TURKEY.

DISPLAY OF FOREIGN FLAGS OVER PRIVATE ESTABLISHMENTS.

Chargé Jay to the Secretary of State.

No. 973.] AMERICAN LEGATION,
Constantinople, January 11, 1905.

SIR: I have the honor to inform you that I have recently been requested to authorize the numerous American religious, charitable, and educational institutions in the interior to fly the American flag on Sundays and holidays.

While there appears to exist no Turkish law prohibiting private individuals and private institutions of foreign nationality from displaying their national flag, yet such action, especially in the interior, meets with the strongest disapproval of the Imperial authorities and generally causes complications.

Certain reputable foreign institutions and a few private citizens at Constantinople, especially in the Christian districts of Pera and Galata, are tacitly permitted to fly their national flags, and this is also the case at several of the larger seaports in the Empire.

In the interior, however, the presence of a foreign flag denotes the residence of a consular officer or of some quasi government institution, such as the subventioned French schools.

Though doubtless in many cases where our missionaries are on good terms with the local authorities, no objection would be raised to their flying the flag, yet in many others I fear that such a step would lead to open complaint and annoyances ostensibly founded on other grounds. I have drawn the attention of those interested to the above, but I am nevertheless requested to state whether the American institutions have the right to fly the flag; and, if so, whether the legation will support them in this right. I have, therefore, the honor to respectfully request instructions from the Department upon this matter, as I am unable to find in the published Foreign Relations or in the legation's archives any decision of the Department covering this particular point other than the right of American citizens to hoist the flag on their property in times of insurrection or riot.

I have, etc., PETER AUGUSTUS JAY.

The Acting Secretary of State to Chargé Jay.

No. 757.] DEPARTMENT OF STATE,
Washington, February 1, 1905.

SIR: I have to acknowledge the receipt of your No. 973 of the 11th ultimo, asking whether American religious, charitable, and educational institutions in Turkey are authorized to fly the American flag on Sundays and holidays.

In reply, I inclose for your information a copy of an instruction addressed to the American minister to Haiti in regard to a similar inquiry which came from that country, and refer you to Foreign Relations for 1903, pages 596 et seq., wherein you will find the Department's views on the subject.

I am, etc., F. B. LOOMIS.

[Inclosure.]

The Secretary of State to Minister Powell.

No. 354.] DEPARTMENT OF STATE,
Washington, July 20, 1899.

SIR:

* * * * * * *

The flag incident you describe in your No. 593 deserves separate treatment. It appears that the Compagnie Haitienne, in anticipation of the seizure of certain property, raised the flag of the United States above a station of the aerial tramways it has established in the interior of the island. The Haitien Government has requested that this practice cease, on the ground that such display of a foreign flag tends to excite popular feeling. You defend the practice as a right, while, however, requesting the company not to fly the flag pending the receipt by you of instructions on the subject.

The request of the Haitien Government appears not to be unreasonable. The right to display a foreign flag over foreign-owned property is by no means established except in the oriental countries where the extraterritorial jurisdiction of the foreign flag is secured by treaty. In some countries it is forbidden so to fly a foreign flag. In Mexico the privilege of showing their national ensign is forbidden even to foreign consuls. The right of Haiti to regulate or forbid by law the display of foreign flags within Haitien territory could not well be questioned. It does not, however, appear that the request of the Haitien Government rests on any domestic law; on the contrary it seems to rest on motives of policy and domestic expediency, having regard to the particular circumstances of the case.

In Mr. Sandham's letter to you, of June 21, he admits that the flag was raised above a station "owing to a threatened seizure of logwood" stored therein and that "this action was not diplomatic." In this latter statement the Department concurs. The national flag is the symbol of the paramount authority of its government, which authority obviously does not extend, in the case of the United States, over private property situated in a sovereign foreign jurisdiction. In the present case, moreover, the property belongs to a company operating under Haitian charter and possessing no delegated authority to raise the flag as the emblem of any exercisable power of the United States Government in that quarter.

As the incident appears to have been terminated by the company's own admission of the irregularity of its action in Mr. Sandham's letter to you, and by its agreement to lower the flag in order to preserve harmonious relations, it does not appear necessary to pursue the subject further.

I am, etc., JOHN HAY.

PROPOSED INCREASE OF CUSTOMS DUTIES AND ESTABLISHMENT OF PETROLEUM DEPOTS.

Minister Leishman to the Secretary of State.

No. 1031.] AMERICAN LEGATION,
Constantinople, April 6, 1905.

SIR: I beg to confirm the telegram sent you this day regarding proposed increase in the Turkish customs rate, as per copy on overleaf.

The question of increasing the duties from 8 to 11 per cent has been a matter of negotiations between the Sublime Porte and the European powers for the past two years, and has now reached a point when definite action will probably be taken, but up to the present time the legation has not been approached, notwithstanding the assurance given me by the minister for foreign affairs many months ago that the American Government would of course be consulted. * * *

Although resting under the impression that the Department would not under ordinary circumstances be disposed to object to a reasonable increase in the import duties into Turkey, I feel quite certain that you would not feel disposed to accept any increase in the rates in the absence of a proper understanding and agreement.

In the negotiations with the European powers they have all demanded concessions of one kind or another as the price of their consent to the 3 per cent increase; for example, the Germans have indicated that they would agree to the increase providing a certain portion of the additional revenue was set aside to help pay the kilometric guarantee on the Bagdad railway, etc.; the French demanded settlement of dispute concerning Syrian railway and the quays at Constantinople, etc.; the English, the settlement of certain mining claims, concession concerning gendarmerie in Macedonia, etc., and my idea was that if the United States Government was willing to accept the increase that, if the matter was left entirely in the hands of the legation, possibly I might be able to facilitate the execution of the school settlement and other pending questions by temporarily withholding consent to the proposed new schedules.

Having learned through one of my colleagues that the matter was being actively pushed and that a final settlement was apt to be reached in the near future, I thought wise to cable you as above, fearing that the Sublime Porte might possibly approach you direct through the Ottoman minister at Washington before my dispatch explaining existing conditions could reach you.

Awaiting your advices and instructions,

I have, etc.,

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Minister Leishman.

No. 810.] DEPARTMENT OF STATE,
Washington, April 27, 1905.

SIR: The Department has received your very interesting dispatch, No. 1031, of the 6th instant, touching the proposed increase in the Turkish customs rate from 8 to 11 per cent.

You are correct in your impression that the Department would not under ordinary circumstances object to a reasonable increase in the import duties into Turkey. In view, however, of the fact which you report that in the negotiations with the European powers they have all demanded concessions of one kind or another as the price of their consent to the proposed increase, it would seem that the United States may also properly demand adequate compensation for its assent to the measure in question.

In response to your suggestion that you might possibly be able to facilitate the execution of the school settlement and other pending questions by temporarily withholding consent to the proposed measure if this government were willing to accept the increase and if the matter were left entirely in the hands of the legation, the Department authorizes you to give your consent thereto upon condition of the adjustment along the lines indicated, and in the largest measure that may be found practicable, of the pending just claims of the United States against the Ottoman Government.

The Department has not been approached upon this subject by the Turkish minister at this capital.

I am, etc., ALVEY A. ADEE.

Minister Leishman to the Secretary of State.

No. 1074.] AMERICAN LEGATION,
Constantinople, May 27, 1905.

SIR: I beg to inclose herewith for the Department's information copy of a circular note issued by the Sublime Porte concerning the establishment of petroleum depots in the populous centers, together with a copy of the legation's reply, which I trust will meet with your approval.

While the Sublime Porte's note bears on its face the establishment of what would naturally be viewed as a very proper municipal regulation, the rates for storage mentioned are out of all proportion for the services to be rendered, and I learn privately that the new act was drawn up by the financial commission with a view of establishing a new source of revenue.

In any event I deemed it wise to guard against any infringement upon certain principles, such as the establishment of a new monopoly which might be far-reaching, and indirectly increasing the customs tax upon an article which intimately concerns American trade. Even allowing that the government would not be disposed to offer any serious objections to a slightly increased tax, I viewed the matter that whatever the government might be disposed to grant as a favor it could not afford to allow the Sublime Porte to usurp as a right, consequently I thought it just and proper to protest against the introduction of the new law in the absence of a proper understanding and agreement.

A similar protest was filed by the legation in 1882 against the granting of a monopoly to a certain Sami Bey for the establishment of a central petroleum depot at Constantinople, but the matter was afterwards dropped, as the correspondence between the legation and the Department at that time will show.

Unless otherwise instructed by the Department, my idea is to treat the matter pretty much upon the same lines as the question of a 3 per cent increase in the customs dues. See legation's dispatch No. 1031, April 6, 1905, and the Department's reply thereto, No. 810, April 27, 1905.

I have, etc., JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

NOTE VERBALE.

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
April 27, 1905.

In order to prevent the danger to the public security resulting from the storage in populous centers of large quantities of pertoleum, alcohol, and other inflammable materials, the imperial government has decided to have warehouses constructed for the storage of said

materials in such places where they do not exist as yet and to buy at a reasonable price those which have already been built by private persons with a view of securing uniform regulations to which these materials are subject.

In order to cover the expense of construction, of repairs, and of insurance of the above-mentioned warehouses, as well as the salaries of the officials, there will be uniformly collected on every case of petroleum stored, petroleum passing in transit to other parts of the Empire being excepted, a tax of 60 paras for the time included between one day and one month and a tax of 1 piaster for each of the following months or fraction of a month.

On petroleum not in cases there will be collected on each quintal a tax equivalent to the double of the tax collected on each case.

Alcohol, naphtha, benzine, and other similar materials will be subject to the same charges as petroleum.

The imperial ministry requests the legation of the United States of America to kindly bring the preceding to the knowledge of its citizens interested in the matter.

[Inclosure 2.]

Minister Leishman to the Minister for Foreign Affairs.

NOTE VERBALE.

AMERICAN LEGATION,
Constantinople, May 19, 1905.

The American legation has the honor to acknowledge the receipt of the Sublime Porte's note verbale of April 27, 1905, concerning the proposed measure which the Imperial Ottoman Government has in contemplation with a view of establishing under official control petroleum depots in the populous centers.

If, as stated in the above-mentioned circular, the object of establishing petroleum depots near the large cities is merely in order to give the public greater security from fires which may result from the indiscriminate storage of such inflammable material as petroleum and alcohol, the legation would be inclined to view the establishment of storage depots (for such highly inflammable material) as a proper municipal regulation, whether instituted directly or indirectly by the municipalities or by private enterprise under proper municipal regulations. Under these circumstances the legation would not be disposed to offer any objection to the establishment of such depots, providing the charges for storage be fixed at a figure sufficient only to cover the necessary expense connected with the establishment and proper conduct of such depots.

If aforesaid understanding of above-mentioned circular be correct, the charges for storage must of necessity be materially modified, as the proposition as outlined in the Sublime Porte's circular note would appear more in the line of a fiscal measure, which could only be viewed by the legation as an indirect increase in the customs duty agreed upon between the Imperial Ottoman Government and the Government of the United States of America, or as a monopoly, against both of which the legation would be forced to enter a protest.

