquired, as I considered it an improper course to take without further instructions. I have, however, sent copies of the inclosed correspondence to the American minister at Tokyo, with a copy of this dispatch.

So far as kindness and attention to the survivors have gone, the Formosan government could not have exceeded their endeavors on the unfortunate's behalf. Doctor Goto, chief of the civil administration, has done everything possible to protect and succor them, and the island has been searched as thoroughly as possible for the missing.

But little is known of the natives of Botol Tobago, and the best authority is my colleague, Mr. James W. Davidson, at present in the United States on leave. Might I respectfully suggest that should the Department require information on the habits, etc., of the islanders Mr. Davidson be communicated with? He spent some time on the island and studied the natives thoroughly.

I have, etc.,

A. C. LAMBERT.

[Subinclosure 1.]

Mr. Lambert to Doctor Goto.

AMERICAN CONSULATE,

Daitotei (Tamsui), Formosa, November 7, 1903.

Sir: Referring to the wreck of the American ship Benjamin Searle off the coast of Formosa on October 5 last, I have the honor to inclose herewith for your perusal and information a copy in English of a statement made and signed before me, at the Taihoku civil hospital, by Shikatara Iwate, Japanese, an able seaman on board the above-mentioned vessel.

Iwate was one of the crew of the ill-fated ship's boat which was lost in the neighborhood of Botol Tobago.

From Iwate's statements there seems to be little doubt that the boat's crew were very badly received by the Botol Tobago islanders. In fact, the islanders were responsible for the death by drowning of at least six members of the crew, three of whom are American citizens, i.e., Joseph Morris, first mate; Thomas Pickle, third mate, and Henry Adams, able-bodied seaman. Peter Johnson, able-bodied seaman, came from one of the South American republics—Chile, I believe.

Had the natives not attacked the boat and overturned it, there is no doubt but that all the crew might have been saved, as the boat had already once made the shore, but had been pushed off again in order to escape from the natives who appeared in numbers and of threatening aspect. I gather from the statement of Iwate, and also from that of the Russian Reinwald, that the natives did not at any time do bodily harm to the occupants of the boat, but none the less they made no effort to assist them in any way, but deliberately compassed their death by breaking up the boat and overturning them into the water. No effort appears to have been made by the natives to save any of the persons in the boat after it was capsized, with the exception of the Japanese woman, whom it appears they took away with them.

The names of the persons originally in the boat are as follows: Joseph Morris, first mate; Thomas Pickle, third mate; Henry Adams, A. B.; Peter Johnson, A. B., missing and reported drowned. Ah Hing, cook; Wo Bing, carpenter.

* Not printed.
Japanese woman, wife of third mate; Shikatare Iwate, A. B.; Yoshize Aoki, A. B.; Juzo Hayashi, A. B., saved.

I should be extremely obliged if you could give me any further information on the above subject, particularly as to the fate of the Japanese woman, if anything is known of it.

The original statement of Iwate, taken down in Japanese, is on file in this consulate, and should you desire a copy of the same I shall have pleasure in supplying you with one.

This question of the Botel Tobago islanders toward shipwrecked persons seems to me to be of a serious nature, and I have no doubt, sir, that that is your own opinion. In view of the fact that this is the second American sailing vessel wrecked off the coast of Formosa during the past year (the Ottilia Pedersen was wrecked on October 6, 1902), and the possibility of other wrecks occurring in the future in much the same place, it is to be hoped that in the event of any other unfortunate being cast up on Botel Tobago the natives will treat them with more hospitality than they have hitherto shown.

I may state that Iwate and Hayashi are at present in the civil hospital, Taihoku, suffering from fever.

I have, etc.,

A. C. Lambert.

[Subinclosure 2.—Translation.]

Doctor Goto to Mr. Lambert.

FORMOSAN GOVERNMENT,
Taihoku, Formosa, November 17, 1903.

