

RUSSIA.

INAUGURATION OF THE PARLIAMENT (DOUMA) OF RUSSIA.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 11, 1906.

Official messenger announces, owing to the last ukase increasing number of voters enormously, will take not less than two months to revise and publish voting lists. All possible efforts being made by Government to hasten work. Announces Douma probably convene not before end of April.

MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 27, 1906.

(Mr. Meyer states that it has been officially announced that the Douma will convene on the 10th of May.)

Ambassador Meyer to the Secretary of State.

No. 463.]

AMERICAN EMBASSY,
St. Petersburg, March 14, 1906.

SIR: I beg leave to report that an imperial manifesto dated the 6th instant announces that in the future the Council of the Empire will consist of an equal number of elective members and members nominated by the Emperor. It will be convoked annually by an imperial ukase at the same time with the Douma. The two assemblies will have equal legislative powers and each can exercise the same initiative in introducing bills or interrogations. Every bill must be passed by both houses before being sent to the Tsar for his signature and approval. The elected members of the Council will be eligible for nine years, a third being reelected every three years.

This reorganized Council will be limited to 196 members, of which 98 will be elective (18 to be chosen from the nobles, 50 from the county council or the assembly of the zemstvo of each government, 6 members from the Orthodox Church, 6 from the representation of the universities, 12 from the representatives of the council of com-

merce and industry, and 6 from the representatives of the landed proprietors in Poland), thus showing an evident attempt to give an apportionate representation in the upper house to the various classes of society.

If, during the adjournment of the Council and Douma, extraordinary matters should arise, the Council of Ministers may lay the questions before the Tsar for immediate action. If, however, when the Douma reassembles the aforesaid action is not embodied in a bill within two months, it ceases to be in force. All members of the Council must have reached the age of 40 and have received an academical degree. The president and vice-president will be appointed by the Tsar, and the elective members will be paid 25 roubles per day during the session. Bills rejected by either house can not be brought up again during the same session. The same regulation applies to bills vetoed by the Tsar.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 468.]

AMERICAN EMBASSY,
St. Petersburg, March 19, 1906.

SIR: In my dispatch of February 28, I announced that the Douma was to be definitely convened on April 27/May 10. I now beg leave to report that the elections are taking place in various parts of the country, and as the machinery is rather complicated I have thought it advisable to describe the system more fully than would otherwise be necessary.

The total number of members of the Douma, when the elections shall have finally been completed, will be 501. The elections are, however, not carried on the same day throughout the country. Governors and vice-governors, prefects of cities and their lieutenants can not vote in their departments, nor can members of the army or navy who are on active service, or persons doing police duty in governments or cities when elections are taking place.

The voters are divided into classes, and that it may be more clearly shown I have made the following table:

Peasants.....	} Delegates.....	Electors	Douma members.
Clergy			
Cities not in special list.....			
Volosts			
Workmen			
Landed proprietors and special cities.....	Electors	Douma members.

From this it will be seen that the peasants are in a class by themselves and, as a matter of fact, in the present elections are not given an opportunity of expression, as it is the volosts (elected at the mir, in most instances, before the Douma was even granted) that chose the delegates. The volosts, workmen, clergy (not landed proprietors), voters of cities (not in special list), and class C of landed proprietors, all choose delegates. These delegates, in turn, select electors, as do also landed proprietors and qualified voters of cities on the special list. The electors vote for Douma members in their appro-

priate electoral college, and their choice is confined to a member of their own body. Therefore in every instance, in order to become a member of the Douma, a candidate must be an elector and previous to that a delegate, except in the case of landed proprietors and voters of special cities.

On overleaf will be found tables showing apportionment of electors and Douma members in the governments, territories, and cities in European Russia, also in the Kingdom of Poland, Siberia, Caucasus, Turgai, Ural, etc.

It is noticeable that the large cities in European Russia are limited to one member of the Douma, with the exception of Moscow and St. Petersburg, the former having an allotment of four and the latter of six.

There is an exceptional provision with regard to the procedure of the peasant electors. When their electors assemble at the electoral college, they first sit by themselves and elect from their own numbers a Douma member. They then dissolve and join the rest of the electoral college, taking part in the election of the Douma members allotted to that particular electoral college. The special privilege given to the peasant electors is not granted to any other group of electors. The workmen may or may not be able to elect a single member from their own class, while no combination can prevent the election of at least one member of the Douma from every governmental electoral college, of which there are 51.