The Acting Secretary of State to Minister Leishman.

No. 845.] DEPARTMENT OF STATE,
Washington, June 21, 1905.

SIR: Your dispatch No. 1074, of the 27th ultimo, with inclosures, relating to the proposed establishment by the Turkish Government of petroleum depots in the populous centers of the Empire, has been received and has had attention.

The Department approves your course in protesting against the introduction of this measure in the absence of a proper understanding and agreement, and also your view that the matter should be treated much upon the same lines as the question of the 3 per cent increase in the Turkish customs dues, considered in the Department's instruction No. 810, of April 27, 1905.

I am, etc., F. B. LOOMIS.

CRETAN CLAIMS COMMISSION AWARDS.

Minister Leishman to the Secretary of State.

No. 1070.] AMERICAN LEGATION,
Constantinople, May 22, 1905.

SIR: I beg to inclose herewith copy of statement received through the British embassy, showing awards allotted to American claimants by the Cretan commission.

In reply to my question as to when, where, and how the money was to be paid, the English ambassador smilingly remarked that "that is a matter for the future."

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

The British Ambassador to Minister Leishman.

CONSTANTINOPLE, *May 9, 1905.*

SIR: I have the honor to transmit herewith a list of claims made by United States citizens in Crete on account of losses incurred during the Cretan revolutions of 1896, 1897, and 1898, which I have received from his majesty's consul-general at Canea for communication to your excellency.

Mr. Howard states that these claims have been examined, together with those of other foreigners in Crete, by a commission composed of consuls, and the sums awarded, as stated in the inclosed list, were ratified by a full consular session held on the 27th of March last.

I have, etc.,

N. R. O'CONOR.

[Subinclosure.]

CRETAN INDEMNITIES.

American claims.

	Claimants.	Sum allowed.
		Francs.
1	N. Frankiades	2,400
2	George Georgiades	12,000
3	John Kassinatis	6,134
4	Madame Veriki	18,000
	Total	38,534

RIGHT OF FOREIGN CORPORATIONS TO OWN REAL ESTATE IN TURKEY.

The Acting Secretary of State to Minister Leishman.

No. 839.] DEPARTMENT OF STATE,
Washington, June 9, 1905.

SIR: I inclose herewith a copy of a letter from Mr. C. S. Calemkarian, of Boston, Mass.,[a] in which he asks whether an American corporation could acquire and hold real estate in Turkey for the purpose of manufacturing articles for exportation to the United States.

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[a] Not printed.

The Department will be pleased to receive a report embodying any information in your possession which may be pertinent to the subject of Mr. Calemkarian's inquiry.

I am, etc., F. B. LOOMIS.

Minister Leishman to the Secretary of State.

No. 1092.] AMERICAN LEGATION,
Constantinople, June 27, 1905.

SIR: In reply to your dispatch of the 9th instant, No. 839, I have the honor to inform you that corporations unless specially authorized by imperial irade can not acquire and hold real property in Turkey.

Directors of corporations, however, often purchase real property, which they hold in the individual name or names of one or more persons. Legally and apparently such person or persons appear as the owners, but they give deeds of trust to the corporation, declaring that they hold the property for the corporation.

American citizens, whether born or naturalized before 1869, may acquire and hold real property in Turkey except in the vilayet of Hedjaz.

Citizens of Ottoman origin who have been naturalized without imperial iradé since 1869 or their children are not authorized, as foreign citizens, to hold real property in Turkey, as the Ottoman Government does not recognize their naturalization.

Children of such citizens who have been naturalized before 1869 are treated as native-born citizens.

In matters relative to the tenure of real property in Turkey, foreign citizens or subjects are assimilated to Ottoman subjects and the Ottoman law is applied to all.

In these matters foreigners can not take advantage of capitulations. Trusting that this will furnish all the information desired,

I have, etc.,

JOHN G. A. LEISHMAN.

DIPLOMATIC IMMUNITIES—ARREST OF THE DRAGOMAN OF THE AMERICAN LEGATION.

Minister Leishman to the Secretary of State.

No. 1103.] AMERICAN LEGATION,
Constantinople, July 12, 1905.

SIR: I regret to have to report a most unpleasant incident. On Saturday last the dragoman of the legation was arrested by a stupid police agent and taken to the prefecture, where he was detained for about an hour, owing to the fact that the minister of police had not yet arisen, but as soon as the minister learned the character of his involuntary visitor he immediately ordered his release and hastened himself to express the most abject regrets and apologies.

Under ordinary circumstances I would have simply treated the matter as one of those unpleasant incidents that sometimes occur through the stupidity of ignorant subordinates and would have been disposed

to consider the very correct actions of the minister of police as sufficient satisfaction, but as the police agent continued in detaining Mr. Gargiulo after he had amply demonstrated the fact that he was the dragoman of the legation, I considered it necessary to call upon the minister of foreign affairs in order to lodge a formal protest against such a breach of international agreement and diplomatic immunities.

The minister of foreign affairs expressed deep regret and promised to report the matter at once to the palace, with the result that early the following morning I received a visit from Ghalib Bey, the introducteur of ambassadors and one of the sultan's chamberlains, who informed me that the Sultan had commanded him to call and express the deep regrets of his majesty at the unfortunate occurrence and to inform me that the agent who had committed the wrong had already been dismissed in disgrace from the service, and that his majesty had expressed the hope that I would accept this apology as closing the incident.

The trouble arose through the issuance of a general order to arrest persons found purchasing arms and ammunitions, the importation of these articles into Turkey being forbidden, but several stores owned by foreign subjects have for some time past been smuggling arms into the country, and as the several governments * * * declined to assist the local authorities in preventing the sale of the forbidden articles the police attempted to stop the practice by arresting the customers when issuing from the stores with their purchases, and as the police were not sufficiently cautioned against arresting foreign subjects, and especially anyone connected with the diplomatic corps, Mr. Gargiulo was arrested upon coming out of the store of a certain Austrian after having purchased a small box of cartridges.

In the absence of the slightest evidence that would warrant the assumption that the matter was other than the stupid work of an overzealous police agent, and in view of the very correct attitude assumed by the minister of police the moment the case was presented to him, I assumed the responsibility of accepting the expression of regrets upon the part of His Majesty as closing the incident without waiting to refer the matter to the Department.

Trusting that my action will meet with your approval,

I have, etc.,

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Minister Leishman.

DEPARTMENT OF STATE,
Washington, August 2, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 1103, of the 12th ultimo, in regard to the arrest of the dragoman of your legation, and to express to you the Department's gratification at the prompt closing of the incident.

I am, etc.,

ALVEY A. ADEE.

ATTEMPT ON THE LIFE OF THE SULTAN OF TURKEY.

The Turkish Minister to the Acting Secretary of State.

[Telegram.—Translation.]

ATLANTIC CITY, *July 22, 1905.*

I have the honor to communicate to you hereinbelow the text of two telegrams which I have just received from the Sublime Porte.

"To-day, upon leaving the mosque at the conclusion of the ceremonies of the Selamlik, a bomb burst in the courtyard of the mosque. Divine Providence miraculously saved our august master. His Imperial Majesty again showed great coolness and courage on this occasion, for, seated in the victoria, which he was driving himself, he returned to the imperial palace, graciously saluting the public as if nothing had happened two minutes before. There were a few people killed and wounded, and the whole population of the capital is indignant at this act of infamous villainy."

"As a continuation of my telegram of to-day, the author of this abominable attempt at assassination, who committed his criminal act beyond the courtyard of the mosque and at the place where the carriages of the visitors were standing, is being vigorously hunted, and all measures have been taken for his arrest. Our august sovereign, immediately after his return to the imperial palace, received the ambassador of Austria-Hungary, who had repaired thither in order to perform a mission with which he had been charged by His Majesty the Emperor-King. All the foreigners and natives present at the ceremonies of the Selamlik were well received by His Imperial Majesty, who saluted them with his customary grace and good will. The entire assembly present gave an enthusiastic ovation to our agust and magnanimous sovereign, cheering him loudly.

CHEKIB.

President Roosevelt to the Sultan of Turkey.

[Telegram.]

THE WHITE HOUSE,
Washington, July 22, 1905.

I felicitate Your Majesty on your fortunate escape.

THEODORE ROOSEVELT.

DETENTION OF TYPEWRITING MACHINES SHIPPED FROM THE UNITED STATES.

The Acting Secretary of State to Minister Leishman.

No. 877.] DEPARTMENT OF STATE,
Washington, August 14, 1905.

SIR: I inclose herewith for your information a copy of a letter from Mr. J. B. Hammond,[a] in regard to 19 typewriting machines shipped by him to Messrs. Bond, Seller & Co., of Constantinople, Turkey, which have been detained in the custom-house.

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[a] Not printed.

You are requested to give this matter your attention and advise the Department of the result.

I am, etc., ALVEY A. ADEE.

Minister Leishman to the Secretary of State.

No. 1154.] AMERICAN LEGATION,
Constantinople, September 14, 1905.

SIR: I have to acknowledge the receipt of your No. 877, of August 14, 1905, inclosing copy of a letter from Mr. J. B. Hammond, complaining against the action of the customs officials at Constantinople in detaining a certain shipment of typewriting machines consigned by him to Messrs. Bond, Seller & Co.

The facts in the case are that the Turkish Government issued a practically prohibitive order some months ago against the introduction of typewriting machines on the ground that they could be used by illy disposed people for the circulation of revolutionary literature, as it would be much more difficult to trace the authors of such typewritten letters than in the case of ordinary hand-written circulars.

I am quite convinced that the reason given is the only one and one that seems to carry much weight with the Turks, ridiculous as it may appear, and all the efforts of the British ambassador and myself have been up to the present time unavailing except to induce the Porte to instruct the custom-house to permit machines consigned in individual names (when the party was known) to pass.

The greatest difficulty seems to have been experienced by the Oliver Typewriting Machine Company, this company as well as the Hammond Company being represented here by English agents who purchase the machines outright, and are consequently the owners, which insures the active cooperation of the English embassy.

As the embargo affects a very legitimate and commendable American industry, it is scarcely necessary for me to add that the legation will continue to make every proper effort to have the objectionable order rescinded.

I have, etc., JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

No. 1179.] AMERICAN LEGATION,
Constantinople, October 20, 1905.

SIR: Referring further to my dispatch, No. 1154, of September 14, 1905, in regard to the difficulties encountered at the custom-house by the importers of typewriting machines, I beg to inclose copy of a note just received from the Sublime Porte, which will probably do away with the troubles complained of by Messrs. Hammond and others.

* * * * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS.

MR. MINISTER: I have had the honor to receive the note which your excellency was good enough to address to me under date of September 4 last, No. 591, in relation to the difficulties which were raised by the customs authorities of Constantinople to the entry of American typewriting machines.

