GREAT BRITAIN.

REPORT OF THE INTERNATIONAL COMMISSION OF INQUIRY INTO THE FIRING ON BRITISH FISHING VESSELS BY RUSSIAN WAR VESSELS IN THE NORTH SEA.

Ambassador Choate to the Secretary of State.

No. 1539.] AMERICAN EMBASSY,
London, March 1, 1905.

SIR: I have the honor to inclose herewith as of interest two copies of a parliamentary publication (Russia No. 3, 1905) containing the dispatch from the British agent, forwarding the report of the commissioners in the International Commission of Inquiry into the North Sea Incident.

I have, etc., JOSEPH H. CHOATE.

[Inclosure.—Translation.]

Report of the commissioners, drawn up in accordance with article 6 of the declaration of St. Petersburg of the 12th (25th) November, 1904.[a]

1. The commissioners, after a minute and prolonged examination of the whole of the facts brought to their knowledge in regard to the incident submited to them for inquiry by the declaration of St. Petersburg of the 12th (25th) November, 1904, have proceeded to make in this report an analysis of these facts in their logical sequence.

By making known the prevailing opinion of the commission on each important or decisive point of this summary they consider that they have made sufficiently clear the causes and the consequences of the incident in question, as well as the deductions which are to be drawn from them with regard to the question of responsibility.

2. The second Russian squadron of the Pacific fleet, under the command in chief of Vice-Admiral Aid-de-Camp General Rojdestvensky, anchored on 7th (20th) October, 1904, off Cape Skagen, with the purpose of coaling before continuing its voyage to the Far East.

It appears from the depositions made that from the time of the departure of the squadron from the roads of Réval Admiral Rojdestvensky had had extreme precautions taken by the vessels placed under his orders in order that they might be fully prepared to meet a night attack by torpedo boats, either at sea or at anchor.

These precautions seemed to be justified by the numerous reports received from the agents of the Imperial Government on the subject of hostile attempts to be feared, which in all likelihood would take the form of attacks by torpedo boats.

Moreover, during his stay at Skagen Admiral Rojdestvensky had been warned of the presence of suspect vessels on the coast of Norway. He had learned also from the commander of the transport *Bakan* coming from the north that he had seen on the previous night four torpedo boats carrying a single light only and that at the masthead.

This news made the admiral decide to start twenty-four hours earlier.

3. Consequently, each of the six distinct divisions of the fleet got under way separately in its turn and reached the North Sea independently in the order indicated by Admiral Rojdestvensky's report; that flag-officer commanding in person the last division formed by the four new battle ships *Prince Souvoroff, Emperor Alexander III, Borodino, Orel,* and the transport *Anadyr.*

This division left Skagen on the 7th (20th) October at 10 o'clock in the evening.

A speed of 12 knots was ordered for the two first divisions and of 10 knots for the following divisions.

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[a] Printed in Foreign Relations, 1904, p. 342.

4. Between 1.30 and 4.15 on the afternoon of the next day, the 8th (21st) October, all the divisions of the squadron passed in turn the English steamer *Zero*, the captain of which examined the different units attentively enough to enable them to be recognized from his description of them.

The results of his observations are, moreover, in general agreement with the statements in Admiral Rojdestvensky's report.

5. The last vessel which passed the *Zero* was, from his description of her, the *Kamchatka*. This transport, which originally was in a division with the *Dmitri Donskoi*, and the *Aurora* was therefore left behind and isolated about 10 miles to the rear of the squadron. She had been obliged to slacken speed in consequence of damage to her engines.

This accidental delay was, perhaps, incidentally the cause of the events which followed.

6. Toward 8 o'clock in the evening this transport did, in fact, meet the Swedish vessel *Aldebaran* and other unknown vessels and opened fire on them, doubtless in consequence of the anxiety inspired in the circumstances of the moment by her isolation, the damage to her engines, and her small fighting value.

However this may be, the commander of the *Kamchatka* at 8.45 o'clock sent a message by wireless telegraphy to his commander in chief, regarding this encounter, stating that he was "attacked on all sides by torpedo boats."

7. In order to understand the effect which this news had on Admiral Rojdestvensky's subsequent decisions, it must be remembered that in his estimate the attacking torpedo boats, of whose presence 50 miles to the rear of the division which he commanded, he was thus rightly or wrongly informed, might overtake and attack him about 1 o'clock in the morning.

This information led Admiral Rojdestvensky to signal to his ships about 10 o'clock in the evening to redouble thier vigilance and look out for an attack by torpedo boats.

8. On board the *Souvoroff* the admiral had thought it indispensable that one of the two superior officers of his staff should be on watch on the captain's bridge during the night in order to observe in his place the progress of the squadron and to warn him at once if any incident occurred.

On board all the ships, moreover, the standing orders of the admiral laid down that the officer of the watch was authorized to open fire in case of an evident and imminent attack by torpedo boats.

If the attack was from the front, he was to open fire on his own initiative, and in the contrary case, which would be much less pressing, he was to refer to his commanding officer.

With regard to these orders the majority of the commissioners consider that they were in no way excessive in time of war, and particularly in the circumstances, which Admiral Rojdestvensky had every reason to consider very alarming, seeing that it was impossible for him to verify the accuracy of the warnings that he had received from the agents of his government.

9. Toward 1 o'clock in the morning of the 9th (22d) October, 1904, the night was rather dark, a slight, low fog partly clouding the air. The moon only showed intermittently between the clouds. A moderate wind blew from the southeast, raising a long swell which gave the ships a roll of 5 degrees on each side.

The course followed by the squadron toward the southwest would have taken the two last divisions, as the event proved, close past the usual fishing ground of the fleet of Hull trawlers, which was composed of some thirty of these small steamboats and was spread over an area of several miles.

It appears from the concordant testimony of the British witnesses that all these boats carried their proper lights and were trawling in accordance with their usual rules under the direction of their "admiral" and in obedience to the signals given by the conventional rockets.

10. Judging by the communications received by wireless telegraphy, the divisions which preceded that of Admiral Rojdestvensky across these waters had signaled nothing unusual.

It became known afterwards in particular that Admiral Fölkersam, having been led to pass around the fishing fleet on the north, threw his electric searchlight on the nearest trawlers at close quarters, and having seen them to be harmless vessels quietly continued his voyage.

11. A short time afterwards the last division of the squadron, led by the *Souvoroff*, flying Admiral Rojdestvensky's flag, arrived in its turn close to the spot where the trawlers were fishing.

The direction in which this division was sailing led it nearly toward the main body of the fleet of trawlers, round which and to the south of which it would therefore be obliged to sail, when the attention of the officers of the watch on the bridges of the *Souvoroff* was attracted by a green rocket, which put them on their guard. This rocket sent up by the "admiral" of the fishing fleet, indicated in reality according to regulation, that the trawlers were to trawl on the starboard tack.

Almost immediately after this first alarm, and as shown by the evidence, the lookout men, who from the bridges of the *Souvoroff* were scanning the horizon with their night glasses,

discovered "on the crest of the waves on the starboard bow at an approximate distance of 18 to 20 cables" a vessel which aroused their suspicions, because they saw no light and because she appeared to be bearing down upon them.

When the suspicious looking vessel was shown up by the searchlight, the lookout men thought they recognized a torpedo boat preceding at great speed.

It was on accont of these appearances that Admiral Rojdestvensky ordered fire to be opened on this unknown vessel.

The majority of the commissioners express the opinion on this subject that the responsibility for this action and the results of the fire to which the fishing fleet was exposed are to be attributed to Admiral Rojdestvensky.

12. Almost immediately after fire was opened to starboard the *Souvoroff* caught sight of a little boat on her bow barring the way and was obliged to turn sharply to the left to avoid running it down. This boat, however, on being lit up by the searchlight was seen to be a trawler.

To prevent the fire of the ships being directed against this harmless vessel, the searchlight was immediately thrown up at an angle of 45°.

The admiral then made the signal to the squadron "not to fire on the trawlers."

But at the same time that the searchlight had lit up this fishing vessel, according to the evidence of witnesses, the lookout men on board the *Souvoroff* perceived to port another vessel, which appeared suspicious from the fact of its presenting the same features as were presented by the object of their fire to starboard.

Fire was immediately opened on this second object and was therefore being kept up on both sides of the ship, the line of ships having resumed their original course by a correcting movement without changing speed.

13. According to the standing orders of the fleet, the admiral indicated the objects against which the fire should be directed by throwing his searchlight upon them; but as each vessel swept the horizon in every direction with her own searchlights to avoid being taken by surprise it was difficult to prevent confusion.

The fire, which lasted from ten to twelve minutes, caused great loss to the trawlers. Two men were killed and six others wounded; the *Crane* sank; the *Snipe*, the *Mino*, the *Moulmein*, the *Gull*, and the *Majestic* were more or less damaged.