Elections to the Douma, with the exception cited as to the privilege of peasant electors, are finally effected in the governments and territories by the government electoral college, and in the cities by the municipal electoral college. The government electoral colleges are presided over by the marshal of nobility of the government in question. The municipal electoral college by the mayor of the city.

The number of electors in the government electoral colleges varies from 32 to 200; the municipal electoral college, of St. Petersburg and Moscow, 160; and in other special cities, 80.

Government electoral colleges are composed of electors chosen by landed proprietors and clergy landowners, by delegates from those cities not in the special list (that is, those not entitled to a municipal electoral college) by delegates of workmen who do not vote in a municipal electoral college, and by delegates from all the volosts.

Municipal electoral colleges are composed of electors chosen by the qualified resident voters of the cities and by the delegates of the workmen of the same cities, i. e., cities entitled to a municipal electoral college.

The workmen in every factory, mining enterprise, or railway shop of not less than 50 workmen elect one delegate for every thousand men employed.

The delegates from all the factories of each city or government meet together in the city in question, or in the chief town of the government in question, and choose electors from their own number.

The electors so chosen join the representatives (electors) of the other classes in the city in question or in the government in question and vote in the municipal or governmental electoral college for members of the Douma. The number to be so elected is fixed by a special table.

In choosing their delegates the workmen in each factory, etc., hold a meeting under a chairman elected by themselves from their own number.

The proprietor must put at their disposal a suitable place of meeting.

All workmen may vote at the age of 25, and if they have been six months in the establishment in which they desire to vote. The list of delegates elected by each factory is given to the proprietor signed by the chairman of the elections and by at least 10 of the workmen.

This list is then posted and a copy of it sent to the governor of the government or the prefect of the city, as the case may be, and then published.

The meetings of the delegates, instead of being presided over by a workman, as are the first elections, are presided over by the mayor of the town. The procedure and system of voting is in the meetings of the delegates decided upon by the presiding officer, whereas in the meeting of the workmen the method of voting is a secret ballot.

The number of electors to be chosen by the workmen's delegates to the government or municipal electoral college is apparently determined in each government or city by the election committee. The delegates and electors may, if they choose, claim traveling expenses to the extent of 5 copecks per verst, which also applies to the peasant delegates going and coming for attending the meetings of the delegates or of the electors.

The landed proprietors of each district meet together under the chairmanship of the district marshal of nobility and choose from among their own number electors. The electors thus chosen from the districts of every government meet together in the chief town of each government with the electors from the peasants and the district cities and choose Douma members.

All parish priests of any denomination who themselves or whose churches or chapels possess land in the district meet together and, under the chairmanship of the marshal of nobility of the district, choose delegates on the same level as those chosen by the workmen. These delegates join the landed proprietors and the delegates from the volosts, as well as the delegates of the workmen, in meeting assembled of the government electoral college and elect Douma members.

The persons enumerated in Section C of the laws, under the head of landed proprietors, are, like the clergy, three degrees from the representatives in the Douma.

The district cities have no municipal electoral college and consequently have no special representation of their own. Each have a certain number of delegates allotted by the district electoral commission in charge of the elections. The delegates elected in each district then meet together in the chief town of the district and choose electors who in turn join the electors of the landed proprietors and of the volosts and elect members to the Douma.

In special cities (those that have municipal electoral colleges) the qualified voters vote directly for the electors. The delegates of workmen in those cities choose electors. The electors selected by the delegates assemble in the municipal electoral college with electors of the qualified voters, who together choose Douma members for the city.

For Poland, the Ural, Turgai, the Steppes, Turkestan, Siberia, the Caucasus, and the nomad tribes special regulations and qualifications have been made.

The meetings for the election of delegates, electors, or members of the Douma are attended and watched by the police to see that they adhere rigidly to the business in hand and do not digress to the slightest extent in discussing political questions. The power delegated to the police has already been abused and is liable on many occasions to subject delegates and even electors to unjust arrest and imprisonment.

It is impossible to form any opinion as to the personnel of the future Douma. The voters have no chance, as in America, to vote directly for the delegates of the candidates for, as I have already shown, any individual desiring to become a member of the Douma must first be elected a delegate. The next step is to become an elector, and finally to be chosen a member of the Douma.

The only exceptions are landed proprietors or qualified voters (not workmen) that reside in cities on the special list. They are spared the stage of becoming first a delegate.

Only a small percentage of workmen in many of the cities are participating in the elections; in some cases owing to fear of arrest and in others to an agreed boycott.