According to the information furnished by the "administration générale des contributions indirectes" no obstacle has been raised on this score. In fact, 21 machines which arrived the 10/23 May last, addressed to Mr. Biat, have been delivered. Very recently, also, 13 more cases containing these machines have arrived at the customs, but since the necessary bill of lading has not been produced and the consignee has not made application to the customs authorities the latter have naturally not been able to proceed with the regular examination.

As soon as he applies the usual formalities will be fulfilled, and after it has been shown by examination that the said machines are such as are employed in commercial houses and not lithographic machines for large work used exclusively in printing establishments they also will be delivered.

Please accept, etc. TEWFIK.

EXTRATERRITORIAL RIGHTS OF THE UNITED STATES IN TURKEY. TRIAL OF CHARLES VARTANIAN AND HOVHANES AFARIAN.

Minister Leishman to the Secretary of State.

No. 1145.] AMERICAN LEGATION,
Constantinople, September 4, 1905.

SIR: I have to report another case of arrest by the Turkish police of a naturalized citizen of Ottoman origin, more aggravated than the one reported in my dispatch (No. 1139), of August 28, 1905,[a] as the police first tried to hide the fact that the man claimed American nationality and when confronted with evidence showing that the man was the bearer of an American passport flatly refused to allow the consul to examine the man.

From information that has reached the consulate it appears that the man's name is Charles Vartanian and that he is the bearer of a passport issued by the Department of State in May or April last (No. 101639,) and at the time of his arrest was heard by bystanders to have declared himself to be an American citizen.

As the police officials declined to allow the consul to examine the man, it is impossible for me at this time to express an intelligent opinion as to whether the man is the bona fide holder of an American passport or whether it has been obtained by fraudulent means or borrowed for the occasion; but there is reason to believe that he was associated with Afarian, the man reported in my dispatch No. 1139, and that both these men are members of the Armenian revolutionary committee.

The charge upon which Vartanian was arrested can not be disputed, as he was caught red-handed in the act of killing a rich Armenian named Apik Effendi Ounjian, who it appears had refused to submit to the demands made upon him for a large subscription to the Armenian revolutionary cause.

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[a] Not printed.

In view of the doubtful character of the above-mentioned individuals and the crimes of which they are charged I was not disposed to push the matter, merely contenting myself with having the consul file a formal protest and demand for their surrender until such time as I could make a thorough investigation and secure the advice and instructions of the Department, as it is quite possible that Afarian and Vartanian may have obtained their passports in an irregular manner, as was found in the case of Aprahamian and others at Smyrna two years ago under very similar conditions, which would have enabled the government to avoid having to raise the question of Article IV over such unworthy subjects. But in view of the action of the Turkish police in refusing the consul permission to examine a prisoner who claimed American nationality I could not delay action without running the risk of establishing a bad precedent, and consequently I immediately made a demand upon the Sublime Porte for the prompt surrender of both prisoners.

As the excitement over the present revolutionary movement is still very great and the feeling very bitter over the attempt upon the life of the Sultan, it is quite certain that the Turkish Government will make every effort to retain possession of Afarian and Vartanian, and that the dispute over "Article IV" will be strained to the utmost, as even the Belgians whose treaty more clearly resembles ours than those of the other powers, have, in the present instance, permitted the Turkish Government to retain possession of one of their citizens whose nationality is not in question.

While the men involved are not worthy of very much consideration, both on account of their questionable character as citizens and of the crimes with which they are charged, the principles involved are of too serious a character to admit of any temporizing measures, and as it is quite possible that our demands will not be complied with without a show of force I respectfully beg the Department to kindly instruct me in the matter.

I have, etc., JOHN G. A. LEISHMAN.

[Inclosure.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, September 3, 1905.

EXCELLENCY: It appears that two American citizens have been arrested and are being detained by the Turkish police officials instead of being promptly handed over to the custody of the American consul, as provided for in the treaty existing between the Imperial Ottoman Government and that of the United States of America.

One of the above-mentioned men is named Hovhanes Afarian, bearer of a passport issued at Washington on April 27 last (No. 102150), and I am informed that the excuse given for his arrest is that he has been suspicioned of being connected with the parties who committed the recent outrage at the palace. The name of the other man being Charles Vartanian, bearer of a passport issued at Washington in April or May last (numbered 101639), charged with having shot and killed a certain Apik Effendi Ounjian.

The consul reports that not only has the minister of police declined to surrender the above-named American citizen to the custody of the consulate, but that permission to see the accused has been denied to the consul and his dragoman.

Under these circumstances I am compelled to most formally protest against these flagrant violations of treaty rights, for which the Imperial Ottoman Government will be held strictly responsible, and at the same time to demand that the above-named American citizens be immediately surrendered to the custody of the American consul in order that they may be tried and properly punished, as provided for in the treaty existing between our two governments.

I take, etc. JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Pera, September 6, 1905.

(Mr. Leishman reports the arrest of a certain Vartanian, supposed to be an Armenian revolutionist, for the murder of a rich native Armenian of Constantinople, who claims to be an American citizen and bearer of a passport issued by the Department of State last spring. Permission to examine the man was refused to our consul, the Turkish police first denying that the murderer claimed to be an American citizen. Upon insistance by the legation the police authorities finally consented to allow the consul to examine the man, but when he arrived at the palace where the prisoner is detained he was again denied admittance. Under these circumstances Mr. Leishman felt compelled to file a protest with the Porte demanding Vartanian's immediate surrender to the custody of the consulate. This protest has been ignored and the man has been condemned to death as a Turkish subject. Unless demand be insisted upon it is feared that it would be useless in the future for the legation to take any steps on behalf of naturalized American citizens of Ottoman origin, as the high-handed manner in which the Turkish Government has acted shows very clearly its determination to refuse to recognize our control over such citizens and possibly to contest Article IV of the treaty of 1830. The point-blank refusal to permit the consul to even see a man who claimed American nationality made it imperative to the legation to insist upon his immediate surrender, although in view of the doubtful character of the man and the heinous offense with which he is charged it was intended to avoid this step until the matter could be examined into and a full report could be made to the Department. Mr. Leishman felt compelled to include in his demands the surrender of Afarian referred to in his dispatch of August 28 as being detained by the Turks on suspicion of complicity in the palace plot. As nothing short of an ultimatum and possible resort to drastic measures will induce the Turkish Government to abandon the position it has taken, Mr. Leishman requests instructions from the Department.)

The Acting Secretary of State to Minister Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 7, 1905.

(Mr. Loomis advises Mr. Leishman that Charles Vartanian is an American citizen, having been naturalized on September 22, 1896, and a passport having been issued to him on April 20, 1905. Approves his action and states that the Turkish Government, although denying the right of extraterritorial trial, has repeatedly admitted that the treaty of 1830 provides for the punishment of American citizens by the minister or consul, and this government has been repeatedly assured of the usage observed toward other Franks. In this case the usage has not been observed, as access to the accused and presence at his trial have been denied. It appears that the proceeding has been

wholly ex parte, without regard to our treaty rights, even to the limited extent to which Turkey has voluntarily admitted them.

The President directs that a stay of proceedings against this man be demanded until the two governments shall consider and agree on the treatment of the case.)

Minister Leishman to the Secretary of State.

No. 1160.] AMERICAN LEGATION,
Constantinople, September 13, 1905.

SIR: In compliance with the instructions contained in your cablegram of September 7 I called upon the minister for foreign affairs and demanded that all proceedings against Hovhanes Afarian and Charles Vartanian be stayed pending an understanding and agreement between the two governments regarding these cases.

As your cable reached me on Friday morning, the Turkish Sunday, when all business at the Porte is suspended, I made my call at the minister's residence, as the circumstances did not admit delay, and I found his excellency quite disposed to listen to my demands, but unfortunately in this, as in all other cases, the general officers of the government are quite powerless, so that while the minister appeared to thoroughly appreciate my warning that serious complications would surely arise if the protest was not heeded he was unable to give me any more positive assurance than a promise to do all he could and that the matter would be at once reported to the palace.

The demand, however, evidently had its effect, as the minister for foreign affairs sent two different representatives to see me on Sunday, expressing regret at the action of the police authorities and assuring me that if I would send the consul to where the prisoners were being detained at the palace that he would be permitted to examine them.

From points dropped by the messengers of the foreign office, one of whom was the legal adviser attached to the ministry for foreign affairs, I judged that the Sublime Porte had come to the conclusion that the police authorities had acted hastily and gone too far, and that the Porte was considerably annoyed and embarrassed over the raising of the question of Article IV, as well as the question of naturalized citizens, and wished to avoid a conflict over these questions of principle.

* * * * * * *

Under these circumstances I decided to stand pat for a few days on the demand I had made, * * * and consequently begged Hakki Bey, the legal adviser to the foreign office, to report to the minister for foreign affairs that, while the legation was disposed to meet any reasonable request of the Sublime Porte compatible with the interests of the American Government, I could not see my way clear for the moment to accede to the request of his excellency, owing to the complication that had been forced upon me by the action of the police authorities in refusing the consul permission to see a man that claimed American nationality, and particularly by the action of the Porte in raising the important question of principle involved. * * *

These men who, according to the Turkish law, are still regarded by the Porte as Ottoman subjects and as men who have returned to their native land with the intention of stirring up trouble against the Ottoman Government (which included the attack upon the life of the

Sultan, resulting in the killing of 35 or 40 innocent people), one of them being the self-confessed murderer of a rich Armenian who has been tried in the Ottoman courts as a Turkish subject and condemned to death, and from information received it appears that the other was his accomplice. * * *

Vartanian has admitted that the murder was premeditated, but unless some way can be found to abandon Vartanian without sacrificing an iota of the principles involved it would be impossible to abandon our demand for his surrender without great loss of prestige and an increase in the difficulties with which the legation has to contend at all times.

There is no doubt that many injustices arise and that many criminals escape all punishment through the dispute over Article IV and the standing of naturalized citizens of Ottoman origin, as neither party can assist at the trials in the other court without admitting the incorrectness of their position on the matter of principle. In this way the wheels of justice are frequently blocked. While I am thoroughly convinced of the legality of our position and of our ability to maintain same, even by adhering to the most liberal interpretation of the Turkish text, the fact that the other Franks have changed their usage since the time our treaty was made has caused the Turks to assume a position toward us that results in a moral injustice which should be corrected. * * *

Awaiting your advice and instructions in the matter,

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

SUBLIME PORTE,
IMPERIAL MINISTRY FOR FOREIGN AFFAIRS,
Constantinople, September 7, 1905.

MR. MINISTER: I have received the note that your excellency was good enough to address me on the 3d of this month, concerning the arrest by the police authorities of two individuals called Hovhanes Afarian and Charles Vartanian.

A minute investigation was made of this matter by the competent departments. It appears from this that the above-mentioned individuals, born in the Empire, are Ottoman subjects, and did not produce any American passports.