On the other hand, the cruiser *Aurora* was hit by several shots.

The majority of the commissioners observed that they have not sufficiently precise details to determine what was the object fired on by the vessels; but the commissioners recognize unanimously that the vessels of the fishing fleet did not commit any hostile act, and the majority of the commissioners being of opinion that there were no torpedo boats either among the trawlers nor anywhere near the opening of fire by Admiral Rojdestvensky was not justifiable.

The Russian commissioner, not considering himself justified in sharing this opinion, expresses the conviction that it was precisely the suspicious-looking vessels approaching the squadron with hostile intent which provoked the fire.

14. With reference to the real objectives of this nocturnal firing, the fact that the *Aurora* was hit by several 47-millimeter and 75-millimeter shells would lead to the supposition that this cruiser and perhaps even some other Russian vessels, left behind on the route followed by the *Souvoroff* unknown to that vessel, might have provoked and been the object of the first few shots.

This mistake might have been caused by the fact that this vessel, seen from astern, was apparently showing no light and by a nocturnal optical illusion which deceived the lookout on the flagship.

On this head the commissioners find that they are without important information which would enable them to determine the reasons why the fire on the port side was continued.

According to their conjecture, certain distant trawlers might have been mistaken for the original objectives, and thus fired upon directly. Others, on the contrary, might have been struck by a fire directed against more distant objectives.

These considerations, moreover, are not in contradiction with the impressions formed by certain of the trawlers, who finding that they were struck by projectiles and remained under the rays of the searchlights, might believe that they were the object of a direct fire.

15. The time during which the firing lasted on the starboard side, even taking the point of view of the Russian version, seems to the majority of the commissioners to have been longer than was necessary.

But that majority consider that, as has already been said, they have not before them sufficient data as to why the fire on the port side was continued.

In any case the commissioners take pleasure in recognizing unanimously that Admiral Rojdestvensky personally did everything he could from beginning to end of the incident to prevent trawlers, recognized as such, from being fired upon by the squadron.

16. Finally, the *Dmitri Donskoi*, having signaled her number, the admiral decided to give the general signal for "cease firing." The line of his ships then continued on their way and disappeared to the southwest without having stopped.

On this point the commissioners recognize unanimously that after the circumstances which preceded the incident and those which produced it there was at the cessation of fire sufficient uncertainty with regard to the danger to which the division of vessels was exposed to induce the admiral to proceed on his way.

Nevertheless the majority of the commissioners regret that Admiral Rojdestvensky, in passing the Strait of Dover, did not take care to inform the authorities of the neighboring maritime powers that, as he had been led to open fire near a group of trawlers, these boats, of unknown nationality, stood in need of assistance.

17. In concluding this report, the commissioners declare that their findings, which are therein formulated, are not in their opinion of a nature to cast any discredit upon the military qualities or the humanity of Admiral Rojdestvensky or of the personnel of his squadron.

VISIT OF THE SECOND CRUISER SQUADRON UNDER THE COMMAND OF PRINCE LOUIS OF BATTENBERG TO THE UNITED STATES.

The British Ambassador to the Secretary of State.

No. 35.] BRITISH EMBASSY,
Washington, March 1, 1905.

SIR: By instructions from His Majesty's principal secretary of state for foreign affairs, I have the honor to inform you that it is in contemplation to arrange for a cruise by the second cruiser squadron, under the command of Rear-Admiral His Serene Highness Prince Louis of Battenberg, G. C. B., G. C. V. O., during the ensuing autumn.

It is proposed that this squadron should visit the ports of Newport, New York, and Annapolis, and the lords commissioners of the admiralty suggest that, in the event of these visits meeting with the acquiescence of the United States Government, the President should be asked to receive the rear-admiral and his officers at Washington.

I am instructed therefore to inquire of the United States Government whether the contemplated visits to the three American ports mentioned would be acceptable and whether the President would be willing to receive the rear-admiral and his officers, and if so, what date would be most convenient.

The lords commissioners are prepared, as soon as the wishes of the President and the United States Government are known, to furnish the names, ranks, and seniority of the members of the rear-admiral's staff and of the captains of the several ships. They have suggested to Lord Lansdowne that perhaps the month of October would be the most convenient period.

The squadron will consist of the following first-class armored cruisers: His Majesty's ships *Drake, Cornwall, Essex, Berwick, Cumberland,* and *Suffolk.*

I have, etc.,

H. M. DURAND.

The Secretary of State to the British Ambassador.

No. 177.] DEPARTMENT OF STATE,
Washington, March 7, 1905.

EXCELLENCY: The President has been gratified to learn by your note No. 35 of the 1st instant, which I laid before him, of the purpose of your government to have His Majesty's second cruiser squadron, under the command of Rear Admiral His Serene Highness Prince

Louis of Battenberg, G. C. B., G. C. V. O., visit the ports of Newport, New York, and Annapolis during the ensuing autumn, and charges me to say to you that this contemplated friendly visit of His Majesty's ships will be most agreeable to this government.

Regarding his reception of the rear-admiral and his officers he wishes me to say, in expressing the great pleasure which such reception will afford him, that, as suggested by the lords commissioners of the admiralty, the month of October ensuing would suit him best as the most convenient period.

I shall be happy to receive from you, agreeably to your promise, the names, ranks, and seniority of the rear-admiral's staff and of the captains of the several ships forming the squadron.

I have, etc.,

JOHN HAY.

The British Ambassador to Acting Secretary of State Adee.

No. 117.] BRITISH EMBASSY,
Washington, May 30, 1905.

SIR: With reference to previous correspondence on the subject of the proposed visit of the second cruiser squadron to this country, I have the honor to inform you that I have received a telegram from His Majesty's principal secretary of state for foreign affairs stating that His Serene Highness Prince Louis of Battenberg, who will be in command of the squadron, has expressed the desire that his first visit in the United States might be paid to the President in Washington. If this could be arranged Annapolis would be the first port of call after leaving Canada, and New York would be visited after Washington, instead of before, as previously proposed.

I am instructed to inquire whether this alteration in the programme would be agreeable to the President, and if so, I should be glad to be informed on what date His Serene Highness could be received in Washington.

I have, etc.,

For the ambassador,

HUGH O'BEIRNE.

The British Ambassador to Acting Secretary of State Adee.

No. 193.] BRITISH EMBASSY,
Lenox, Mass., September 25, 1905.

SIR: With reference to Mr. O'Beirne's note No. 99 of the 9th of May [not printed], I have the honor to transmit to you herewith a revised list of the staff of His Serene Highness Prince Louis of Battenberg and of the captains of the ships of the second cruiser squadron who will accompany the rear-admiral on his forthcoming visit to Washington.

I have, etc.,

H. M. DURAND.

[Inclosure.]

Staff of H. S. H. Prince Louis of Battenberg.

Flag captain, Mark E. F. Kerr, M. V. O.
Flag lieutenant, Gerald Sowerby.
Secretary, Edward H. Shearme.
Engineer commander, William F. Pamphlett.

Captains of ships of second cruiser squadron.

Charles H. Robertson, C. M. G., M. V. O., H. M. S. *Cornwall.*
Richard B. Farquhar, H. M. S. *Essex.*
Richard H. Peirse, M. V. O., H. M. S. *Bedford.*
Charles H. Dare, M. V. O., H. M. S. *Berwick.*
Herbert G. King Hall, D. S. O., H. M. S. *Cumberland.*

The Assistant Secretary of State to the British Ambassador.

No. 338.] DEPARTMENT OF STATE,
Washington, October 23, 1905.

EXCELLENCY: I have the honor to make known to you formally the arrangements which have been perfected for the reception of His Serene Highness Prince Louis of Battenberg, admiral of His Majesty's second cruiser squadron, and his staff during their visit to Washington as guests of the government.

The admiral and his staff will be brought to Washington on a special train, which will leave Annapolis about 10 o'clock on the morning of Friday, November 3. At 3 o'clock in the afternoon of the same day they will be received by the President at the White House. It is the President's expectation that the staff of His Majesty's embassy will attend your excellency on this occasion. On Saturday, the 4th proximo, at 8 o'clock in the evening, it will be the President's pleasure to entertain the admiral and his staff at dinner.

From the time they reach Washington until their departure from the city the official responsibility of the Navy Department will be superseded by that of the Department of State.

They will be returned to Annapolis on the special train which brought them over, but the hour of its departure has not yet been definitely determined.

I have, etc., ROBERT BACON.

DELIMITATION OF THE ALASKAN BOUNDARY.

EXCHANGE OF NOTES.

Acceptance of the report of the commissioners to complete the award under the convention of January 24, 1903, respecting the boundary line between Alaska and the British North American possessions.