There are apparently well-informed people that believe the Government is manipulating the elections to such an extent that the first Douma will probably be Conservative and the upper house, known as the "Council of the Empire," Liberal.

All surmises of this nature at the present time are mere guesswork and the Douma will remain an unknown quantity until it assembles and organizes.

I have, etc.,

G. VON L. MEYER.

TABLE NO. 1.—Shows not only apportionment of Douma members, but also of electors (who choose Douma members) in electoral colleges.

Governments and territories in European Russia.	Douma members.	Electors in government electoral colleges.	Governments and territories in European Russia.	Douma members.	Electors in government electoral colleges.
Archangel.....	2	32	Orenburg.....	7	105
Astrakhan.....	3	45	Orel.....	8	122
Bessarabia.....	8	120	Penza.....	6	90
Vilna.....	6	91	Perm.....	13	196
Vitebsk.....	6	90	Podolsk.....	13	195
Vladimir.....	6	92	Poltava.....	12	181
Vologda.....	5	80	Pskoff.....	4	61
Voronege.....	11	165	Riazan.....	8	121
Volynsk.....	13	195	Samara.....	12	180
Viatka.....	13	200	St. Petersburg.....	3	47
Grodno.....	7	105	Saratoff.....	10	150
Don Cossacks.....	11	177	Simbirsk.....	6	90
Ekaterinoslav.....	9	135	Smolensk.....	6	90
Kazan.....	9	139	Stavropol.....	3	47
Kaluga.....	5	76	Tauride.....	6	96
Kieff.....	15	225	Tamboff.....	12	180
Kovno.....	6	90	Tver.....	8	120
Kostroma.....	6	92	Toula.....	5	76
Courland.....	3	46	Oufa.....	10	150
Kursk.....	10	150	Kharkoff.....	10	150
Livonia.....	4	61	Kherson.....	10	150
Mynsk.....	9	135	Chernigoff.....	10	150
Mogiloff.....	7	109	Esthonia.....	3	45
Moscow.....	6	92	Yaroslafl.....	4	60
Nijni-Novgorod.....	6	90			
Novgorod.....	6	92	Total.....	384
Olonetz.....	3	50			

TABLE No. 2.—Shows not only apportionment of Douma members, but also of electors who choose Douma members.

Large cities in Europe having separate representation.	Douma members.	Electors in municipal electoral colleges.	Large cities in Europe having separate representation.	Douma members.	Electors in municipal electoral colleges.
Astrakhan	1	80	Orel.....	1	80
Vilna.....	1	80	Riga.....	1	80
Voronege.....	1	80	Rostoff-on-Don.....	1	80
Ekaterinoslaff.....	1	80	Samara.....	1	80
Kazan.....	1	80	Saratoff.....	1	80
Kieff.....	1	80	St. Petersburg.....	6	160
Kishineff.....	1	80	Toula.....	1	80
Kursk.....	1	80	Kharkoff.....	1	80
Moscow.....	4	160	Yaroslaff.....	1	80
Nijni-Novgorod.....	1	80			
Odessa.....	1	80	Total.....	28	1,760

KINGDOM OF POLAND.

(I) Governments:			(I) Governments—Cont'd.		
Warsaw.....	5	100	Seidletz.....	3	61
Kalishnaya.....	3	60			
Kiletsk.....	3	60	Total.....	33	661
Lomja.....	2	40			
Lublin.....	5	100	(II) Cities:		
Petrokoff.....	5	100	Warsaw.....	2	80
Plotsk.....	2	40	Lodz.....	1	80
Radom.....	3	60			
Suwalsk.....	2	40	Total.....	3	160

SIBERIA.

(I) Governments:			(II) Cities:		
Yenesei.....	2	31	Irkutsk.....	1	80
Irkutsk.....	1	16	Caucasus.....		29
Tomsk.....	6	90	Turgai, Ural, etc.....		10
Tobolsk.....	4	64			
Total.....	11	201	Total.....	1	119

Ambassador Meyer to the Secretary of State.

No. 479.]

AMERICAN EMBASSY,
St. Petersburg, April 7, 1906.

SIR: I have the honor to confirm my cable of April 6,^a a true reading of which will be found attached.

The success of the constitutional Democrats has made a great impression on the Government and created considerable nervousness.

Witte is really anxious to resign and go out of the country for a much-needed rest. But he assured a mutual friend that he would stay and serve the Emperor as long as His Majesty desired.