Sir: I have the honor to acknowledge the receipt of your dispatch of the 7th instant, inclosing a copy of the statement of Shikatare Iwate, A. B., concerning the wreck of the Benjamin Sewall, and informing me of the misconduct of the Botel Tobago islanders toward the shipwrecked persons, and wishing that such ill treatment should not be repeated in future in the event of any other unfortunate being cast away on the island. In reply, I have the honor to state that with regard to the ill treatment shown by the Botel Tobago islanders toward the unfortunate of your nationality, this Government have efficiently and strictly censured them, and will warn them not to repeat such misconduct again in future.

S. Goto,
Chief of Civil Administration.

Mr. Griscom to Mr. Hay.

No. 33.] AMERICAN LEGATION,
Tokyo, December 31, 1903.

Sir: I have the honor to refer to the report of the American vice-consul at Daitotei to the Department of the 23d November, in relation to the wreck of the American ship Benjamin Sewall off the Formosan coast and to the cruelty of the natives to members of the crew who reached Botel Tobago Island.

In view of the statement of our consul that he deemed the "censure" of the Formosan government to be inadequate to prevent future outrages of a similar nature, I addressed to the minister for foreign affairs a note, a copy of which is inclosed herewith, with a view to bringing about a thorough investigation of the incident by the Japanese Government and the punishment of the offenders.

A copy of the minister's reply, informing me that an investigation will be made, is also inclosed herewith.

I have, etc.,

Lloyd C. Griscom.
Mr. Griscom to Baron Komura.

AMERICAN LEGATION, Tokyo, December 17, 1903.

MR. MINISTER: I have the honor to call the attention of your excellency to certain events which recently occurred on Botel Tobago Island, near the coast of Formosa.

The Benjamin Sewall, an American wooden ship of some 1,300 tons burden, was wrecked in a typhoon on October 4 last and was abandoned on October 5, the crew leaving her in boats. One of the boats reached the island of Formosa in safety with all its occupants alive and well; the other unfortunately reached Botel Tobago Island, and while the crew were seeking a convenient place to land natives came out from the shore in numbers, and after robbing the boat and its occupants deliberately hacked holes in it with their knives, pulled out the bottom plug, and when the boat was half full of water upset its crew into the sea, with the result that seven persons were drowned. Three American citizens and a Japanese woman, the wife of the third mate, an American, were among the drowned. Thanks to the efforts of the government of Formosa, the survivors reached the island of Formosa in safety. To Doctor Goto and the civil administration of Formosa the gratitude of the survivors and of my Government is due for their prompt efforts to discover and rescue the shipwrecked sailors and the subsequent assistance so kindly rendered them. The United States consul at Tamsui expressed his appreciation in a letter addressed directly to Doctor Goto.

Another aspect of the unfortunate incident was brought to the attention of Doctor Goto by the American consul in a letter of the 7th ultimo, wherein the hope was expressed that in the event of any other unfortunates being cast up on Botel Tobago the natives would treat them with more hospitality than they have hitherto shown. In Doctor Goto's reply to the above letter he states that "this government have efficiently and strictly censured them (the Botel Tobago islanders), and will warn them not to repeat such misconduct again in future."

The consul now reports to me that "with all due respect to the Formosan government, I do not consider that severe and sufficient 'censure' will be a sufficient deterrent to the said natives from repeating the offense should occasion arise."

I have the honor to bring the matter to the knowledge of your excellency with a view to submitting to the high sense of justice of the Imperial Government the question as to whether a censure, however efficient and strict, is an adequate punishment for the murder of seven shipwrecked sailors. This is the second American vessel which has been wrecked on Botel Tobago Island within a year, and the matter is therefore one of considerable interest to American mariners. It is hoped that upon investigation it will be found necessary and advisable to administer to these islanders some punishment suited to their wild and savage condition.

I take advantage of this opportunity to renew, etc.,

LLOYD C. GRISCOM.

Baron Komura to Mr. Griscom.