Even admitting that they had previously gone to the United States and had become naturalized Americans, one knows that a change of nationality of this character should not take place without the permission of the Imperial Government, and after the promulgation of the law on Ottoman nationality is null and void in Turkey in accordance with the rules, which have a general application.

As regards the interpretation of Article IV of the Turco-American treaty, as your excellency knows the point of view held by the Imperial Government on this question, I consider it superfluous to come back to it once more on this occasion.

I trust that your excellency, when you have become aware of the above, will be good enough, owing to your just and enlightened appreciation, to recognize yourself that the method of procedure of the imperial authorities in this case was perfectly regular and thus does not constitute a violation of the treaties existing between the two countries.

I take, etc.,

TEWFIK.

[Inclosure 2.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, September 9, 1905.

YOUR EXCELLENCY: I have to acknowledge the receipt of the note which your excellency had the kindness to address to me under date of September 7 relative to the arrest of Hovhanes Afarian and Charles Vartanian.

If the department which reported to your excellency the result of its inquiry regarding the above-mentioned individuals is as incorrect in its views concerning the general principles involved as it is on the facts of the particular cases in question, your excellency would do well to cause another inquiry to be made before advancing the matter further, as it is a well-known fact that not only did the said Hovhanes Afarian and Charles Vartanian proclaim their American nationality, but that they also substantiated their claims by producing their American passports, and as a matter of fact, the numbers and dates of their passports enumerated in the note which I had the honor to address to your excellency under date of September 3 were in reality furnished to the legation by the police authorities.

As the Ottoman police authorities assumed the responsibility in the above-mentioned cases of not only deviating from well-established usage of immediately surrendering prisoners claiming American nationality to the custody of their consul, but even went so far as to prevent the American consul from interviewing the said Afarian and Charles Vartanian, it is impossible for the legation to venture a positive statement as to whether they are the bona fide holders of American passports or not; but as the prima facie evidence shows them to be such the legation must continue to view them as American citizens and as such to extend to them the protection of the American Government, unless it should be found upon a careful examination by the American consul that the said Hovhanes Afarian and Charles Vartanian are not entitled to claim American protection.

The legation can not for a moment acquiesce in the views advanced by your excellency regarding naturalized citizens of Ottoman origin, nor is it aware of the Sublime Porte's ever having advanced an argument regarding interpretation of Article IV of the treaty existing between our two governments that would serve as a warrant for the illegal actions of the Turkish police, first, in their failure to surrender the prisoners to the custody of the consul the moment they produced their American passports, and, secondly, in their refusal to permit the consul to examine the prisoners, for even admitting for the sake of argument that the police authorities were not convinced that the accused men were bona fide American citizens the fact that they even claimed American nationality was sufficient to obligate them to permit the accused to communicate with the American consul, as the American courts alone are competent to judge whether a man is an American citizen or not.

It is true that the Imperial Ottoman Government has for the past thirty or forty years raised certain objections to the English translation of the Turkish text of the treaty of 1830, but even the Turkish text states quite clearly that American citizens can not be arrested or imprisoned by the Turkish authorities, and as the treaty simply mentions American citizens—no exception having been made for naturalized American citizens of Ottoman origin—this term must be construed to cover all American citizens, irrespective of origin, as American law makes no distinction between its citizens, no matter what race, creed, or former condition.

The Turkish law regarding naturalization which was promulgated by the Imperial Ottoman Government in 1869 may possibly be viewed as a very proper municipal regulation, but could scarcely be considered as affecting or curtailing in any way the rights and privileges guaranteed to American citizens by a solemn agreement entered into by our respective governments many years previous to the promulgation of said law, but in order to respect the municipal regulations of the Ottoman Empire as far as it was possible to do so. The American Government, moved by a spirit of fairness and friendship, has not only discouraged naturalized citizens of Ottoman origin from returning to Turkey, but has even refrained from raising any serious objection against the refusal of the Imperial Ottoman Government to permit such persons to reenter Turkey, and as a matter of fact the class represented by the said Afarian and Vartanian never enter Turkey upon an American passport, which the Turkish consular officers invariably decline to visé, but reenter Turkey by irregular means and not infrequently through the incompetency or venality of the Turkish police. So that the question of keeping such objectionable individuals as Afarian and Vartanian out of the country in reality rests with the Imperial Ottoman Government, as they are not assisted to enter by their adopted government.

Under these circumstances I not only can not admit the arguments advanced in your excellency's note of September 7, but must renew the demands contained in the note which I had the honor to address to your excellency under date of September 3.

I take, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 3.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, September 14, 1905.

YOUR EXCELLENCY: In reply to your excellency's verbal communication I beg to say that while the legation is not only willing but anxious at all times to comply with any reasonable request of the Sublime Porte compatible with the interests of the American Government, the position in which the cases of Hovhanes Afarian and Charles Vartanian have been placed by the actions of the police authorities makes it extremely difficult for me to comply with your excellency's request.

My disposition, however, is to endeavor to find a way to accommodate your excellency, providing it can be done without prejudice to the interests of my government or interfering in any way with the important questions of principle which have been raised.

It is now impossible to return to the status quo ante, but if your excellency will undertake to stay all legal proceeding against the said Hovhanes Afarian and Charles Vartanian and cause them to be specially surrendered into the hands of the minister of police with instructions to permit the American consul or his delegate to interview and examine them as often as the consul may deem it necessary, I will, while reserving all rights, assume the responsibility of agreeing to refrain from pressing the demands contained in my note of September 3 until such time as the consul is able to arrive at a definite decision regarding their standing as American citizens, as it is always possible that a careful examination may develop the fact that they may have obtained their American papers by fraudulent representations, as was found in the case of Aprahamian and others at Smyrna some two years ago, or that they have committed some act that may be viewed by my government as a practical renunciation of their acquired citizenship, in which event the legation would at once withdraw the demand for their surrender.

I take, etc., JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

No. 1163.] AMERICAN LEGATION,
Constantinople, September 22, 1905.

SIR: I beg to inclose herewith for the further information of the Department copy of the consul-general's report[a] after making a preliminary examination of Charles Vartanian and Hovhanes Afarian, two naturalized citizens of Ottoman origin, who, besides admitting being sent here by the Armenian revolutionary committee in connection with the plot which resulted in the recent attempt upon the life of the Sultan, are charged with having killed a rich Armenian named Apik Effendi, Vartanian having been caught in the act, and it is quite evident that Afarian was his accomplice.

In view of the impolitic action of the Turkish police authorities, which brought the question of naturalized citizens as well as the disputed interpretation of Article IV most prominently to the fore, it would be impossible to abandon Vartanian and Afarian to the Turks without establishing a most dangerous precedent, unless the government should find itself in a position to withdraw the demand for their surrender upon the ground that they had obtained their naturalization by fraudulent representations, or had by their own voluntary acts practically forfeited their right to claim American protection.

As the preliminary report of the consul is not as conclusive as one would wish, I have requested him to pursue the examination further, but from the evidence at hand it appears that Afarian must have obtained his certificate of naturalization before being in the United States the requisite five years.

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[a] Not printed.

Vartanian's case is not so clear, for while he has contradicted himself a number of times, evidence of fraud as to time of his naturalization is not so apparent, although a further investigation may also develop the fact that he too may have obtained his papers before he was properly entitled to them.

Both men appear to have applied to the Turkish consul at Chicago for passports in their original capacity as Ottoman subjects, but as they were refused, owing to a general order forbidding the issuance of passports to Turkish subjects, except in exceptional cases, I am not clear as to whether their act in merely demanding passports as Ottoman subjects can be properly construed as a practical abandonment of their acquired nationality, or whether Vartanian's acknowledgment of having donned a fez on his arrival here with a view of creating the impression that he was still an Ottoman subject and residing here as such can be construed as a voluntary reversion to his Ottoman subjection.

If the Department under all the circumstances can see its way clear to authorize me to view the actions of Afarian and Vartanian as a practical renunciation of their acquired rights, it would afford a very happy solution of this most unpleasant complication, as I could then retire gracefully without prejudice to the principles involved by merely notifying the Sublime Porte that as an examination of the prisoners showed that they had by their own voluntary acts practically renounced their right to claim American protection, that the demand for their surrender was withdrawn. * * *

In view of our demand that all proceedings be stayed, the Turkish Government, finding itself in an embarrassing position on account of not being able to put the judgment against Vartanian into execution, has set aside the judgment condemning him to death, by ordering a new trial, on the plea that the court omitted to include his accomplices. This action has caused considerable commotion among the native population, who are not capable of taking nice questions of law, etc., into consideration, and I hear rumors of considerable feeling against the Americans for interfering with justice.

In conclusion I can add that unless the Department can see its way clear to abandon Afarian and Vartanian to their parent government on grounds similar to that outlined above, it would be difficult to withdraw the demand for their surrender without great loss of prestige, as even failure to press the demand would be construed as a practical abandonment of all right to protect naturalized citizens of Ottoman origin, and as the Porte finds itself in a most embarrassing position and is continually pressing me for a decision, I respectfully beg the Department to kindly wire me definitive instructions upon receipt of this note.

I have, etc.,

JOHN G. A. LEISHMAN.

The Secretary of State to Minister Leishman.

No. 915.] DEPARTMENT OF STATE,
Washington, October 19, 1905.

SIR: I have to acknowledge the receipt of your dispatches Nos. 1163 and 1166, dated, respectively, the 22d ultimo and the 2d instant, on the subject of the Vartanian and Afarian cases.

In reply to both dispatches, and particularly No. 1163, I have to say that the Department is not in a position yet to cable you definitive instructions in the matter. You appear to be awaiting a fuller report from the consul-general, his preliminary report being described by you as not being "as conclusive as one might wish."

The Department is without information that would lead it to a sound inference that Vartanian and Afarian are not entitled to protection because of any violation of their right thereto by reason of fraud in naturalization, deception in the procurement of passports, or return to Turkey as pretended Ottoman subjects. Their applications appear to have been regular and supported by certificates of naturalization, which are prima facie valid and unclouded by doubt except as to Afarian's discrepant statements about the date of his birth. Whether facts detrimental to their claim may be elicited by the further examination to be made by the consul-general remains to be seen.

The Department fully realizes the embarrassment which might ensue from the acquiescence of the Turkish Government in the claim of original and exclusive jurisdiction in these cases under the disputed text of Article IV of the treaty of 1830, if, as would be likely, the Turkish Government should withhold, as on a former occasion, the evidence necessary to a conviction, to the consequent miscarriage of justice. It is not thought probable, in the light of past discussion of the question, that such acquiescence would be graciously given, and the occasion seems inopportune for an active assertion of our right, in view of the heinousness of the crimes imputed to those two men. This government can have no less desire than that of Turkey to see the majesty of law upheld and exact justice done. Our own statutes conferring extraterritorial jurisdiction upon our agents abroad expressly provide for cognizance of the offenses now charged, and mete out appropriate penalties.