[Agreement effected by exchange of notes, March 25, 1905.]

The Acting Secretary of State to the British Ambassador.

No. 187.] DEPARTMENT OF STATE,
Washington, March 25, 1905.

EXCELLENCY: Referring to your note of October 1 and Mr. Hay's reply of December 2, 1904,[a] in regard to the report of Messrs. O. H. Tittmann and W. F. King, the commissioners appointed to carry out the delimitation of the Alaska boundary, so far as it was left undefined by the award of the London tribunal, and concerning the character of

[a] Printed in Foreign Relations, 1904, pp. 325 and 326.

our agreement between the United States and Great Britain for the formal acceptance of the recommendations of the commissioners by an exchange of notes, I have the honor to state, by direction of the President, that the Government of the United States agrees with the Government of His Britannic Majesty that the part of the boundary between Alaska and Canada lying between the points P and T mentioned in the award of the tribunal of 1903, shall be defined, in accordance with the general principles laid down by said tribunal, by the summits whose geographical coordinates are given with sufficient approximation for identification in the attached table, provided that the commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the table exceed the probable limit of intervisibility. Provided also that no such additional and intermediate peak shall be more than 2,500 meters from the straight line joining peaks 7 and 8 or 8 and T of the attached table, as follows:

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS.

The latitudes and longitudes are taken from and refer to the maps numbers 10 and 12 of the surveys made by the British commission under the convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from point P.

Points.	Latitude.	Longitude.	From—	To—	Approximate distances.
Sheet 12:	° ′ ″	° ′ ″			*Meters.*
1	58 36 29	133 41 55	P	1	15,840
2	58 31 01	133 33 14	1	2	12,800
3	58 24 40	133 26 09	2	3	13,680
4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

Your acknowledgement of this communication, with a similar statement on behalf of the Government of His Majesty, will complete the agreed exchange of notes and will confirm and give validity to the agreement reached by the commissioners, thus completing the award of the London tribunal under the convention of January 24, 1903, as to the above-described part of the Alaska boundary.

Expressing the President's satisfaction at this settlement of the matter,

I have, etc., ALVEY A. ADEE.

The British Ambassador to the Secretary of State.

No. 50.] BRITISH EMBASSY,
Washington, March 25, 1905.

SIR: I have the honor to acknowledge the receipt of your note, No. 187, of this date, in regard to the report by Messrs. W. F. King and O. H. Tittmann, the commissioners appointed to carry out the delimitation of the Alaska boundary, so far as it was left undefined by the

award of the London tribunal, and concerning the character of an agreement between Great Britain and the United States for the formal acceptance of the recommendations of the commissioners by an exchange of notes.

By direction and on behalf of the Government of His Britannic Majesty, I have the honor to state that the Government of His Majesty agrees with the Government of the United States that the part of the boundary beween Canada and Alaska lying between the points P and T mentioned in the award of the tribunal of 1903 shall be defined, in accordance with the general principles laid down by said tribunal, by the summits whose geographical coordinates are given with sufficient approximation for identification in the attached table, provided that the commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the table exceed the probable limit of intervisibility. Provided also that no such additional and intermediate peak shall be more than 2,500 meters from the straight line joining peaks 7 and 8 or 8 and T of the attached table, as follows:

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Points.	Latitude.	Longitude.	From—	To—	Approximate distances.
Sheet 12:	° ′ ″	° ′ ″			*Meters.*
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4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

I am instructed to express the gratification of my government that by this exchange of notes confirmation and validity are given to the agreement reached by the commissioners, thus completing the award of the London tribunal under the convention of January 24, 1903, as to the above-described part of the Alaska boundary.

I have, etc.,

H. M. DURAND.

PROTECTION OF NIAGARA FALLS.

The Secretary of State to the British Ambassador.

No. 72.] DEPARTMENT OF STATE,
Washington, May 6, 1904.

EXCELLENCY: In accordance with the conversation which I had with your excellency on the 5th of May, I have the honor to inclose a copy of a resolution adopted by the senate and assembly of the

State of New York, suggesting joint action by the Governments of the United States and Great Britain for the protection of the Niagara Falls.

I am not prepared at this moment to formulate any scheme of an international convention for this purpose, and, therefore, transmit the resolution as I have received it, for the information of your excellency's government, hoping that the subject may engage the attention of the British foreign office and the Dominion government, to the end that we may in future agree upon some means of attaining the laudable object contemplated by the legislature of the State of New York.

I should be glad to receive any suggestions which may occur to your excellency on the matter in question.

I have, etc.,

JOHN HAY.

[Inclosure.]

STATE OF NEW YORK, IN SENATE,
Albany, March 17, 1904.

By Mr. E. R. BROWN:

Whereas the grants of water power at Niagara Falls heretofore made by Canada and the State of New York have established a policy in relation to the diversion of the waters of Niagara River, the indiscriminate pursuit of which may seriously impair if not destroy the beauty of this wonder of nature; and

Whereas there can be no adequate protection of the Falls against injurious grants except through the united action of the United States and Great Britain,

Resolved (if the assembly concur), That this legislature memorialize the President of the United States to open negotiations with Great Britain for the purpose of framing a treaty which shall prevent any diversions of waters of the Niagara River injurious to Niagara Falls as they now exist.

Resolved further, That in the opinion of this legislature this State should, so far as necessary to the final accomplishment of this purpose, cooperate with the National Government by withholding legislation likely to render such action on the part of the National Government nugatory and to unite in any legislation or constitutional enactment essential to give such treaty when executed full effect.

By order, Senate:

[SEAL.] J. S. WHIPPLE, *Clerk.*

In Assembly, April 9, 1904.

Concurred in without amendment.

By order of the Assembly:

A. E. BAXTER, *Clerk.*

The British Ambassador to the Secretary of State.

No. 94.] BRITISH EMBASSY,
Washington, May 7, 1904.

SIR: I have the honor to acknowledge the receipt of your note No. 72 of yesterday's date inclosing copy of a resolution adopted by the senate and assembly of the State of New York suggesting that joint action be taken by the Governments of the United States and Great Britain for the protection of the Niagara Falls.

I shall have much pleasure in forwarding copies of your note, together with its inclosure, to His Majesty's principal secretary of state for foreign affairs and to the governor-general of Canada.

I have, etc.,

H. M. DURAND.

The Acting Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, September 26, 1905.

MY DEAR MR. AMBASSADOR: With reference to your note of May 7, 1904, in which you informed Mr. Hay that you had been so good as to forward to the secretary of state for foreign affairs and the governor-general of Canada copies of Mr. Hay's note and its inclosures regarding the scheme to prevent the destruction of Niagara Falls by the use of its waters by manufactures, I venture to bring the matter to your attention again.

The Department is in daily receipt of letters of inquiry on this subject from anxious correspondents, many from persons of high standing and importance, and would be glad to tell them that there is hopeful progress toward a mutually beneficial understanding in this regard.

I am, etc.,

F. B. LOOMIS.

The British Ambassador to Acting Secretary of State Loomis.

BRITISH EMBASSY,
Lenox, Mass., September 28, 1905.

DEAR MR. LOOMIS: I have had the honor to receive your letter of the 27th instant regarding the proposal to prevent the destruction of Niagara Falls by the use of its waters by manufacturers.

I will forward a copy of your letter to the principal secretary of state for foreign affairs and also to the governor-general of Canada, and I will request Lord Lansdowne to inform me whether any decision has been taken regarding the proposed joint action by the Governments of the United States and Great Britain, as suggested in Mr. Hay's note of May 6, 1904.

Believe me, etc.,

H. M. DURAND.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, November 3, 1905.

MY DEAR MR. AMBASSADOR: Since our conversation the other day about the preservation of Niagara Falls, I have examined the invitation from the United States to Great Britain for the formation of the International Waterways Commission and the acceptance by Great Britain. It seems quite clear that to investigate the withdrawal of water from the Niagara River above the Falls and the effect of such withdrawal would be within the scope of the commission's duties. If it would be agreeable to you, I should be glad to join in a request or instruction to the commission to make such investigation and report. I suggest that their attention should be directed—

A. To the existing withdrawal from both sides of the river.

B. To the extent to which further withdrawals can be permitted without seriously damaging the Falls.

C. To the regulations which if agreed upon and put in force by the governments would be effectual to prevent the destruction of or serious impairment to the Falls.

I am, etc.,

ELIHU ROOT.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, November 4, 1905.

DEAR MR. SECRETARY: I have received your note of yesterday's date respecting the preservation of Niagara Falls.

I have thought it well to telegraph to Lord Lansdowne your proposal that the question should be referred for investigation to the International Waterways Commission.

I have, etc., H. M. DURAND.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, November 9, 1905.