The elections so far have impressed upon his mind the want of confidence which exists among the people as to his administration. As he is without any supporters among the elected members of the Douma, it is difficult to believe that the Emperor will be able or even desirous of having him continue to serve as premier after the Douma is organized.

I have, etc.,

G. VON L. MEYER.

^a Not printed.

Ambassador Meyer to the Secretary of State.

No. 507.]

AMERICAN EMBASSY,
St. Petersburg, May 10, 1906.

SIR: I have the honor to report that this morning at 10 a. m. His Majesty the Emperor, accompanied by the Empress and Dowager Empress, arrived in St. Petersburg, having embarked on the royal yacht at Peterhof. At the Nicolas Bridge the royal party entered a steam launch and proceeded directly to the landing in front of the Winter Palace on the banks of the Neva.

The ceremonies in the Winter Palace went off without a hitch and were a wonderful display. All the Russians were instructed to assemble in the grand salon at 1 o'clock and the diplomats in a special room at 1.15. At half past 1 we were notified by the master of ceremonies to form in line, the Turkish and French ambassadors leading, next the Italian and American, then the German and Spanish, the Austrian and English ambassadors being absent. The ministers were formed in line according to their rank. We formally proceeded through several great halls, the Russian members of the court drawn up on the right and hundreds of ladies on the left, all the latter in the Russian costume with the attractive headgear, known as the "kokoshnik," and all dresses décolletée en rigueur. The throne is in the great hall of St. George, and the diplomats were stationed on a raised stand on the right of the throne, but to the left of the entrance.

In the throne room of the Winter Palace there was an assemblage of people different from any that has ever taken place in the history of Russia. On the left of the throne, taking up the entire left side of the hall, were the members of the Douma, in every conceivable costume, the peasants in rough clothes and long boots, merchants and tradespeople in frock coats, lawyers in dress suits, priests in long garb and almost equally long hair, and even a Catholic bishop in violet robes.

On the opposite side of the hall were officers in braided uniforms, courtiers covered with decorations, generals, members of the staff, and members of the Imperial Council of Russia.

At a quarter of 2 one heard in the distance the national anthem, played by the trumpeters, growing gradually louder as the Emperor and his courtiers approached. Finally the doors were thrown open, and first came richly attired court servants, then two masters of ceremonies carrying wands of office, two grand masters of ceremonies each bearing an imperial golden eagle, followed by others carrying the sword of state, the seal of state, the imperial banner, the globe, the scepter, and finally the crown glittering with beautiful jewels. Directly behind the Crown came 12 palace grenadiers, wearing uniforms of a century ago. Immediately after came His Imperial Majesty with the Empress Alexandra on his left and the Empress Dowager on his right. The Grand Dukes Michael and Vladimir and the remainder of the imperial family followed in order of precedence. Halfway down the hall the Emperor stopped and kissed the cross in the hands of the high priest, and then the religious ceremony commenced with chanting and choir. That finished, the Emperor proceeded alone to the throne, where he seated himself, while the two

empresses walked to the right of the throne and remained standing. The grand dukes and grand duchesses assembled further to the right, but not on the steps of the throne.

In watching the deputies I was surprised to note that many of them did not even return the bows of His Majesty, some giving an awkward nod, others staring him coldly in the face, showing no enthusiasm, and even almost sullen indifference. As he rose again from the throne there was an absolute stillness. He then proceeded in a firm voice to read his address. When he finished there was a tremendous outbreak of applause, but limited almost entirely to the right side of the hall, the deputies remaining quiet. As he descended from the throne and the members of the royal household formed in line according to their rank the applause and shouting on the right continued and increased, but the marked silence on the left was ever noticeable. The Emperor carried himself with dignity under the trying ordeal and should receive credit for what he said in his address to the members of the Douma.

Judging merely from appearances, it was difficult to recognize any marked ability or distinguishing trait among the members of the Douma which would specially fit them for the great task that is before them, but the contrast between those on the left and those on the right was the greatest that one could possibly imagine, one being a real representation of different classes of this great Empire and the other of what the autocracy and bureaucracy has been.

The peasants have come here for the reforming or even the repealing of the laws of property, in order that they may gain by a division of the land. It is said that they desire to go so far as to introduce laws forbidding the landowners to possess more than a certain amount of land. When land is thus given up it is to be divided among the peasants of the district and paid for at a certain price.