If the Turkish Government were to show a disposition to cooperate with the United States toward the trial of these men according to the plain language of Article IV and without prejudice to the equities of the question, a way might be opened to prevent miscarriage of justice and to enter upon a cordial discussion of the merits of the matter with a view to concluding a conventional settlement of the vexed questions of jurisdiction and naturalization. But such cooperation would seem to be a remote possibility.

On the other hand, the disposition of the case which the Turkish Government appears to have made by ordering a new trial of the accused men, would seem to contemplate the adoption on its part of "the usage observed toward other Franks," which is understood to consist mainly in permitting the attendance of the dragoman. This would be merely an insistence upon the Turkish claim in its full extent, and, if acquiesced in, would yield the whole question. This the United States could not do without, in effect, tearing up Article IV, which admittedly provides that American citizens accused of crime shall be punished through the instrumentality of their minister or consul, according to their offense. Such a course, if followed by Turkey, would leave the difference between the two governments in this regard as strongly accentuated as it ever has been, perhaps still more so.

The first instruction in Vartanian's case, cabled to you on September 7, contemplated the stay of proceedings in that instance (and by

analogy in Afarian's case also) until the two governments should discuss and agree upon a disposal of the matter. That course still appears to be alike rational and expedient. International usage does not advocate the decision of a treaty dispute ex parte by one of the contestants, and instances are so numerous as to constitute an almost unassailable precedent where such action by one of the treaty signatories has turned out to be not a settlement of the difference, but, instead, the initiation of a more acute stage of the dispute, terminating in arbitration or a rupture.

The present moment seems most opportune for the two governments to come together and convene in a spirit of equity and friendliness upon an accommodation of their differences which shall remove the causes of friction that now ceaselessly arise between them in regard to jurisdiction and naturalization. As to the latter point, it may be observed that upon several occasions agreement upon nearly every essential feature has been reached, and there is no reason why a renewed endeavor should not meet with success. As to the former, this government, for its part, is willing to approach its discussion in the fairest spirit and with every regard for the conditions of the present age and the tenets of international law, in the hope of reaching a practical adjustment of the conflicting claims of the two governments by an intelligent interpretation or modification of the treaty of 1830.

I am, etc.,

ELIHU ROOT.

Minister Leishman to the Secretary of State.

No. 1180.] AMERICAN LEGATION,
Constantinople, October 20, 1905.

SIR: Referring further to my several dispatches regarding Charles Vartanian and Hovhanes Afarian, two naturalized citizens of Ottoman origin arrested by the Turkish police for the murder of a rich Armenian merchant at Constantinople who had refused to contribute money for the revolutionary movement, I beg to inclose a clipping from to-day's issue of the Levant Herald, showing that despite our protests and the promises of the imperial minister for foreign affairs that all proceedings would be stayed the above-mentioned men were taken to the criminal court at Stamboul yesterday, where they were tried and condemned, the former, who was the principal, to death, and the latter, as an accomplice, to fifteen years' imprisonment at hard labor.

No doubt exists as to the guilt of the men, and they richly deserve the punishment to which they have been condemned, but this does not dispose of the important question of principle which the case involves, and unless the government is prepared to practically abandon its right to protect American citizens of Ottoman origin who return to Turkey it seems to me that under all the circumstances the demand for their surrender to the custody of the consulate must be insisted upon, even if in order to enforce the demand it should be found necessary to adopt extreme measures.

As this matter has already been fully explained in my previous dispatches, it is scarcely necessary for me at this time to enter into further details, and pending the receipt of the Department's instructions

asked for in my dispatch No. 1160 of September 13, I have not felt warranted in taking any more aggressive action than the filing of a formal protest.

I have, etc.,

JOHN A. G. LEISHMAN.

[Inclosure.—Translation.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, October 20, 1905.

YOUR EXCELLENCY: It appears from the semiofficial publication in to-day's local newspapers that the understanding reached with your excellency regarding the case of Charles Vartanian and Hovhanes Afarian has not been respected, these two men having been taken late yesterday afternoon to the criminal court at Stamboul, where they were tried and condemned by the said court on the charge of killing one named Apik Effendi Oundjian, the former to death, and the latter to fifteen years' hard labor, no notice evidently having been taken of the arrangement concluded between the Sublime Porte and the legation that all proceedings in this case would be stayed until our respective governments should have reached a definite agreement upon the final treatment of the case.

The views of the legation on the subject of the detention of the said individuals by the police authorities, as well as on the matter of jurisdiction have clearly been presented to the imperial ministry for foreign affairs by my notes Nos. 590, 595, 598, 599, and by my several verbal communications.

I therefore have to protest most formally against these proceedings and against the above-mentioned conviction of Charles Vartanian and Hovhanes Afarian, the validity of which the legation is unable to recognize, and consequently must again insist upon all execution of judgment or proceedings against these men being stayed until our two governments shall consider and agree on the treatment of the case.

Under these circumstances I trust your excellency will at once cause the necessary instructions to be issued to the proper Department that will insure all further proceedings being stayed until such time as the Sublime Porte and the legation shall have reached a definite understanding, as otherwise the responsibility for the failure to respect the very just and reasonable demands of the American Government must rest entirely with the Imperial Ottoman Government.

I take, etc.,

JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Pera, October 26, 1905.

(Mr. Leishman reports that although an understanding was had with the Sublime Porte that all proceedings against Vartanian and Afarian should be stayed pending an agreement between the two governments, Vartanian has again been condemned to death by the Turkish courts and immediate execution of the sentence is insisted upon by the latter, upon the ground that delay in executing a self-confessed murderer is causing great discontent among the populace and consequent embarrassment, and that another month's delay would be inevitable if the execution is not carried out immediately, as Ramazan commences on Saturday next. Requests that definite instructions be cabled to him.)

The Secretary of State to Minister Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 26, 1905.

(Mr. Root acknowledges receipt of Mr. Leishman's telegram of the 26th instant concerning the second conviction of the two naturalized Americans and advises him that an instruction was sent to him on Friday last, making friendly overtures for the adjustment of the naturalization and jurisdictional questions. If the Ottoman Government should carry out its intention to execute the sentence immediately upon one of the prisoners it would be impracticable for this government to take the initiative toward a result so greatly to be desired, and the uncompromising attitude of Turkey would have to be referred to Congress for such treatment as that body may deem appropriate. Instructs him to urge that the original proposition for a stay of proceedings in these cases pending mutual agreement be accepted. It is most desirable that Mr. Leishman should take action before the Turkish Government by precipitate action may make an agreement impossible and raise an issue between the two governments which may be most difficult of adjustment.)

Minister Leishman to the Secretary of State.

No. 1184.] AMERICAN LEGATION,
Constantinople, October 26, 1905.

SIR: I have to inclose copy of cablegram sent you this day regarding the case of Charles Vartanian, together with a copy of a note addressed to the Sublime Porte on this subject, after my interview yesterday morning with the Imperial minister for foreign affairs.

When I saw that official on Tuesday afternoon he assured me that I need give myself no concern about Vartanian, explaining that the second trial had taken place in order to convict Vartanian's accomplices, and that no steps would be taken to execute the judgment of the court in Vartanian's case pending an adjustment between the two governments.

Subsequent events, however, developed the fact that the matter was beyond the control of the Porte, as I received a telegram from the minister late the same evening, asking me to call at his residence early the next morning, which I did, and found that the palace authorities, ignoring the action of the Porte, had made every arrangement to execute Vartanian, as they did not wish to longer delay hanging him, owing to popular feeling, and as the feast of Ramazan is at hand, during which time all work is practically suspended. Unless the execution takes place this week it will be necessary to postpone the matter for another month.

I protested as strongly as I could against any action being taken pending an understanding between the two governments regarding the treatment of the case, but unless some more forcible argument be resorted to I am not at all sure that my protest will be respected, although I am in hopes that it may have the desired effect of causing a temporary postponement. * * *

Awaiting your instructions,

I have, etc., JOHN G. A. LEISHMAN.

[Inclosure.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, October 25, 1905.

YOUR EXCELLENCY: Referring further to the conversation with your excellency this morning in regard to the case of Charles Vartanian and Hovhanes Afarian I would be remiss in my duty if I failed to make every effort to impress upon your excellency the necessity of taking every possible step to compel the Ottoman courts to respect the agreement between the Sublime Porte and the legation that all proceedings be stayed in these cases until such time as our two governments shall have reached a decision regarding the treatment of the matter.

As your excellency is well aware the American Government has not evidenced the slightest disposition to protect these men from being properly punished for the crimes they have committed, but it is a matter of paramount importance that the question of jurisdiction be settled by the two governments prior to any action being taken by the courts, as the mere question of meting out the punishment is a matter of secondary consideration, as there is no danger of the ends of justice being defeated by a temporary delay, as both men are now safely lodged in prison.

The general position of my government regarding these cases has already been fully outlined in my previous notes and, as explained to your excellency this morning, the legation has been unable to arrive at a definite decision regarding the standing of these men on account of the failure of the Turkish authorities to furnish the promised information regarding the exact date of birth of Vartanian and Afarian, time of their departure from Turkey, and data regarding the application for passports which they are alleged to have made to the Turkish consul at Chicago.

As the legation has shown every desire to arrive at an amicable adjustment of these matters with the Sublime Porte, it would be very regrettable if the Ottoman courts should be permitted to create an unpleasant incident by any hasty action, and I trust your excellency will at once cause the necessary instructions to be issued that will insure the stay of all further proceedings until such time as the two governments shall have reached a definite decision regarding the matter.

I take, etc., JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Pera, October 31, 1905.

(Mr. Leishman reports postponement of the execution of Vartanian.)

The Secretary of State to Minister Leishman.

No. 931.] DEPARTMENT OF STATE,
Washington, November 11, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 1180 of the 20th ultimo, reporting that Charles Vartanian and Hovhanes Afarian were taken to the criminal court at Stamboul on the 19th ultimo, where they were tried and condemned, the former, who was the principal in the assassination of Apik Effendi Oundjian, being sentenced to death, and the latter, as an accomplice, to fifteen years' imprisonment at hard labor.

The formal protest against the action of the Turkish Government, which you filed with the Turkish minister for foreign affairs, and of which a copy accompanies your dispatch, anticipated to a large degree the Department's telegram to you of the 26th ultimo, directing you to

ask for a stay of proceedings in the Vartanian and Afarian cases, to enable the two governments to consider and adjust the long-pending questions of jurisdiction and citizenship. Your note of protest is therefore approved by the Department.

I am, etc., ELIHU ROOT.

Minister Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Pera, November 20, 1905.

(Mr. Leishman reports that he anticipated the wishes expressed in Department's telegram of the 26th, as shown in the note addressed to the Sublime Porte on Friday last. He declined seriously to consider the overtures from the Porte in regard to the question relating to the adjustment of naturalization and jurisdiction until definite assurances were given that our demand for a stay of proceedings in the case of the two prisoners would be respected.)

RESTRICTIONS UPON THE SALE OF BIBLES IN TURKEY.