DEAR MR. SECRETARY: With reference to the letter which I had the honor to receive from Mr. Loomis, dated September 26, on the subject of the preservation of Niagara Falls, I have the honor to inform you that the substance of Mr. Loomis's communication was referred to the governor-general of Canada, with a request for an expression of his views on the subject.

This action had already been taken prior to the receipt of your letter of November 3, the substance of which I have communicated to Lord Lansdowne.

Believe me, etc., H. M. DURAND.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, November 13, 1905.

DEAR MR. SECRETARY: With reference to my letter of November 4 on the subject of the preservation of Niagara Falls, I have the honor to forward a copy of an approved minute of the privy council for Canada.

You will notice that it is stated that a report from the Joint International Waterways Commission on the subject may shortly be expected.

Believe me, etc., H. M. DURAND.

[Inclosure.]

PRIVY COUNCIL, CANADA.

Extract from a report of the committee of the honorable the privy council, approved by the governor-general on 2d November, 1905.

The committee of the privy council have had under consideration a dispatch, dated 28th September, 1905, from His Majesty's ambassador at Washington, respecting the proposed joint action by the Governments of the United States and Canada in order to prevent the destruction of Niagara Falls by the use of its waters by manufacturers.

The minister of public works, to whom the said dispatch was referred, states that he has received a report from the secretary of the Canadian section of the International Waterways Commission to the effect that "the commission is at the present time studying the use, generally, of the waters of Niagara River and of Niagara Falls, and expect to be able to make a joint report to the Government of the United States and to the government of Canada before

long recommending the adoption of rules and regulations which would prevent in the future the destruction of Niagara Falls by the use of its waters by manufacturers."

The committee advise that his excellency the governor-general be moved to forward a copy of this minute to His Majesty's ambassador at Washington.

All which is respectfully submitted for his excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Extracts from the report of the International Waterways Commissioners to the Secretary of War.

INTERNATIONAL WATERWAYS COMMISSION,
OFFICE OF AMERICAN SECTION, 328 FEDERAL·BUILDING,
Buffalo, N. Y., December 1, 1905.

MR. SECRETARY:

* * * * * * *

10. The full commission held its second meeting at Toronto July 14 and 15, 1905. Among the questions brought to the attention of the commission at this meeting were the following, viz:

a. The uses of the waters at Sault Ste. Marie for power purposes, and the regulations necessary to insure an equitable division of the waters between the two countries and the protection of the navigation interests.

b. The uses of the waters in the Niagara River for power purposes, and the regulations necessary to insure an equitable division of the waters between the two countries, and the protection of Niagara Falls as a scenic spectacle.

c. The alleged differences in the marine regulations of the two countries with respect to signal lights and the advisability of adopting uniform signals for both countries.

d. The advisability of building controlling works at the outlet of Lake Erie, including the effect upon the levels of the Lakes and upon their shores and upon the river St. Lawrence.

e. The diversion southward by the Minnesota Canal and Power Company, of Duluth, of certain waters in the State of Minnesota that now flow north into the Rainy River and the Lake of the Woods.

f. The effect of the Chicago Drainage Canal upon the levels of Lakes Michigan, Huron, Erie, and Ontario, and upon the river St. Lawrence.

g. Delimiting the international boundary on the international waterways and delineating the same on modern charts.

11. At subsequent meetings the following additional questions were brought to the attention of the commission, viz:

h. The suppression or abatement of illegal fishing on the Great Lakes.

i. The location and construction of common channels.

j. Regulations to govern navigation in narrow channels.

k. Protection of shores from damage due to deepening of channels and increased speed.

* * * * * * *

22. The questions which have been brought to the attention of this commission, enumerated above in paragraphs 10 and 11, cover a wide range of subjects. Some of them clearly come under the jurisdiction of the commission as constituted, while some do not, and about others there is room for doubt. The Canadian members of the commission

are ready and anxious to consider all of these questions and to extend the jurisdiction of the commission to all international waters between the Atlantic and the Pacific oceans. It is desirable that the wishes of Congress in this matter be more clearly defined.

23. Since it completed its organization in September the commission has made good progress in the collection of data bearing upon some of these questions, particularly those relating to the use of water at Niagara Falls and to the regulation of the level of Lake Erie by works near its outlet. With reference to the former, although not ready to report, it thought proper to pass, at its session of October 28, the following resolution, of which copies were sent to the Secretary of War of the United States and the minister of public works of Canada, viz:

Resolved, That this commission recommends to the Governments of the United States and Canada that such steps as they may regard as necessary be taken to prevent any corporate rights or franchises being granted or renewed by either Federal, State, or Provincial authority for the use of the waters of the Niagara River for power or other purposes until this commission is able to collect the information necessary to enable it to report fully upon the "conditions and uses" of those waters to the respective Governments of the United States and Canada.

* * * * * * *

Very respectfully,

O. W. ERNST,
Chairman American Section.
GEORGE CLINTON,
GEO. Y. WISNER,
Members, American Section.

NOTE.—To be continued in Foreign Relations, 1906.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN BY WHICH THE UNITED STATES RELINQUISHES EXTRATERRITORIAL RIGHTS IN ZANZIBAR.

Signed at Washington, February 25, 1905.
Ratification advised by the Senate, March 8, 1905.
Ratified by the President, May 12, 1905.
Ratified by Great Britain, April 3, 1905.
Ratifications exchanged at Washington, June 12, 1905.
Proclaimed, June 12, 1905.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India acting in the name of His Highness the Sultan of Zanzibar, by which the United States agrees to renounce in the British Protectorate of Zanzibar, and in that part of the mainland dominions of His Highness, the Sultan of Zanzibar which lies within the Protectorate of

British East Africa, its extraterritoral rights in favor of the British courts therein established, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-fifth day of February, one thousand nine hundred and five, the original of which Convention is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, have, for the purposes hereinafter stated, appointed as their Plenipotentiaries, namely:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and

His Brittanic Majesty, the Right Honorable Sir Henry Mortimer Durand, G. C. M. G., K. C. S. I., K. C. I. E., his Ambassador Extraordinary and Plenipotentiary near the Government of the United States;

Who, after having communicated each to the other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The United States of America agrees to renounce in the British Protectorate of Zanzibar, and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which lies within the Protectorate of British East Africa, the extraterritorial rights secured to it by the treaty of September 21, 1833, between the United States and the Sultan of Muscat, and the treaty of July 3, 1886, between the United States and Zanzibar.

The jurisdiction exercised thereunder by consular courts of the United States in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British Protection, and all the exceptional privileges, exemptions, and immunities enjoyed by citizens of the United States as a part of or appurtenant to such jurisdiction, shall absolutely cease and determine. It being understood, however, that this renunciation shall not take effect until such time as the rights of extraterritoriality enjoyed in Zanzibar by other nations shall have been likewise renounced.

ARTICLE II.

In consideration of this renunciation by the United States of America, the Government of His Brittanic Majesty agrees to empower the competent British courts which have been established in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, to exercise jurisdiction over citizens of the United States the same as over British subjects and British protected persons, and that citizens of the United States shall have in and before said courts all the rights and privileges that belong and are accorded therein to British subjects and to British protected persons.

ARTICLE III.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Brittanic Majesty, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at the City of Washington this twenty-fifth day of February, in the year of our Lord one thousand nine hundred and five.

JOHN HAY [SEAL.]
H M DURAND [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the twelfth day of June, one thousand nine hundred and five;

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

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

[SEAL] Done at the city of Washington, this twelfth day of June, in the year of our Lord one thousand nine hundred and five, and of the independence of the United States of America the one hundred and twenty-ninth.

THEODORE ROOSEVELT

By the President:
FRANCIS B. LOOMIS,
Acting Secretary of State.

AGREEMENT OF ALLIANCE BETWEEN GREAT BRITAIN AND JAPAN.

Ambassador Reid to the Secretary of State.

No. 55.] AMERICAN EMBASSY,
London, September 28, 1905.

SIR: I have the honor to inclose herewith a Parliamentary publication, Japan No. 2, 1905, containing a dispatch to His Majesty's ambassador at St. Petersburg forwarding a copy of the agreement between the United Kingdom and Japan, signed in London August 12, 1905.

I have, etc.,
For the ambassador.

J. R. CARTER.

[Inclosure.]

Agreement between the United Kingdom and Japan, signed at London, August 12, 1905.

PREAMBLE.

The Governments of Great Britain and Japan, being desirous of replacing the agreement concluded between them on the 30th of January, 1902, by fresh stipulations, have agreed upon the following articles, which have for their object—

(*a*) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

(*b*) The preservation of the common interests of all powers in China, by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

(*c*) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

ARTICLE I.

It is agreed that whenever in the opinion of either Great Britain or Japan any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two governments will communicate with one another fully and frankly and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other power or powers either contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other contracting party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.