Tokyo, December 29, 1903.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch dated the 17th instant, calling the attention of the Imperial Government to the alleged outrages perpetrated by the natives of Botel Tobago Island, near Formosa, against the refugees of the American wrecked ship Benjamin Sewall.

I beg to say in reply, that I have lost no time in referring the matter to the Formosan government, and I shall not fail to communicate again with your excellency so soon as I shall be in receipt of the answer from the said government.

I avail, etc.,

BARON KOMURA JUTARO.
Mr. Loomis to Mr. Griscom.

No. 37.]  
Department of State,  
Washington, February 4, 1904.

Sir: I have to acknowledge the receipt of your No. 33 of December 31 last, on the subject of the wreck of the American ship Benjamin Sewall and the killing of several members of her crew by the savages of Botel Tobago.

The note which you addressed to the foreign office on December 17, 1903, carries out in anticipation the instructions of the Department’s No. 30, addressed to you on the same day your dispatch was written, and is approved.

The Department desires this matter to be kept in mind to the end that some measure may suggest itself to the Japanese Government that will act as a future deterrent to these savage islanders, and will afford protection to shipwrecked mariners in that locality.

I am, etc.,  

F. B. Loomis,  
Acting Secretary.

Mr. Griscom to Mr. Hay.

American Legation,  
Tokyo, March 14, 1904.

Sir: I have the honor to acknowledge the receipt of the Department’s instructions, No. 37, of February 4, approving my note to the Japanese foreign office, dated December 17, 1903, on the subject of the wreck of the American ship Benjamin Sewall and the killing of several members of her crew by the savages of Botel Tobago.

In the same connection I beg to inclose herewith copy of a note from the minister of foreign affairs of date March 2, informing me in detail of the drastic measures taken to punish the offenders, as a result of his correspondence on the subject with the Formosan government. The minister expresses his extreme regret that the native tribes in question should have behaved so revoltingly and cruelly toward the shipwrecked Americans, and the hope that my Government will be satisfied with what the Japanese authorities have done in the matter.

I have, etc.,  

Lloyd C. Griscom.

[Inclosure.]

Baron Komura to Mr. Griscom.

Department of Foreign Affairs,  
Tokyo, March 2, 1904.

Mr. Minister: In reference to your excellency’s note, dated 17th December last, in which you called the attention of the Imperial Government to the wild actions of the natives of Botel Tobago Island, near Taiwan, toward the shipwrecked persons of the Benjamin Sewall, an American vessel, on October 5 last, when they were cast up on that island, and referring also to my note, under date of December 29, in which I informed you in reply that I have at once referred the matter to the Taiwan government, requesting them to make a full investi-
gation on the subject, while assuring to inform you again immediately on receipt of definite information from the Taiwan government, I have now the honor to inform you of the result, after much correspondence with the said government.

The Taiwan government at length decided to dispatch a large force of police and attack the native islanders. The police started on January 27, at night, under high wind and heavy seas, and on arriving at Boltel Tabago Island they divided into three parties for the purpose of assaulting the native tribes called "Iwakimo," "Iwanumiruku," and "Iratal." Early next morning, before dawn, they besieged each tribe and searched for over eight hours and endeavored to find out actual perpetrators, with the result that 10 of the would-be guilty ones, including the chiefs and important members of the tribes were captured and 13 houses burned down, swords, spears, and other dangerous weapons being seized.

Most of the islanders, however, on discovering the landing of the police had run away into the neighboring mountains with fright. The police pursued them and tried to capture them, but the efforts were in vain. Subsequently they have stationed eight policemen there for the time being, to keep further vigilance and to subdue other tribes, giving necessary instructions as to what they should do for the purpose. The 10 captives were transported to the Taiwan government and are kept there in custody.