Chargé Jay to the Secretary of State.

No. 950.] AMERICAN LEGATION,
Constantinople, November 29, 1904.

SIR: I have the honor to inform you that the American Bible Society has during the past six months encountered very serious difficulties in the prosecution of their work in Turkey.

At Adrianople, Trebizond, Ordou, and Angora their Bibles were seized by the local authorities, the colporteurs and native agents of the society being threatened with arrest and imprisonment should they further attempt to sell these books.

In every case attempts made to settle the matter locally by nearest consuls and others failed, as the authorities claimed to have been acting under orders from Constantinople.

Mr. Leishman, during the summer and up till the moment of his departure in October, did not fail to complain to the Porte, both in writing and verbally.

As usual he was met with promises, but nothing was done to release the books and otherwise settle the matter.

Early in the present month I finally succeeded, after having been given repeated promises, in inducing the grand vizier to settle the Adrianople matter by telegraph.

Learning that the British embassy had a similar case on hand in connection with their Bible society, I persuaded the British chargé d'affaires to address a strong note on the general subject to the Imperial Government similar in character to mine.

I believe these two notes, presented within a couple of days of each other, have had their effect, for on Saturday last proper orders were actually telegraphed to the governors-general of Trebizond and Angora.

* * * * * * *

This matter has given the legation very considerable trouble, but it has spared no pains to bring it to a satisfactory conclusion.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure.]

Chargé Jay to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, November 15, 1904.

YOUR EXCELLENCY: I have the honor to confirm this legation's note verbale No. 456, of the 27th of September, 1904, in regard to the work in Turkey of the American Bible Society.

I now deeply regret to state that, notwithstanding the conversations in regard to the general question, as well as the particular cases in Angora, Trebizond, and Ordou, which his excellency the American minister has had, and, in his absence, I have had with his highness the grand vizier, and with your excellency, and the applications which this legation made through one of its dragomans to his excellency the minister of public instructions, and notwithstanding the many promises which were made to this legation, the difficulties have not, with the exception of a case in Adrianople, been yet removed. The agent of the said society reports that in Angora, Ordou, and Trebizond their books remain seized by the local authorities and their colporteurs forbidden under threat of imprisonment to sell the Holy Bible or parts thereof, which are books held sacred by Christians and others, and in this country printed and published by the permit of the department of public instruction.

Your excellency will allow me to submit that the matter is far more serious than it might be imagined at first sight. I beg to point out:

1. That the American Bible Society is one of the first and most important benevolent societies existing in America, backed by some of the greatest statesmen belonging to different denominations and political parties.

2. That it is one of the societies included in the special list which this legation sent in to the Sublime Porte for official recognition.

3. Its work is interdenominational and has nothing to do with religious or other propaganda.

4. That no other similar society belonging to or protected by any other nation has been interfered with in its work and there appears to exist in this matter a discrimination applied against an American society.

5. That the local authorities, possibly misunderstanding certain instructions sent to them have, by forbidding the sale of the Bible, and more especially by seizing it, not only insulted the book held sacred by millions of people, as if it were an obnoxious and seditious publication, but have seized property belonging to and paid for by American citizens.

Under these circumstances I beg to inform your excellency that this legation can not be an indifferent spectator of the inexplicable action of the authorities in Angora and Trebizond and requests His Imperial Majesty's Government to issue orders at once to the said vilayets, directing them to put an end to their vexatious and discriminating attitude toward an American benevolent society and to return without further delay the seized books.

I earnestly beg that your excellency will give this matter the prompt consideration it deserves, thus sparing me the necessity of referring the entire matter to my government.

I take, etc.,

PETER AUGUSTUS JAY.

Chargé Jay to the Secretary of State.

No. 953.] AMERICAN LEGATION,
Constantinople, December 13, 1904.

SIR: Referring further to my dispatch No. 950, of November 29, 1904, on the subject of recent interference with the colportage of Bibles by native agents of the American Bible Society in Turkey, I regret to have to report as follows:

It has developed that in the cases of both the American and British Bible societies, though orders were sent to release the seized Bibles, additional orders were also sent absolutely prohibiting the colportage of these books, their sale to be strictly confined to the societies' shop or depot in each town.

I had to-day a long interview with the grand vizier on this subject, this being the first possible occasion of seeing him after the Bairam festivities. By mutual arrangement the British chargé d'affaires saw him upon the same subject immediately after me.

I thanked his highness for sending the promised orders, but informed him that the local authorities seemed unable to fully understand them, since though they had released the books they nevertheless confined their sale to the shop. I further informed his highness that the matter was of a far more serious nature than it might appear at first sight—that such a step meant the total suppression of the Bible's colportage, an innocent *oeuvre* which has existed unmolested for over sixty years in Turkey; that public feeling had been thoroughly aroused in both America and England by the attitude recently adopted by the Imperial Government, and that I sincerely trusted he would at once telegraph the local authorities more explicit orders to abandon the attitude they had so unwarrantably assumed.

The grand vizier then, notwithstanding the fact that both this legation and the British embassy had been semiofficially informed that the Turkish Government had determined to put an entire stop to colportage, dictated in my presence telegraphic orders permitting the colportage of Bibles in the streets of cities and towns.

On my promptly informing him that this was not enough, that he must revert to the status quo ante, by which their sale took place unhampered throughout the country districts, I was met with a firm refusal. He informed me that His Imperial Majesty's Government could no longer permit indiscriminate colportage by Armenians and Bulgars throughout country districts beyond the reach of police supervision, owing to various reasons, amongst others the difficulty of protecting them from the constantly increasing hostility of the Mussulmans against the Christians and (which is probably the real reason) the possibility of their spreading seditious ideas among the peasant population, and even acting as secret agents of the various revolutionary societies.

I did not fail to call his attention to the fact that for over sixty years this colportage had existed without causing reasons for complaint, that these colporteurs were selected and trusted men, absolutely forbidden to proselytize or harangue the people, and that I could not accept such a decision without the permission of my government.

The British chargé d'affaires had about the same experience, though he agreed not to press the matter in regard to colportage in disturbed districts, but, like myself, refused to accept its prohibition in principle.

* * *

I have, etc., PETER AUGUSTUS JAY.

The Secretary of State to Chargé Jay.

No. 745.] DEPARTMENT OF STATE,
Washington, January 3, 1905.

SIR: I have to acknowledge the receipt of your dispatch, No. 953, of the 13th ultimo, reporting an interview which you had on that date with the grand vizier on the subject of recent interference with the colportage of Bibles by native agents of the American Bible Society in Turkey.

The Department approves your course in the matter. You should hold to the position that you took at the interview, namely, that it is not sufficient that the colportage of Bibles should be permitted in the streets of cities and towns, but that there must be a return to the status quo ante, by which their sale took place unhampered throughout the country districts.

I am, etc., JOHN HAY.

Chargé Jay to the Secretary of State.

No. 969.] AMERICAN LEGATION,
Constantinople, January 5, 1905.

SIR: Referring to my previous dispatches upon the subject of Bible colportage in Turkey, I have the honor to inclose herewith copy of a note identique received by both this legation and the British embassy in which it is stated that colportage of religious books has been prohibited throughout the Empire, owing to the propaganda carried on by the colporteurs, and that the sale of these books is henceforth restricted to shops and depots at fixed places.

As will have been seen in my previous dispatch upon this subject, this action on the part of the Turkish Government is in direct violation of the definite statement made by the grand vizier to the British chargé d'affaires and myself that colportage was to be permitted in the streets of towns, and in their neighboring villages; which statement was duly reported by us to our respective governments.

After consulting with my British colleague, who had previously called upon the grand vizier immediately following the receipt of this note, and after ascertaining the attitude he had assumed, as well as that adopted by the grand vizier, I to-day had a long interview with his highness upon this subject.

I reminded him that on June 22, 1882, the American minister, General Wallace, had notified the Sublime Porte (Note No. 118) that he had been authorized by his government to withdraw a large indemnity claim for seizure of Bibles and interference with colporteurs on condition that the Turkish Government apologized for its action and undertook that there be no further interference with this work; that on March 22, 1883, the Sublime Porte had replied to this note, expressing regret at these incidents, and agreeing that in consideration of the withdrawal of this indemnity claim no interference would occur in the future, to which note the legation replied in its No. 156 of March 30, 1883, withdrawing the claim upon the above distinct understanding.

I further reminded his highness, that at the suggestion of the American legation and British embassy the Turkish Government had in 1888 drawn up regulations governing colportage. These regulations having been carefully observed by the American Bible Society's agents, the present decision to stop colportage violated the Turkish Government's own laws upon the subject. I reiterated my previous statements that these colporteurs had been strictly enjoined to confine themselves to the mere sale of the Bible, and I desired to be shown a single case by which the assertions of the Turkish Government that these men indulged in propaganda while selling their books could be proved to be founded on fact and not on fiction.

The grand vizier has evidently somewhat weakened, as his attitude is less firm than that he assumed with the British chargé d'affaires

immediately after the dispatch of the note, since he informed me that it was now intended to soften (adoucir) the decision embodied in the note identique. He stated that, nevertheless, it was impossible for the Imperial Government to allow colporteurs to wander freely over the countryside, as the government was convinced that in many cases these colporteurs were also acting as revolutionary agents. He informed me that among the books of a colporteur arrested yesterday, near Monastir, were found many seditious pamphlets. * * * Also that within the past few days a notorious Armenian revolutionary agent had been arrested at Moush having in his possession papers showing him to be in active correspondence with the head of the American school at Van or Bitlis, his highness could not remember which. He begged me to ask my government how it was possible for the Imperial Government, which is having the utmost difficulty in keeping its subjects of various creeds from flying at each others' throats, to allow irresponsible colporteurs to circulate unwatched throughout the country, especially the disturbed districts.

I replied that I understand it to be the intention of the British Government to tacitly consent to the temporary prohibition of colportage throughout seriously disturbed districts, and that I felt inclined to believe that the American Government, being animated by the broadest and highest sense of justice, would favorably consider my suggestion that a similar course be adopted. I reminded his highness, however, that all our recent cases of interference had occurred in districts officially as well as actually peaceful, and that in this respect our society's position differed from that of the British society, whose principal field of activity lay in the Macedonian vilayets.

After taking leave of the grand vizier I had a prolonged discussion on this matter with the minister for foreign affairs and the legal adviser of the Sublime Porte, but have nothing further to report as the minister's personal views must necessarily be subservient to those of the grand vizier. My object was to convince him of the necessity of impressing upon the grand vizier that the religious tolerance in Turkey so much vaunted by the Imperial Government would seem a farce to the American and British public should these measures against the sale of the Bible be actually put into force.

I have informed both the grand vizier and the minister for foreign affairs, that it is quite impossible for me to accept the decision contained in the note without the permission of my government, to whom I had referred it; this being the precise course taken by my British colleague.

I shall to-morrow address a note to the Sublime Porte confirming my conversation of to-day.