ARTICLE III.

Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance those interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

ARTICLE IV.

Great Britain having a special interest in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the proximity of that frontier as she may find necessary for safeguarding her Indian possessions.

ARTICLE V.

The high contracting parties agree that neither of them will without consulting the other enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ARTICLE VI.

As regards the present war between Japan and Russia, Great Britain will continue to maintain strict neutrality unless some other power or powers should join in hostilities against Japan, in which case Great Britain will come to the assistance of Japan and will conduct the war in common and make peace in mutual agreement with Japan.

ARTICLE VII.

The conditions under which armed resistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement, and the means by which such assistance is to be made available, will be arranged by the naval and military authorities of the contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VIII.

The present agreement shall, subject to the provisions of Article VI, come into effect immediately after the date of its signature and remain in force for ten years from that date.

In case neither of the high contracting parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if when the date fixed for its expiration arrives either ally is actually engaged in war the alliance shall *ipso facto* continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective governments, have signed this agreement and have affixed thereto their seals.

Done in duplicate at London, the 12th day of August, 1905.

[L. S.] LANSDOWNE,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

[L. S.] TADASU HAYASHI,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

NEWFOUNDLAND FISHERY QUESTION.

The Secretary of State to Ambassador Reid.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 13, 1905.

(Mr. Root informs Mr. Reid that the Newfoundland government has forbidden American fishing vessels already on the treaty coast to take fish within the treaty limits prescribed in article 1 of the treaty of 1818. They consider that their right is perfectly clear and in accordance with the construction of the treaty always followed and never questioned by the British Government, and they have been so advised by the Department. Should this prohibition be insisted upon at this time former difficulties, such as the Fortune Bay affair, indicate that serious trouble may result. Instructs him to urgently represent to the British Government that if any question is to be raised about the construction of the treaty of 1818 it should be done through diplomatic representation and not by the prohibition of a long-established practice without communication between the two governments, and to urge that the Newfoundland authorities be communicated with for the withdrawal of the prohibition. The Government of the United States will insist upon the rights American fishing vessels have always enjoyed under the treaty of 1818, and feels bound to afford them protection against violation of the treaty through interference by the Newfoundland authorities.)

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, October 16, 1905.

(Mr. Reid reports that the British minister for foreign affairs has just sent him a dispatch received from the governor of Newfoundland stating that there has been no attempt to prevent American fishermen from catching fish, and the minister for foreign affairs hopes that the reports made to the Department were due to misapprehension.)

The Secretary of State to the British Ambassador.

No. 336.] DEPARTMENT OF STATE,
Washington, October 19, 1905.

EXCELLENCY: Mr. Gardner, the representative in Congress of the Gloucester district, has placed in my hands a number of dispatches received by him from masters of American vessels now on the Newfoundland coast. These dispatches are answers to inquiries sent by him upon my request, for the purpose of ascertaining definitely, if possible, what is the precise difficulty there.

These dispatches agree in the statement that vessels of American registry are forbidden to fish on the treaty coast. One captain says that he was informed that he could not fish, by the inspector of the revenue protection service of Newfoundland, and several of them say that they have been ordered not to take herring by the collector of customs at Bonne Bay, Newfoundland.

It would seem that the Newfoundland officials are making a distinction between two classes of American vessels. We have vessels which are registered and vessels which are licensed to fish and not registered. The license carries a narrow and restricted authority; the registry carries the broadest and most unrestricted authority. The vessel with a license can fish, but can not trade; the registered vessels can lawfully both fish and trade. The distinction between the two classes in the action of the Newfoundland authorities would seem to have been implied in the dispatch from Senator Lodge, which I quoted in my letter of the 12th,[a] and the imputation of the prohibition to the minister of marine and fisheries may, perhaps, have come from the port officers in conversation with the masters of American vessels, giving him as their authority for their prohibitions.

As the buying of herring and bait fish, which until recently has been permitted for a good many years in Newfoundland, is trading, the American fishing fleet have come very generally to take an American registry, instead of confining themselves to the narrower fishing license, and far the greater part of the fleet now in northern waters consists of registered vessels. The prohibition against fishing under an American register substantially bars the fleet from fishing. American vessels have also apparently been in the habit of entering at the Newfoundland custom-houses, and applying for a Newfoundland license to buy or take bait, and I gather from all the information I have been able to get that both the American masters and the customs officials have failed to clearly appreciate the different conditions created by the practical withdrawal of all privileges on the part of Newfoundland and the throwing of the American fishermen back upon the bare rights which belong to them under the treaty of 1818.

I am confident that we can reach a clear understanding regarding those rights and the essential conditions of their exercise, and that a statement of this understanding to the Newfoundland government for the guidance of its officials on the one hand, and to our American fishermen for their guidance on the other, will prevent causeless injury and possible disturbances such as have been cause for regret in the past history of the northeastern fisheries.

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[a] Not printed.

I will try to state our view upon the matters involved in the situation which now appears to exist upon the treaty coast. We consider that—

1. Any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind. She derives this right from the treaty (or from the conditions existing prior to the treaty and recognized by it) and not from any permission or authority proceeding from the government of Newfoundland.

2. An American vessel seeking to exercise the treaty right is not bound to obtain a license from the government of Newfoundland, and, if she does not purpose to trade as well as fish, she is not bound to enter at any Newfoundland custom-house.

3. The only concern of the government of Newfoundland with such a vessel is to call for proper evidence that she is an American vessel and therefore entitled to exercise the treaty right, and to have her refrain from violating any laws of Newfoundland not inconsistent with the treaty.

4. The proper evidence that a vessel is an American vessel and entitled to exercise the treaty right is the production of the ship's papers of the kind generally recognized in the maritime world as evidence of a vessel's national character.

5. When a vessel has produced papers showing that she is an American vessel, the officials of Newfoundland have no concern with the character or extent of the privileges accorded to such a vessel by the Government of the United States. No question as between a registry and license is a proper subject for their consideration. They are not charged with enforcing any laws or regulations of the United States. As to them, if the vessel is American she has the treaty right and they are not at liberty to deny it.

6. If any such matter were a proper subject for the consideration of the officials of Newfoundland, the statement of this Department that vessels bearing an American registry are entitled to exercise the treaty right should be taken by such officials as conclusive.

If your government sees no cause to dissent from these propositions, I am inclined to think a statement of them as agreed upon would resolve the immediate difficulty now existing on the treaty coast.

I have, however, to call your attention to a further subject which I apprehend may lead to further misunderstanding in the near future if it is not dealt with now. That is the purposes of the government of Newfoundland in respect of the treatment of American fishing vessels, as exhibited in a law enacted during the past summer by the legislature of that colony under the title "An act respecting foreign fishing vessels."

This act appears to be designed for the enforcement of laws previously enacted by Newfoundland, which prohibited the sale to foreign fishing vessels of herring, caplin, squid, or other bait fishes, lines, seines, or other outfits or supplies for the fishery, or the shipment by a foreign fishing vessel of crews within the jurisdiction of Newfoundland.

The act of last summer respecting foreign fishing vessels provides:

SEC. 1. Any justice of the peace, subcollector, preventive officers, fishery warden, or constable may go on board any foreign fishing vessel being within any port on the coasts of this island or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbors in this island and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him under a pen-

alty not exceeding *five hundred dollars*. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery purchased within any port on the coasts of this island or within the distance of three marine miles from any of the coasts, bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port or on any part of the coasts of this island or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

* * * * * * *

SEC. 3. In any prosecution under this act the presence on board any foreign fishing vessel in any port of this island or within British waters aforesaid of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfits or supplies for the fishery shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

It seems plain that the provisions above quoted constituted a warrant to the officers named to interfere with and violate the rights of American fishing vessels under the treaty of 1818.

The first section authorizes any of the officers named to stop an American vessel while fishing upon the treaty coast and compel it to leave the fishing grounds, to prevent it from going to the places where the fish may be, to prevent it from departing with the fish which it may have taken, and to detain it for an indefinite period during a search of the cargo and an examination of the master under oath under a heavy penalty.

It is to be observed that this section does not require that the vessel shall have been charged with any violation of the laws of Newfoundland or even that she shall have been suspected of having violated the laws of Newfoundland as a condition precedent to compelling it to desist from the exercise of its treaty rights and virtually seizing it and taking it into port. In the consideration of this provision it is unnecessary to discuss any question as to the extent to which American vessels may be interfered with in the exercise of their treaty rights pursuant to judicial proceedings based upon a charge of violation of law or even upon reasonable ground to believe that any law has been violated, for the authority for the acts authorized appears to be part of no such proceeding.