It is my extreme regret that the native tribes in question should have behaved so revoltingly and so cruelly toward the shipwrecked persons of your country, and I can assure you that the Imperial Government have tried every means in their power to find out the actual perpetrators of such actions. But the islanders, being so obstinate and secretive would never disclose the secret of each other, and all efforts on the part of the authorities to cause them to confess who are actually guilty of such conduct proved fruitless. Under the circumstances the authorities could not do otherwise than to resort to such steps as were just mentioned in way of general punishment, and I believe the islanders will not dare to repeat such barbarity in future. So I sincerely hope that your excellency will be satisfied with what the Imperial Government have done in the matter, though I need hardly say that should the actual malefactors be caught at any future time they will be subjected to proper punishment under provisions of law.

I avail, etc.,

BARON KOMURA JUTARO.

Mr. Hay to Mr. Griscom.

No 51.]  

DEPARTMENT OF STATE,  
Washington, April 9, 1904.

Sir: I have to acknowledge the receipt of your unnumbered dispatch of the 14th ultimo, advising me of the measures taken by the Japanese Government to punish certain Formosan tribes whose members attacked and murdered several shipwrecked American seamen of the Benjamin Sewall.

The Department appreciates the efforts made by the Japanese Government to apprehend and punish the perpetrators of the outrages referred to, and trusts that the punishment visited on the offenders will be of such a nature as to deter the natives from any further crimes of this sort.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Griscom.

No. 53.]  

DEPARTMENT OF STATE,  
Washington, April 14, 1904.

Sir: I inclose herewith for your information a copy of a dispatch from Mr. Lambert, vice-consul, in charge of the American consulate
at Tamsui, reporting the punitive measures taken against the Botel Tobago natives for their ill treatment of the crew of the American ship Benjamin Sewall.

You will call the attention of the Japanese Government to the three suggestions which Mr. Lambert makes.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Lambert to Mr. Loomis.

No. 101.]  

AMERICAN CONSULATE,  

Datitolol (Tamsui), Formosa, February 19, 1904.

SIR: In reference to the wreck of the ship Benjamin Sewall, I have the honor to herewith inclose a detailed account of the attack by the Formosan authorities upon the natives of the Botel Tobago Island.1 I have sent similar documents to the American minister at Tokyo.

In connection with the above matter, I have the honor to inform you that on receipt of his communication I at once called upon Doctor Goto, chief of the civil administration, Formosan government, to thank him for undertaking these punitive measures. He assured me that it is the Formosan government's earnest desire that the actual participators in the murders should be brought to justice, and that it is the intention of the government to hang the ringleaders should they be discovered. For the government to put hands upon the right parties is, however, a task of great difficulty, as no person has as yet been found who can speak the dialect of the Botel Tobagoans.

I understand that natives from the neighboring coast of Formosa were taken to the island in the hope that they might perform the duty of interpreters to the attacking force. These hopes were not realized, as the Formosan natives could not understand the islander's dialect.

In the absence of distinct proof, the Formosan government is loath to execute the death penalty on any of the natives at present incarcerated in Taito-cho prison. Doctor Goto informs me that such a course would only lead to further retaliations in the future, should innocent natives suffer the extreme penalty of the law. From what I know of the Formosan aborigine, as seen in the person of the head hunter, I feel certain that the fears of the chief civil administrator would be justified did he pursue a course of retaliation on general principles.

In the meantime I have his assurance that the captured natives will be kept in prison pending the result of further measures on the part of the government to discover the right culprits.

I fancy that the government is rather at a loss itself as how to deal most satisfactorily with the case. I have therefore written to the American minister at Tokyo the following suggestions, which, if he considers suitable, might be suggested to the Japanese Government as a means of preventing such lamentable occurrences in the future.

First. That three or four of the principal chiefs of the villages known to have been implicated in the outrage shall be detained as hostages for the good behavior of their tribesmen for a period of not less than three years, and that the place of their detention be the jail at Tailoku, where an opportunity would present itself for a mastering of their dialect by some responsible officials.

Secondly. That the police force on the island of Botel Tobago be increased in numbers, particularly during the typhoon season when wrecks are most likely to occur.

Thirdly. That in the event of any further outrages occurring the hostages be promptly made to pay the penalty.

These measures would have the additional advantage of bringing natives and officials in closer touch to the furthering of law and order.