Doctor Bowen, the able agent of the Bible Society in the Levant, is much stirred up over this matter and is requesting me to demand an indemnity for the various cases of seizures of Bibles and other interference. I do not feel justified in so doing without the Department's approval, and I therefore beg to be instructed upon this point.

Doctor Bowen also insists that I should authorize the colporteurs at Trebizond, etc., who have been distinctly forbidden by the local authorities to colporter under pain of imprisonment, to proceed with their work, and to instruct the consuls to protect them against the authorities by means of consular kavasses, if necessary. These colporteurs being all Ottoman subjects, such protection would probably

cause very serious complications; the British embassy has refused to protect their society's Ottoman colporteurs in this manner, and I have also been unable to comply with Doctor Bowen's request, pending the receipt of instructions upon this point which I now solicit you.

Such a high-handed action as the forcible protection of purely Ottoman subjects in the execution of work expressly and personally forbidden them by their own authorities, however unjust and wrong such prohibition may seem to some, would appear to be too grave a matter for me to carry out without the explicit approval of the Department. I inclose copy of my instructions to the consul at Trebizond, in which I authorize him to use his good offices on behalf of these Ottoman colporteurs. * * *

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

NOTE VERBALE.

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
July 26, 1904.

The agents of the American Bible Society indulge in Turkey in the spreading of religious books by selling them by means of persuasion in the streets and public places at very low prices (prix dérisoire) and even giving them away gratis.

As colportage with the object of religious propaganda can not be permitted, the Imperial Government has decided to prohibit it in the future.

Having the honor of bringing this decision to the attention of the United States legation, the ministry for foreign affairs requests that it will be good enough to so inform those interested.

[Inclosure 2.—Translation.]

Minister Leishman to the Minister for Foreign Affairs.

NOTE VERBALE.

AMERICAN LEGATION,
Constantinople, September 27, 1904.

The American legation has received the note verbale No. 18, of the 26 July, 1904, which the department of foreign affairs has done the honor to forward, informing the legation that the agents of the American society try to propagate religious books in streets and public places at derisory prices or giving them away gratis; that as religious propaganda through colportage can not be allowed, the Imperial Government had decided to forbid it, and therefore the department for foreign affairs asks the legation to inform of this those who are interested.

The American legation did not fail to communicate the contents of the said note to the Levant agency of the American Bible Society, whose agent informs the legation that the work of the American Bible Society is the distribution exclusively of the Bible or its parts, a book considered divine and sacred not only by all Christians, but by adherents of other religions also. The American Bible Society, as its name well indicates, does not distribute other religious books, and is an undenominational society whose purpose is not and can not be religious propaganda. Its colporteurs are not authorized to sell in streets or public places any other religious books except the Bible or its parts. Moreover, the colporteurs of the said society have been instructed to conform to the above-mentioned principles.

While bringing to the knowledge of the department of foreign affairs the above facts, the American legation would like to point out that the American Bible Society, which is one of the first and best-known benevolent institutions in America, has carried on its peaceful work in Turkey without interference for the last sixty years, and this legation can not see any reason why its benevolent work should in any way be limited. The legation is not aware that the Imperial Ottoman Government has taken any measures in limiting the work of any similar society belonging to or protected by any other nation, and it trusts that, notwithstanding the reports of some local officials, the Sublime Porte, after hearing the full explanation of the agent of the Bible Society as embodied in this note verbale, will abstain from

taking any discriminating measures against an American society, will raise any interdiction that may have been decided, and will allow it to carry on its benevolent work in the same way as it has done for the last sixty years.

[Inclosure 3.]

Chargé Jay to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, December 24, 1904.

YOUR EXCELLENCY: Referring to the several notes of this legation in regard to the benevolent and legitimate work of the American Bible Society carried on in Turkey for the last sixty years, I have the honor to inform your excellency that notwithstanding the formal promises made to me by the Imperial Government to the effect that immediate telegraphic orders would be sent putting an end to the vexatious interference on the part of the local authorities in the vilayets of Trebizond and Angora, it has come to the knowledge of this legation that the said authorities are still continuing their interference. I therefore find myself obliged to protest against this action of the said provincial authorities, and leave the responsibility of the consequences, if any, on the Imperial Ottoman Government.

I take, etc.,

PETER AUGUSTUS JAY.

[Inclosure 4.]

The Minister for Foreign Affairs to Minister Leishman.

NOTE VERBALE.

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
January 1, 1905.

The ministry for foreign affairs has had the honor of receiving the note verbale which the United States legation was good enough to address it September 27 ultimo, No. 456, concerning the colportage of religious books.

In answer the imperial ministry hastens to inform the United States legation that according to the advices given by the imperial authorities the colporteurs concerned do not limit themselves to the sale pure and simple of religious books, but that they indulge in religious propaganda of a most pronounced nature under the pretext of explaining the utility of and method of using of the said books.

Now, it is not necessary to recall that in principle all propaganda is formally forbidden in the Empire, with all that pertains to it, and that the trade (métier) of colporteurs falling under the application of the police regulations, the imperial authorities can not deny themselves a surveillance as necessary as important in regard to colportage in view of the general tranquillity of the country they traverse.

The best thing under these circumstances is to permit in future the sale of the books in question only in depots and shops at fixed places, and such has been the decision recently taken by the Imperial Government, which the imperial ministry has the honor to bring to the attention of the United States legation for the information of those interested in the subject in question.

[Inclosure 5.]

Chargé Jay to Consul Sullivan.

AMERICAN LEGATION,
Constantinople, January 6, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 15, of December 26, 1904. I have also to confirm my telegram of yesterday's date, reading as follows:

"American Consul, Trebizond. The sale of Bibles can not be prohibited. Demand formally and officially immediate unconditional surrender of seized Bibles which are American property."

The general question of Bible colportage in now being fought out with the Turkish Government, this legation and the British embassy having refused to accept the prohibition of Bible colportage in street and country pending the receipt of instructions from home.

Nevertheless, the seizure of Bibles belonging to the American Bible Society, thereby constituting them American property, can not be tolerated. The grand vizier yesterday telegraphed in my presence to the governor-general of Trebizond instructing him to release the said books.

While I can not accede to the Bible Society's representatives' request, pending the receipt of instructions from the Department of State, that you be instructed to fully protect these colporteurs of Ottoman nationality in the pursuance of their work against the direct orders of the Turkish authorities, yet you may use your good offices with the vali, requesting him to allow colportage at least in the streets of Trebizond pending the settlement at Constantinople of the general question.

I am, etc.,

PETER AUGUSTUS JAY.

The Secretary of State to Chargé Jay.

No. 761.] DEPARTMENT OF STATE,
Washington, February 7, 1905.

SIR: The Department has received your No. 969, of the 5th ultimo, reporting the receipt by your legation and the British embassy at Constantinople of a note identique from the Turkish minister for foreign affairs announcing the prohibition of the colportage of Bibles and other religious books on account of the alleged revolutionary propaganda carried on by the colporteurs.

You suggest that this government, in conjunction with that of Great Britain, consent tacitly to the temporary prohibition of the colportage throughout the seriously disturbed districts, but add that you have protested to the minister for foreign affairs against the general prohibition being put into force.

You state that the agent of the American Bible Society in the Levant has asked you to demand an indemnity for the books already seized, and to instruct the colporteurs, who are Ottoman subjects, to continue the distribution of the books though they have been forbidden by the local authorities to proceed with their work under pain of imprisonment.

The Department approves the views expressed in your dispatch, but you will not demand an indemnity unless the Department should hereafter instruct you to do so. The Department could not undertake to extend protection to colporteurs who are Ottoman subjects.

* * * * * * *

I am, etc.,

JOHN HAY.

Chargé Jay to the Secretary of State.

No. 997.] AMERICAN LEGATION,
Constantinople, February 23, 1905.

SIR: I have the honor to acknowledge the receipt of your instruction, No. 761, of the 7th instant, on the subject of the recent interference with Bible colportage in Turkey.

I have the pleasure to report that, since the writing of my dispatch of January 5 in this connection, there have been no further cases of interference with colporteurs reported up to date to this legation or to the British embassy.

I succeeded in January in securing the immediate and unconditional surrender of the Bibles seized at various points in the Empire.

* * * * * * *

I have, etc.,

PETER AUGUSTUS JAY.

Minister Leishman to the Secretary of State.

No. 1036.] AMERICAN LEGATION,
Constantinople, April 12, 1905.

SIR:

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The objectionable order issued by the Sublime Porte with a view of preventing the sale of Bibles in the streets and public highways through the agency of colporteurs has not as yet been rescinded, and more or less trouble continues to be experienced by the native agents of the Bible Society in isolated spots.

I inclose herewith for the Department's information copy of the legation's note to the Sublime Porte on this subject and also a copy of the British embassy's note.

It is always difficult and generally impossible to induce the Porte to write a retraction, but I am in hopes that the joint pressure being brought by the British ambassador and myself will result in remedying the present difficulties. * * *

The great difficulty is that the actual colportage work is conducted entirely by Ottoman subjects whom it is difficult to protect, for, even assuming that the Sublime Porte rescinds the objectionable order restraining the colporteurs from prosecuting their work, it will always be an easy matter for them to bother and interfere with Ottoman subjects on some other pretext.

* * * * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Minister Leishman to the Minister for Foreign Affairs.

NOTE VERBALE.

AMERICAN LEGATION,
Constantinople, April 6, 1905.

The American legation has the honor to acknowledge the receipt of the Sublime Porte's note of January 1 last, relative to colportage and in reply to advise that it can not consent to any change being made that would interfere with the free and unrestricted sale of the Bible, and finds itself obliged most solemnly to protest against the action taken by the Sublime Porte, action which will prevent the American Bible Society from prosecuting its legitimate business. Consequently the legation must ask that the necessary orders be sent to the provincial authorities instructing them to refrain from offering any further interference.

The legation can only assume that the orders tending to restrict the sale of the Bible must have been issued under some misapprehension, as they are not only in opposition to the spirit of religious tolerance that has so well distinguished the Ottoman Empire, but also in direct violation of the undertaking by the Sublime Porte, as evidenced in notes on the subject exchanged years ago between the imperial ministry for foreign affairs and this legation.

[Inclosure 2.]

British reply to Sublime Porte regarding colportage.

NOTE VERBALE.

CONSTANTINOPLE, *April 3, 1905.*

His Britannic majesty's embassy has the honor to acknowledge the receipt of the Sublime Porte's not verbale of January 1 last, announcing the intention of the Turkish Government to prohibit the colportage of Bibles in Turkey and to confine their sale to fixed shops or depots. A copy of this note was forwarded to his majesty's government in due course, and the embassy has now been instructed to inform the Sublime Porte that his Britannic majesty's government finds itself unable to assent to any departure from the principle of free colportage and that they consider that they are justified in claiming that their rights in this matter shall be held to be of general application, as heretofore. These rights continue to be subject only to exceptional restriction in places where circumstances render such a measure necessary, and if any case of this nature should arise his majesty's embassy will be ready in the future as in the past carefully to consider any well-founded representations from the Sublime Porte.