When we consider that the minor officials named in the act invested with this extraordinary and summary power are presumptively members of the fishing communities in competition with which the American fishermen are following their calling, it is plain that in denying the right of the government of Newfoundland to do what this section provides for we are not merely dealing with a theoretical question, but with the probability of serious injustice.

The third section of the act above quoted in full makes the presence on board of an American vessel of the fish gear—the implements necessary to the exercise of the treaty right—prima facie evidence of a criminal offense against the laws of Newfoundland, and it also makes the presence on board the vessel of the fish which the vessel has a right to take under the treaty prima facie evidence of a criminal offense under the laws of Newfoundland. This certainly can not be justified. It is, in effect, providing that the exercise of the treaty right shall be prima facie evidence of a crime.

I need not argue with the Government of Great Britain that the first section of this act purports to authorize the very kind of official conduct which led to the establishment in England of the rule against unreasonable searches and seizures now firmly imbedded in the juris-

prudence of both nations. Nor need I argue that American vessels are of right entitled to have on them in the waters of the treaty coast both fish of every kind and the gear for the taking of fish, and that a law undertaking to make that possession prima facie proof of crime deprives them of that presumption of innocence to which all citizens of Great Britain and America are entitled. When the legislature of Newfoundland denies these rights to American fishing vessels it imposes upon them a heavy penalty for the exercise of their rights under the treaty, and we may reasonably apprehend that this penalty will be so severe in its practical effect as to be an effectual bar to the exercise of the treaty right.

I feel bound to urge that the Government of Great Britain shall advise the Newfoundland government that the provisions of law which I have quoted are inconsistent with the rights of the United States under the treaty of 1818 and ought to be repealed, and that in the meantime, and without any avoidable delay, the governor in council shall be requested, by a proclamation which he is authorized to issue under the eighth section of the act respecting foreign fishing vessels, to suspend the operation of the act.

There is still another phase of this subject to which I must ask your attention. I am advised that there is a very strong feeling among the Newfoundland fishermen on the treaty coast against the enforcement of the Newfoundland act prohibiting the sale of bait, and that at a recent mass meeting of fishermen at the "Bay of Islands" resolutions were adopted urging the repeal or suspension of that act and containing the following clauses:

> If our requests are not granted immediately, we shall be compelled, in justice to ourselves and families, to seek other ways and means to engage with the Americans.
>
> We would also direct the attention of his excellency the governor in council to what took place in Fortune Bay a few years ago, when Capt. Solomon Jacobs seined herring against the wishes of the people, and the result. If a similar occurrence should take place here, who will be responsible?

This resolution indicates the existence of still another source from which, if not controlled, may come most unfortunate results when the American fishermen proceed to the exercise of their treaty rights—this is the Newfoundland fishermen themselves acting independently of their government.

You are aware that for a considerable period American fishing vessels, instead of themselves taking herring, caplin, and squid upon the treaty coast, have been in the habit of buying those fish from the Newfoundland fishermen. For many of the Newfoundland fishermen this trade has been a principal means of support. That has been especially so in and about the Bay of Islands. It has been profitable to the local fishermen, and it has been for the Americans a satisfactory substitute for the exercise of their treaty right to catch the fish themselves. It is indeed not unnatural that these fishermen should struggle in every way open to them to prevent the loss of their means of support, and that if they can not control their own government so as to secure permission to sell herring and bait they should seek to prevent the Americans from taking the bait, in the hope that as the result of that prevention their profitable trade may be restored. The resolution which I have quoted referring to the Fortune Bay case is a clear threat of violence to prevent the exercise of the treaty right. If the threat should be carried out, it is too much to expect that some at

least of the American fishermen will not refuse to yield to lawless force which seeks to deprive them of their rights and of their means of livelihood.

We shall do everything in our power to prevent any such collision, and we should indeed deeply deplore it, but the true and effective method of prevention plainly must be the exercise of proper control by the government of Newfoundland over the fishermen of Newfoundland, and it seems to me that the danger is sufficiently real and imminent to justify me in asking that the Government of Great Britain shall take speedy steps to bring about the exercise of such control.

I have, etc.,

ELIHU ROOT.

The Secretary of State to Ambassador Reid.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 20, 1905.

(The Secretary of State sends to Ambassador Reid copy of the note to the British ambassador of October 19. He directs him to urge upon foreign office the considerations which it contains and importance of prompt action to avoid increasing bad feeling among fishermen and possible recurrence of incidents like Fortune Bay affair. Unless action is prompt American vessels will lose fishing season.)

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, October 20, 1905.

SIR: I have the honor to acknowledge the receipt of your dispatch dated the 19th of October, regarding the Newfoundland fishery question.

I do not think it desirable at present to make any detailed observations on this dispatch, but I have sent a copy to His Majesty's Government, and have also telegraphed the substance of it both to His Majesty's Government and to the governor of Newfoundland.

I note with satisfaction that the Government of the United States will do everything in their power, as we on our side shall certainly do, to prevent any collision between American fishermen and those of Newfoundland, and I trust that they will also do everything in their power to prevent the occurrence of any other untoward incident pending inquiry into the question of the Newfoundland "Act respecting foreign fishing vessels," and the supposed misapprehension on the part of certain Newfoundland officials with regard to the status of vessels on the American register.

The Government of the United States can not doubt the desire of His Majesty's Government to adhere strictly to all treaty provisions, and all that seems required in order to bring about a satisfactory conclusion in a case of this nature is the exercise by those concerned, on both sides, of patience and temper in the assertion of what they conceive to be their rights. It would be most unfortunate if the case were to be complicated by any precipitate action on the part of

American fishermen or local officials. I will do all I can to prevent such action on the part of the local officials and look to you with confidence to prevent it on the part of the American fishermen.

I have, etc.,

H. M. DURAND.

Ambassador Reid to the Secretary of State.

No. 64.] AMERICAN EMBASSY,
London, October 20, 1905.

SIR: I have the honor to report the receipt of your telegram of the 13th instant and my action under it as shown in my telegram of the 16th instant.

As intimated in my dispatches, Lord Lansdowne has been out of town for some days. As he was expected on Monday, however, I sent a private note to his residence on Saturday, a few hours after the receipt of your dispatch, asking the favor of an appointment at as early an hour as convenient on Monday.

Finding on Monday that he had not yet returned, I went to the foreign office and saw the first permanent under secretary, Sir Thomas Sanderson, to whom I stated the substance of the information received from my government, and asked for the promptest action in communicating with the Newfoundland authorities, adding I was sure Sir Thomas would agree with me in the belief that if any new question were to be raised at this late date about the rights of American fishermen under the treaty of 1818 it should be raised through the regular diplomatic channels instead of through abrupt action on the part of the Newfoundland authorities. This view seemed to strike Sir Thomas as reasonable and he promised that on the return of Lord Lansdowne this should be one of the first subjects brought to his attention.

The same evening the unofficial letter from Lord Lansdowne mentioned in my cable despatch was sent to me at my private residence. To-day a note has been received from him (dated yesterday) repeating the statement that the governor of Newfoundland denies any attempt to prevent American fishermen from catching fish, and the hope that the reports which reached you were the result of misapprehension. A copy of this note is inclosed.

* * * * * * *

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Ambassador Reid to the Marquess of Lansdowne.

AMERICAN EMBASSY,
London, October 16, 1905.

MY LORD: Referring to my conversation to-day with Sir Thomas Sanderson about the fisheries situation on the Newfoundland coast, I have the honor to express my gratitude at the prompt inquiries already instituted and to repeat the earnest desire of my government that your lordship should secure from the Newfoundland authorities the immediate withdrawal of their notice prohibiting Americans from taking fish from within the limits plainly granted in Article I of the treaty of 1818.

As I explained to Sir Thomas Sanderson, our American fishermen have been advised by my government that their right to take fish within these limits is quite clear; that it is in accordance with the construction of the treaty always followed heretofore, and that it has never been questioned by the British Government.

Such previous difficulties as that at Fortune Bay certainly indicate a probability of serious trouble again if this Newfoundland prohibition is actively enforced.

If it is really desired now to raise any question as to the construction of the treaty of 1818, I feel sure that you will agree with my government in thinking that it should be done by suitable diplomatic representation and not by abrupt prohibition of the established practice without any communication on the subject between the two governments.

Your lordship will of course understand that my government insists on the rights always enjoyed under the treaty of 1818 and feels bound to protect our fishermen against an interference by the Newfoundland authorities which is plainly in violation of the uniform construction heretofore given to that treaty.

I have, etc.,

WHITELAW REID.

[Inclosure 2.]

The Marquess of Lansdowne to Ambassador Reid.

FOREIGN OFFICE,
London, October 19, 1905.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th instant relative to a report which has reached the United States Government that steps are being taken by the Newfoundland authorities to prohibit United States citizens from taking fish within the limits open to them under Article I of the convention of 1818.