I have, etc.,

A. C. LAMBERT.

1 Not printed.
Mr. Griscom to Mr. Hay.

No. 87.] AMERICAN LEGATION,
Tokyo, Japan, June 14, 1904.

Sir: I have the honor to acknowledge the receipt of the Department’s instruction No. 53 of April 14, 1904, enclosing for my information and for the attention of the Japanese Government a copy of a dispatch from Mr. Lambert, vice-consul, in charge of the American consulate at Tamsui, offering several suggestions to further restrain the inhabitants of the island of Botel Tobago who were implicated in the ill treatment of the survivors of the shipwrecked American vessel the Benjamin Sewall.

I immediately called the attention of the Japanese Government to Mr. Lambert’s three suggestions in a note to the minister for foreign affairs (a copy of which is herewith inclosed) and am now in receipt of his reply (a copy transmitted herewith), in which he says that the purport of my note had at once been communicated to the proper authorities.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure 1.]

Mr. Griscom to Baron Komura.

AMERICAN LEGATION,
Tokyo, May 25, 1904.

Mr. MINISTER: With reference to my note which I had the honor to address to your excellency regarding the appreciation felt by my Government for the punitive measures visited by the Imperial Japanese Government upon the inhabitants of Botel Tobago Island for their inhuman behavior toward the survivors of the shipwrecked American vessel Benjamin Sewall, I have the honor to state that I am directed by my Government to convey to you some suggestions, which Mr. Lambert, vice-consul, in charge of the American consulate at Tamsui, has ventured to offer with a view to assisting the Imperial Japanese Government in further restraining the natives from the commission of like crimes.

It appears from information given Mr. Lambert by Doctor Goto, chief of the civil administration bureau, Formosan government, that a difficulty encountered by the Imperial Japanese Government in their earnest endeavors to fix the responsibility for the outrage was that no one, apparently, was able to speak the dialect of the Botel Tobagoans. Therefore the suggestion is made that three or four of the principal chiefs of the villages known to have been implicated in the outrage be held as hostages for the good behavior of their tribesmen for a period of not less than three years, and that the place of their detention be the jail at Taihoku, where an opportunity would present itself for some responsible official to acquaint himself with their dialect. It is also suggested that it might be well to increase the police force on the island of Botel Tobago, especially during the typhoon season when wrecks are more likely to occur, and, furthermore, in the event of the recurrence of such outrages the hostages be promptly made to pay the penalty.

I take, etc.,

LLOYD C. GRISCOM.

[Inclosure 2.]

Baron Komura to Mr. Griscom.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, June 8, 1904.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency’s note of the 25th ultimo regarding the inhuman behavior of the inhabi-
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ants of Tobago Island toward the survivors of the shipwrecked American vessel the Benjamin textarea, and I beg to inform you in reply that the purport of the same has at once been communicated to the proper authorities.

I avail, etc.,

BARTOK KOMURA JUTAHO.

VISIT OF PRINCE SADANARU FUSHIMI TO THE UNITED STATES.

Mr. Takahira to Mr. Hay.

No. 78.]

LEGATION OF JAPAN,
Washington, October 12, 1904.

Sir: Referring to my previous conversations with you, I now have the honor to inform you that the Emperor, my august sovereign, desiring to strengthen by every means possible the relations of amity and good correspondence that bind together the United States and Japan has been pleased to order His Imperial Highness Prince Sadanaru, of the House of Fushimi, to proceed to the United States for the double purpose of conveying to the President His Imperial Majesty’s message of the cordial good will and friendship, and of visiting the Louisiana Purchase Exposition now being held at St. Louis.

His Imperial Highness will leave Yokohama for San Francisco on the 22d instant in the steamship Manchuria, accompanied by Mr. Sato, minister resident and acting grandmaster of the Fushimi-no-Miya, Count S. Terashima, Maj. S. Mihara of the imperial infantry, Mr. N. Watanabe, master of ceremonies of the imperial household, and others. As to other particulars concerning the intended visit of the Prince, I will bring them to your notice as I shall be definitely informed thereof.