In pressing the acceptance of this view on the Sublime Porte, his majesty's embassy feels confident that the Sublime Porte will recognize that the proposed restriction, which would undoubtedly produce a very bad impression in England, is quite uncalled for, and would be a source of difficulty and trouble.

Minister Leishman to the Secretary of State.

No. 1171.] AMERICAN LEGATION,
Constantinople, October 9, 1905.

SIR: I have delayed answering your No. 855 [dated July 13, 1905],[a] inclosing copy of the letter to the Department by the American Bible Society concerning colportage of Bibles in Turkey, hoping to have been able ere this to have reached a definite understanding with the Porte, but despite the efforts of the British ambassador and myself it seems impossible to secure action on this, or in fact any other matter, as business at both the palace and Porte appears to be suspended since the attempt upon the life of the Sultan, and the officials seem to be devoting their entire time discussing the outrage and taking steps to find out the perpetrators and, what is a much more serious problem, to quell the Armenian revolutionary movement, which has been shown to be of wide dimensions.

If the legation's previous dispatches on this subject have led the Department to believe that full liberty has been formally secured, the wording of the dispatches has been interpreted more strongly than intended, for, while the vigorous representations made by the British ambassador and myself have had the effect of restraining the Ottoman Government from making any further efforts to enforce the restricting order issued by the grand vizier, we have not as yet been successful in securing an official reply to our identique notes, and the embargo placed upon several colporteurs has not been officially raised.

If the colporteurs were English or American it would be a comparatively easy matter for the English ambassador and myself to force the issue, even if it were found necessary to temporarily extend the support of a consular kavass, but as the class of men employed by the Bible societies as colporteurs are native Ottoman subjects, neither my British colleague nor myself have felt warranted in affording arbitrary

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[a] Not printed.

assistance to an Ottoman subject that might be permissible in the case of an English subject or an American citizen.

This view of the case is not, however, held by Doctor Bowen, the representative of the American Bible Society in the Orient, who seems to think that an Ottoman subject in the employ of an American institution is entitled to the same treatment as an American citizen, and this opinion, judging from the letter addressed to the Department by the Reverend Doctor Haven, is also shared by the corresponding secretary of the American board.

When Doctor Bowen approached me some weeks ago upon the subject of official intervention in the case of the colporteurs at Trebizond, I informed him very politely that I would not consider it good policy to stir up the local issue at Trebizond pending the adjustment of the main question, which involved not only the question of the unrestricted sale of the Bible in Turkey, but also the general question of colportage, and that, while the legation would insist upon the rescinding of the objectionable orders restraining the free and unrestricted sale of the Bible and take every proper measure to protect the legitimate interests of the American Bible Society in Turkey, I could not assume the responsibility of treating Ottoman subjects who happened to be in the employ of an American institution on the same basis as American citizens unless specially instructed to do so by the Department. * * *

Ottoman subjects, both Mussulman and Christian, are not permitted to travel, even from one village to another, without a permit, and this regulation is rigorously enforced everywhere and particularly in the Armenian districts. As colporteurs employed by the American Bible Society are recruited exclusively from the ranks of the native Christian population, who are generally in a semistate of revolution, difficulties are frequently raised upon the ground that certain individuals of above-mentioned class are suspected of circulating seditious literature, etc., under the guise of colporteurs or agents of foreign companies, or that their presence in disturbed districts is apt to cause trouble.

Although such a thing is always possible, charges of this kind are not, as a rule, very well founded, generally the result of the lively imagination of an overzealous official, not infrequently one of their race, and during the past few years I have been able to adjust the majority of such cases without much difficulty.

The recent attempt upon the life of the Sultan is quite sure to result in the issuance of still more restrictive orders, as it appears to be very well established that the Armenian revolutionists were at the bottom of it.

Outside of the two points mentioned, i. e., Trebizond and Konia, the American Bible Society is not meeting with any difficulties, the English Bible Society, with which they work very closely, being in about the same condition or possibly a little worse, as they have about 6 or 7 cases, and as no fresh troubles have presented themselves I have not deemed it wise to attempt to force matters beyond a certain point, merely contenting myself with pressing the matter steadily with the Sublime Porte in conjunction with my British colleague, as the English Government is equally interested in this matter.

I shall continue to press the Porte for a settlement, and as the minister for foreign affairs has repeatedly given me assurances that

the matter would receive favorable attention, I am in hopes of being able to shortly report a satisfactory settlement.

I have, etc.,

JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

No. 1191.] AMERICAN LEGATION,
Constantinople, November 4, 1905.

SIR: Referring further to my dispatch, No. 1171, of October 9, 1905, regarding the question of colportage and unrestricted sale of the Bible in Turkey, I beg to inclose for the information of the Department copy of recent correspondence with the Sublime Porte on this subject.

While the declarations of the minister for foreign affairs may be accepted as a satisfactory adjustment of the matter in principle, I have felt it necessary to take exception to the manner in which certain regulations were to be applied, for while the stipulations mentioned in the note of the Porte would appear to be just, the right to determine the necessity of putting such restrictions into operation could not be safely left in the hands of local officials.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
October 10, 1905.

MR. MINISTER: In reply to the note which your excellency kindly addressed to me on September 19 last, as well as the note verbale of April 6 last, I have the honor to inform you that according to a telegram received from the governor-general of the Konia vilayet the 114 books which were in the possession of the colporteur Avraham Oglou Isaac, of Newchehir, were seized because the aforesaid was not provided with a regular permit, but as soon as the authorities had ascertained by an examination that they were simply the Bibles published with the authorization of the department of public instruction they were returned to him.

As far as the sale of the Bible is concerned, I feel myself obliged to call your excellency's attention to the fact that it has never been forbidden.

That which the Sublime Porte requires is that the colporteurs should furnish to the Imperial authorities at the various places a guaranty and that, in conformity with that which has been already agreed upon, they should not enter certain towns where the prosecution of their work would be, in view of local conditions, considered by the Imperial authorities as creating embarrassment.

The necessary communications on this subject having been already sent to the provincial authorities, I beg your excellency to cause the American Bible Society to be informed of the foregoing for its guidance.

I take, etc.,

[Inclosure 2.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, November 3, 1905.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 10th of October, 1905, in regard to the matter of colportage carried on in the Ottoman Empire by the American Bible Society.

As far as the Newchehir incident is concerned, I am glad to see that the local authorities admit, as I had already pointed out to your excellency, that the colporteur of the American Bible Society sold nothing but the Bible, and I trust that the books, the property of an American corporation, which were seized in an unwarranted manner, have already been returned to the colporteur. Had the authorities in Newchehir examined themselves the books, they would have seen that in each copy was inserted the number and date of the imprimatur of the Imperial department of public instruction, and they could have avoided the loss of time and other inconveniences involved in unnecessarily sending the books to Konia.

As to the general question of the sale of the Bible or parts thereof in the Empire, I am happy to take note that the Imperial Government once more declared its willingness to adhere to the tolerant principle of the free circulation of the book held sacred, a principle consecrated by treaties and long usage.

Regarding the mode of carrying on this undisputable right of the Bible Society, I beg to submit the following points which should be made clear between the Sublime Porte and this legation.

1. As far as the Sublime Porte's wish for a guaranty is concerned, I beg to inform you that the American Bible Society guarantees each one of its colporteurs. I consider the guaranty of such a well-known and highly reputable society as sufficient and much more satisfactory than what the Imperial authorities can find in the provinces from individual guarantors. The principal agent of the society in Constantinople uses great care in selecting his colporteurs. Should it be proved that any one of them is a person disloyally acting against the laws of the country he would naturally be at once dismissed by the principal agent. This legation is not aware that during the sixty years that the American Bible Society has carried on its work in the Empire any one of its colporteurs has been convicted of any disloyal act whatever. I therefore see no necessity to introduce the novelty of asking for any further guaranty.

2. Regarding the proposal of the Sublime Porte to introduce a restriction to the principle of the free circulation of colporteurs in certain cities, this legation would take into consideration any notice from the Sublime Porte asking that colporteurs should not visit certain cities on account of disturbed conditions. I need not remind your excellency that during the past few years the legation has on several occasions, upon the request of the Sublime Porte, advised missionaries and others to postpone their visits to certain localities on account of disturbed conditions. And so in the future, in case the Sublime Porte should come to an agreement with this legation that such restrictive measures are necessary for certain localities, this legation would naturally, in order to spare all inconvenience to the Sublime Porte, and in the interest of the Bible Society itself, advise the principal agent against sending colporteurs to such disturbed localities so long as the disturbed condition continued. But this on the clear understanding that such order to the principal agent or any colporteur in the service of the Bible Society comes from this legation only, as this legation can not agree to any principle which would allow the local authorities to restrain colporteurs of the American Bible Society from visiting this place or on the plea that the local conditions so demand. Giving to the local authorities such privileges might possibly lead to abuses, which I am sure the Sublime Porte would like to prevent.

In conclusion I beg to submit another point. The principal agent of the society informs me that the colporteurs are furnished with permits to carry on their business, but that sometimes they encounter difficulties when going from one vilayet to another, because the authorities demand that they be furnished with permits granted by each municipal circle or vilayet through which they pass. If such permits are really necessary, in my opinion, they should be granted on the application of the principal agent, by the competent authorities in Constantinople, and drawn up in such a manner that the permits would be valid and recognized throughout the Empire.

I take, etc., JOHN G. A. LEISHMAN.

The Secretary of State to Minister Leishman.

No. 930.] DEPARTMENT OF STATE,
Washington, November 11, 1905.

SIR: I have to acknowledge the receipt of your dispatch, No. 1171, of the 9th ultimo, in further relation to the interference by the Turkish authorities with the colportage of Bibles in Turkey, and reporting that, while the vigorous representations made by you and the British ambassador have had the effect of restraining the Ottoman Govern-

ment from making any further efforts to enforce the restricting order issued by the grand vizier, you have not as yet been successful in securing an official reply to your identic notes, and the embargo placed upon several colporteurs has not been officially raised.

You will continue to press the matter on the same lines as your British colleague, keeping in touch with him, in view of the identity of the interests involved.

I am, etc.,

ELIHU ROOT.

The Secretary of State to Minister Leishman.

No. 943.] DEPARTMENT OF STATE,
Washington, November 24, 1905.

SIR: I have to acknowledge the receipt of your dispatch, No. 1191, of the 4th instant, inclosing a copy of recent correspondence between you and the Porte on the subject of the colportage and unrestricted sale of the Bible in Turkey.

The Department commends your note to Tewfik Pasha, in which you take exception to the manner in which certain regulations were to be applied, for the reason, as you say, that while the stipulations mentioned in the note of the Porte would appear to be just, the right to determine the necessity of putting such restrictions into operation could not safely be left in the hands of local officials.

I am, etc.,

ELIHU ROOT.