As I have already had the pleasure of privately informing your excellency, the governor of Newfoundland, to whom on the receipt of a message from His Majesty's ambassador at Washington telegraphic inquiries were at once addressed, has replied that the visit of the Newfoundland minister of marine to this part of the island was for the purpose of arranging the disposal of French fishery effects on the treaty shore, and that there has been no attempt to prevent American fishermen from catching fish.

I trust, therefore, that the reports which reached the United States Government are the result of a misapprehension as to the facts of the case.

I have, etc.,

LANSDOWNE.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, October 22, 1905.

SIR: In continuation of my note of the 20th of October regarding the Newfoundland fishery question, I have now the honor to inform you that I have received from the governor of Newfoundland a telegram which seems to dispose of one important part of that question.

His excellency telegraphs that no Newfoundland officer is preventing American vessels from fishing on the treaty coast, and that no distinction is being drawn between registered vessels and licensed vessels.

The local officers have been told that American captains must not engage crews on the Newfoundland coast to fish for them, but no objection is made to their using the nets themselves.

I have, etc.,

H. M. DURAND.

The Secretary of State to the British Ambassador.

No. 337.] DEPARTMENT OF STATE,
Washington, October 23, 1905.

EXCELLENCY: I have the honor to acknowledge receipt of your note of the 22d instant, and to express my gratification at the information it communicates on the authority of a telegram from the governor of Newfoundland, that no Newfoundland officer is preventing American vessels from fishing on the treaty coast; that no distinction is being drawn between registered vessels and licensed vessels and; that the local officers in Newfoundland have been told that American captains must not engage crews on the Newfoundland coast to fish for them, but that no objection is made to their using the nets themselves.

I have, etc.,

ELIHU ROOT.

The Secretary of State to the British Ambassador.

No. 340.] DEPARTMENT OF STATE,
Washington, October 25, 1905.

EXCELLENCY: I beg to acknowledge the receipt on the 23d of October of your note of the 20th relating to the Newfoundland fisheries question.

I wish to express my high appreciation of your observations upon the course which should properly be followed by both sides and my hearty agreement with the spirit and purpose of your expressions. I think that nothing could more promote the patience and good temper which we agree to be so important on the part of every one on the treaty coast than a knowledge of the spirit in which the subject is being dealt with by both governments. Unless it should be disagreeable to you, I purpose to embody the substance of your note in a letter which can be published for the purpose of communicating such a knowledge to our American fishermen.

I have, etc.,

ELIHU ROOT.

The British Ambassador to the Secretary of State.

No. 213.] BRITISH EMBASSY,
Washington, October 27, 1905.

SIR: I have the honor to acknowledge with thanks the receipt of your letter No. 340, of the 25th October, regarding the Newfoundland fishery question, and to assure you that I highly appreciate the spirit in which it was written.

It will be in no way disagreeable to me that you should take the course you propose with regard to my letter of the 20th October, and I will with your permission communicate to the Newfoundland government, for the information of their people on the treaty coast, the substance of your reply.

I have, etc.,

H. M. DURAND.

The Secretary of State to the British Ambassador.

No. 343.] DEPARTMENT OF STATE,
Washington, October 31, 1905.

EXCELLENCY: I have the honor to acknowledge the receipt of, and cordially to thank you for, your note No. 213, of the 27th instant, regarding the Newfoundland fishery question.

It will be equally agreeable to me that you should take the course you propose with regard to my note of the 25th instant, in communicating to the Newfoundland government, for the information of their people on the treaty coast, the substance of my reply.

I have, etc.,

ELIHU ROOT.

Ambassador Reid to the Secretary of State.

No. 71.] AMERICAN EMBASSY,
London, October 31, 1905.

SIR: Referring to my dispatch No. 66 of the 24th instant [not printed], I have the honor to inclose herewith the copy of a note which I have received from Lord Lansdowne relating to the Newfoundland fisheries question.

I have, etc.,

WHITELAW REID.

[Inclosure.]

The Marquess of Lansdowne to Ambassador Reid.

FOREIGN OFFICE,
London, October 25, 1905.

YOUR EXCELLENCY: I have the honor to acknowledge your excellency's note of the 23d instant relative to American fishing rights off the coast of Newfoundland, and I have to thank you for this statement, which usefully supplements the information your excellency gave me on the 21st instant.

After my conversation with you on that date I at once placed myself in communication with His Majesty's secretary of state for the colonies, to whom your excellency's note of the 23d has also now been referred, and you may rely on his Majesty's Government to second your efforts to clear up any misunderstanding which may have arisen.

I have, etc.,

LANSDOWNE.

The Secretary of State to the British Ambassador.

No. 344.] DEPARTMENT OF STATE,
Washington, November 1, 1905.

EXCELLENCY: With reference to the Newfoundland fishery question I have the honor to inclose herewith copy of my letter of the 25th ultimo to the Secretary of the Treasury, the contents of which have already been communicated to you orally. The Secretary advises me that it has been forwarded to the collectors of the ports of Gloucester and Boston, with instructions to make it known to the American fishermen.

I have, etc.,

ELIHU ROOT.

[Inclosure.]

The Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, October 25, 1905.

SIR: The immediate difficulty experienced by the American fishing fleet on the treaty coast of Newfoundland appears to have been happily disposed of. There are, however, some other questions bearing upon the relations between the recent legislation of Newfoundland and American rights under the treaty of 1818 with Great Britain from which, in default of a clear understanding, further difficulties may possibly arise. These questions are now under consideration by the two governments with a confident expectation of reaching a satisfactory conclusion.

In the meantime I wish to bring to the attention of our American fishermen some expressions contained in a recent letter received by me from the British ambassador. He says:

"I note with satisfaction that the Government of the United States will do everything in their power, as we on our side shall certainly do, to prevent any collision between American fishermen and those of Newfoundland, and I trust that they will also do everything in their power to prevent the occurrence of any other untoward incident pending inquiry into the question of the Newfoundland 'act respecting foreign fishing vessels,' and the supposed misapprehension on the part of certain Newfoundland officials with regard to the status of vessels on the American register.

"The Government of the United States can not doubt the desire of His Majesty's Government to adhere strictly to all treaty provisions, and all that seems required in order to bring about a satisfactory conclusion in a case of this nature is the exercise by those concerned on both sides of patience and temper in the assertion of what they conceive to be their rights. It would be most unfortunate if the case were to be complicated by any precipitate action on the part of American fishermen or local officials. I will do all I can to prevent such action on the part of the local officials and look to you with confidence to prevent it on the part of the American fishermen."

We can not fail to agree heartily with the spirit and purpose thus expressed by the British ambassador. I am sure that knowledge of the fact that the Government of Great Britain is dealing with the subject in this spirit will lead all American fishermen to exercise under all circumstances the patience and good temper which the ambassador justly deems so important.

May I ask that you will communicate the contents of this letter to the collector of the port of Gloucester with the request that he bring it to the notice of the owners and masters of the American fishing fleet, so largely owned at that port?

I have, etc.,

ELIHU ROOT.

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 3, 1905.

(Mr. Reid reports that the minister for foreign affairs has reiterated his earnest desire to adjust the fishery question satisfactorily. He has consulted with the secretary of state for the colonies and law officers on the six points of agreement proposed by the Department to the British ambassador at Washington. A dispacth received by him yesterday from the governor of Newfoundland gives positive assurances that no arrests will be made on American vessels and that his action will be confined to his own people. Confidence of friendly adjustment of the question is expressed if the impetuosity of the people on the spot can be restrained during the remainder of the fishing season. Reports the publication of a telegram of Reuter's agency from St. Johns which states that American fishing vessels attempted to enlist 50 men by taking them outside of the 3-mile limit, that the men were sent back by a colonial cruiser, and that threats had been made by the Americans to appeal for a war vessel.)

The Secretary of State to Ambassador Reid.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 4, 1905.

Say to British Government that I have advised Secretary Commerce and Labor to inform American fishermen this government will not support evasion of Newfoundland law by taking men across 3-mile line for enlistment and bringing them back, as described in the Reuter's dispatch reported by you November 3.

ROOT.

Chargé Carter to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, December 16, 1905.

(Mr. Carter reports that according to information received by the British Government platforms are being constructed by American fishermen for freezing herring on the shore of the Bay of Islands on the west coast of Newfoundland. Article 1 of the treaty of 1818 has been pointed out by Sir Edward Grey as limiting American fishermen to that part of the Newfoundland coast lying between Cape Ray and Rameau Islands, and that the United States renounced any liberty to take, dry, or cure fish on or within 3 marine miles of any coast, creeks, bays, or harbors not included within above-mentioned limits. He calls attention to the matter and expresses the hope that the Government of the United States will instruct the American fishermen to refrain from any act contrary to treaty rights.)