Be pleased, etc.,

K. TAKAHIRA.

Mr. Hay to Mr. Takahira.

No. 172.]

DEPARTMENT OF STATE,
Washington, October 15, 1904.

Sir: I have the honor to acknowledge the receipt of your note, No. 78, of the 12th instant, informing the Department that His Imperial Highness, Prince Sadanaru, of the house of Fushimi, is coming to the United States for the purpose of conveying to the President His Imperial Majesty’s message of cordial good will and friendship and of visiting the Louisiana Purchase Exposition, and that later on you will inform the Department as to other particulars of the Prince’s visit.

In reply, I have the honor to say that a copy of your note has been sent to the president of the exposition for his information.

Accept, etc,

JOHN HAY.

Mr. Griscom to Mr. Hay.

No. 124.]

AMERICAN LEGATION,
Tokyo, Japan, October 19, 1904.

Sir: Referring to legation unnumbered dispatch of September 19, in relation to the visit of His Imperial Highness, Prince Fushimi,
to America, I have the honor to report that on the 10th instant His Highness entertained me and the staff of this legation at dinner at his palace, and that on the 14th I gave a farewell dinner in honor of the Prince, at which were present, in addition to His Highness, Marquis Ito; Field Marshal Marquis Yamagata, chief of staff of the army; Major-General Murata, assistant chief of staff; Lieutenant-General Terauchi, minister for war; Baron Komura, minister for foreign affairs; six gentlemen of the staff of Prince Fushimi; also the members of this legation. During the course of the dinner I proposed the health of His Majesty, the Emperor of Japan, and Prince Fushimi, in reply, courteously proposed the health of the President of the United States. A toast to the health of Prince Fushimi, wishing him an agreeable voyage to America, was then proposed.

I am informed that the Prince will proceed at once to Washington, and should arrive there about the same time as this dispatch. * * * He is the senior prince in the Empire and comes next to the Emperor in the Imperial councils, according to the Japanese family system. Prince Fushimi is, therefore, of a rank and importance that is deserving of every consideration. He is a soldier, and commanded a division at the battle of Nanshan and during the earlier operations against Port Arthur. He is the highest prince that could have been selected to go to America, in view of the fact that Prince Arisugawa's health would not permit him to make such a journey. Prince Arisugawa is a closer blood connection of the Emperor and comes next to the Crown Prince in the order of succession, but, as stated before, he is junior to Prince Fushimi in the Imperial councils.

* * * * * * * I have, etc.,

LLOYD GRISCOM.

Mr. Hioki to Mr. Hay.

No. 87.]

LEGATION OF JAPAN,

Washington, November 10, 1904.

Sir: I have the honor to inform you that his Imperial Highness Prince Sadanaru Fushimi and suite have left San Francisco at 10 o'clock this morning and are due at Washington the 14th instant. I beg to add hereto the following revised list of the members of the suite of his Imperial Highness:

Mr. A. Sato, grand master to the household of his Imperial Highness Prince Sadanaru Fushimi; Count S. Terashima; Maj. S. Mihara, aide de camp to his Imperial Highness Prince Sadanaru Fushimi; Mr. N. Watanbe, master of ceremonies to his Imperial Majesty the Emperor of Japan; Dr. K. Rokaku, physician to his Imperial Highness Prince Sadanaru Fushimi.

Accept, etc.,

EKI HIOKI.

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Mr. Takahira to Mr. Hay.

[Telegram.]

New York, November 19, 1904.

I am informed that Prince Fushimi left Washington yesterday deeply impressed with the manner in which he was welcomed and received by the President and the officials of the United States Government. In expressing my sincere gratitude for the hospitality and courtesy extended to the Prince I beg to assure you, Mr. Secretary, that such a warm reception as was given to our imperial visitor will be always remembered by the whole Japanese nation.

K. Takahira.