The Secretary of State to Chargé Carter.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1905.

(Mr. Root instructs Mr. Carter to inform Sir Edward Grey that the Secretary of Commerce and Labor has been advised that American fishermen have no right to construct platforms for freezing fish on the west coast of Newfoundland, and that in all probability our fishermen have already been instructed accordingly.

The Department is informed that the cutting of American nets has been commenced to prevent American fishing, as was done in the Fortune Bay affair. Instructs him to request that suitable measures be taken to prevent unlawful interference by natives.)

Chargé Carter to the Secretary of State.

No. 107.] AMERICAN EMBASSY,
London, December 16, 1905.

SIR: I have the honor to inclose herewith a translation of my cable of this date with reference to the Newfoundland fisheries question, and also a copy of the memorandum upon which it was based.

I was sent for yesterday by Sir Edward Grey to come and see him at the foreign office, where, through Mr. Villiers, one of the under secretaries, he communicated to me the substance of the above-mentioned memorandum, at the same time stating in the most friendly spirit that although convinced that the present incident, which might not seem important in itself and probably occurred owing to ignorance or misapprehension of the terms of the convention of 1818 on the part of those engaged, under the present circumstances he considered it necessary to call your attention to the matter, hoping you would receive it in the spirit it was offered, and would be disposed to cause the American fishermen to be instructed to desist from this action, which he submitted was clearly in excess of their treaty rights.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure.]

Memorandum.

FOREIGN OFFICE,
London, December 16, 1905.

His Majesty's Government have received information that United States fishermen are constructing platforms for freezing herring on the shore of Bay of Islands *on the west coast of Newfoundland.*

Article I of the convention of 1818 between Great Britain and the United States stipulated that American fisherman shall "have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks *of the southern part of the coast of Newfoundland*" described previously in the same article as the part of the coast between Cape Ray and the Rameau Islands; but that "the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britanic Majesty's dominions in America *not included within the above-mentioned limits.*"

The incident now reported has probably occurred owing to ignorance or misapprehension of the terms of the convention. His Majesty's Government consider it necessary, however, to call attention to the matter and to express the hope that the American fishermen may be instructed to desist from action which is clearly in excess of their treaty rights.

Chargé Carter to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, December 18, 1905.

(Mr. Carter conveys the thanks of Sir Edward Grey for the prompt action of the Department in regard to the matter reported in his telegram of the 16th instant. Equal prompt consideration will be given to Department's recommendation regarding the cutting of nets.)

Chargé Carter to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, December 28, 1905.

(Mr. Carter reports that Sir Edward Grey is informed by the governor of Newfoundland that the rumor that American fishing nets and tackle had been maliciously interferred with is unfounded. The inspector who had been sent to investigate the matter reports that no willful detachment of nets and tackle has taken place, and that no complaints of willful damage have been made to the magistrate at Bonne Bay, and that no antagonistic feeling exists between the citizens of the two countries.)

Chargé Carter to the Secretary of State.

No. 118.] AMERICAN EMBASSY,
London, December 29, 1905.

SIR: I have the honor to inclose herewith a translation of my cablegram of the 28th instant and also a copy of a memorandum handed me by Sir Edward Grey in reply to my note of the 18th instant, all in connection with the Newfoundland fisheries question.

From the memorandum in question it will be seen that Mr. O'Reilly, the inspector of the Newfoundland customs, who had spent ten days among the fishing smacks at Bay of Islands, reported that though fishing nets and tackle had been lost through stress of weather no willful destruction of any kind had taken place, and that on the contrary the fishermen were all quiet and on friendly terms and in fact no antagonistic feeling whatever existed between the Newfoundlanders and the American fishermen.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure.]

Memorandum.

FOREIGN OFFICE,
London, December 27, 1905.

His Majesty's Government have received by telegraph from Sir W. MacGregor, the governor of Newfoundland, a reply to their inquiry concerning the complaint that American fishing nets and fishing tackle had been maliciously damaged or interfered with by Newfoundland fishermen.

His excellency states that he is able emphatically to contradict this rumor. Inspector O'Reilly, who had spent ten days among the fishing smacks at Bay of Islands, reported that though fishing nets and tackle had been lost through stress of weather or inexperience, no willful destruction of any kind had taken place. On the contrary, the fishermen were all quiet and on friendly terms. The magistrate at Bonne Bay reported that he had received no complaints and that he was unaware of any willful damage having been inflicted.

Sir W. MacGregor's statement is corroborated by the officer commanding His Majesty's ship *Latona*, who reports that after a gale at the beginning of December rumors of willful damage had been spread. Investigations had, however, resulted in eliciting the fact that many nets had, owing to the gale, been dragged and fouled and in some cases had been cut to clear them. This was due in some measure to the inexperience of the United States fishermen, who were unaccustomed to the herring fishery. There was no antagonistic feeling whatever between the subjects of the respective countries.

NOTE.—To be continued in Foreign Relations, 1906.

BOYCOTT OF AMERICAN GOODS AT SINGAPORE.

The Secretary of State to Ambassador Reid.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 14, 1905.

(Mr. Root informs Mr. Reid that the consul-general at Singapore reports that the boycott has taken a serious turn, that the Chinese trade is at a standstill, that circulars are posted on all Chinese shops, that anonymous warning letters are being circulated and he fears that the trouble has only begun. He has been instructed to give information of anonymous threats and unlawful combinations to the local authorities. Mr. Reid is instructed to request that the British Government take the gravity of the situation into consideration and adopt such protective and repressive measures as may be practicable.)

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 15, 1905.

(Mr. Reid reports that Lord Lansdowne has promised him that he will immediately communicate with the colonial department and do everything possible.)

Chargé Carter to the Secretary of State.

No. 103.] AMERICAN EMBASSY,
London, December 13, 1905.

SIR: With reference to your telegram to Mr. Reid of the 15th ultimo with regard to the boycott of American goods by the Chinese at Singapore I have the honor to inclose a translation of your cable, together with Mr. Reid's reply thereto of the same date, and also a copy of the memorandum left at the foreign office, and a copy of Lord Lansdowne's note of the 8th in reply.

From the latter it will be seen that Mr. Lyttelton, the secretary of state for the colonies, will forward a copy of the correspondence on the subject to Sir J. Anderson, the governor of the Straits Settlements, who, it is stated, will doubtless take such measures as may be practicable to deal with any unlawful acts or combinations on the part of those concerned in the proceedings complained of.

Mr. Lyttelton, however, points out that unless actual offenses against the colonial laws have been or are being committed it may be difficult for the colonial authorities to take any effective action in the matter.

I have, etc., JOHN RIDGELY CARTER.

[Inclosure 1.]

The American Embassy to the Foreign Office.

MEMORANDUM.

AMERICAN EMBASSY,
London, November 15, 1905.

My government has been informed by the American consul-general at Singapore that the boycott against American interests there by the Chinese has taken a decidedly serious turn. That anonymous letters are in circulation and that the trade in general is at a standstill. It is feared that the trouble has only begun, and that circulars are posted on all Chinese shops.

My government has instructed the consul-general to notify the local authorities at Singapore of these anonymous threats and unlawful combinations, and I am instructed to invite the consideration of His Majesty's Government respecting the gravity of this unfriendly action by aliens in a friendly port and the adoption of whatever protective and repressive measures that may be practicable.

[Inclosure 2.]

Lord Lansdowne to Ambassador Reid.

FOREIGN OFFICE, *December 8, 1905.*

YOUR EXCELLENCY: I have the honor to state that I have been in communication with His Majesty's secretary of state for the colonies with regard to the representation made by your excellency on the 15th ultimo, respecting the boycott of American goods by the Chinese at Singapore.

Mr. Secretary Lyttelton will forward a copy of the correspondence on the subject to Sir J. Anderson, the governor of the Straits Settlements, who will doubtless take such measures as may be practicable to deal with any unlawful acts or combinations on the part of those concerned in the proceedings complained of. Mr. Lyttelton, however, points out that unless actual offenses against the colonial laws have been or are being committed it may be difficult for the colonial authorities to take any effective action in the matter.

I have, etc.,

(In the absence of Lord Lansdowne.) F. A. CAMPBELL.

CONTROL OF THE CUSTOMS REVENUES OF THE DOMINICAN REPUBLIC BY THE UNITED STATES.

[NOTE.—See under Dominican Republic, page 298.]

SEIZURE OF THE CANADIAN SCHOONER AGNES G. DONAHOE BY URUGUAY—REQUEST FOR THE GOOD OFFICES OF THE UNITED STATES BY THE GOVERNMENT OF GREAT BRITAIN.

[NOTE.—See under Uruguay and Paraguay, page 912.]