On the other hand, the Democratic party has been making a great many promises which it will be unable to fulfill. Whether an eventual conflict can be avoided between the Crown and the Douma remains to be seen, but, with the overwhelming majority of the constitutional Democrats in the lower house, it would appear wise for the Czar to select a cabinet at once from their number, in order that they should be held responsible to the people for the acts of the Douma.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

[The London Times, May 11, 1906.]

The text of the imperial speech.

ST. PETERSBURG, May 10.

At the Winter Palace to-day the Czar addressed the following speech to the members of the Council of the Empire and of the Douma:

"Divine Providence has laid on me the care of the welfare of the fatherland and has moved me to summon representatives elected by the people to cooperate in the work of framing laws. With an ardent belief in a prosperous future for Russia, I welcome in you, the best men, to whose election I commanded my beloved to proceed. Difficult and complicated labors await you, but I believe that the ardent wishes of the dear native land will inspire you and will unite you.

"I, for my part, will unswervingly uphold the institutions which I have granted, in the firm conviction that you will devote all your powers to the self-sacrificing service of the fatherland, to a clear presentation of the needs of the peasants, which lie so close to my heart, to enlightenment of the people, and to the development of its well-being. You must realize that for the great welfare of the State not only is liberty necessary but also order as the basis of laws.

"May my ardent wishes be fulfilled; may I see my people happy, and be able to bequeath to my son as his inheritance a firmly established, well-ordered and enlightened State. May God bless me in conjunction with the Council of the Empire and the Douma in the work before us, and may this day prove the rejuvenation of Russia's moral outlook and reincarnation of her best powers. Go to the work to which I have summoned you, and justify worthily the trust of your Czar and your country! God help me and you!"

Ambassador Meyer to the Secretary of State.

No. 509.]

AMERICAN EMBASSY,
St. Petersburg, May 11, 1906.

SIR: I have the honor to report that yesterday, after a prolonged religious ceremony, the Douma was called to order in the Tauride Palace at 5 p. m.

Mr. Frisch, of the Council of the Empire, who had been specially commissioned by the Emperor to open the Douma, took the chair. Baron Gildenbrandt then read the imperial ukase authorizing the opening of the Douma. About 450 deputies were present. A short address was made by the temporary chairman, in which he congratulated the members upon assembling and hoped that in promulgating laws for the advancement of the Empire they would work conjointly with the upper house and that their labors would result in legislation beneficial to the nation.

Instead of the oath, a promise of allegiance, to be signed in writing, was prescribed. All the members signed, with the exception of a few illiterate peasants, who subscribed by proxy.

The only real candidate for president of the assembly was Professor Muromtsoff, of Moscow, a man of high principles, excellent reputation, and a moderate among the constitutional Democrats. He was elected almost unanimously.

Contrary to all customs in parliamentary bodies, the newly elected chairman, before delivering his speech of acceptance, permitted Mr. Ivan Petrunkevich to address the house. The members of the Douma do not speak from their seats or the floor, but from a raised rostrum directly in front of the president. The general tone of Mr. Petrunkevich's speech was revolutionary. He emphasized the point that "the first thoughts at the first assembly of the representatives of the people should be for those who have sacrificed their freedom for their country. All the prisons are filled, freedom must have no victims."

These words aroused the assembly to great applause and enthusiasm.

M. Muromtsoff next thanked the house for the honor conferred upon him, stating that the will of the nation had at last been recognized and would now make itself heard. By the terms of the law he would have to make a report to the Emperor of his election as president. That he understood that it was the sense of the meeting, although

no action could be taken at the first session, that the Douma demanded three things—a constitutional monarchy, a right of initiative in legislation, and amnesty for all political prisoners. This announcement was made from the chair without any debate other than the one speech made by Petrunkevich, or any vote.

At the suggestion of the chair, the next session was to be held on Saturday, the members voting before adjourning that the meeting be called at 11 a. m.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 537.]

AMERICAN EMBASSY,
St. Petersburg, June 11, 1906.

SIR: The situation here continues unsatisfactory as to the outlook for a better understanding between the Government and the Douma.

On the vital question of the land the Douma is practically unanimous in favor of expropriation. It is equally united as to the abolition of the death penalty. The sentiment of the body has been expressed by the adoption of an order demanding the suspension of capital punishment and stating that pending the settlement by the cabinet of this question an execution would not be an act of justice, but simple assassination.

The house has declined to limit or restrict the agrarian debates, realizing that on this most important problem it is essential that every member that desires to express his opinion should be allowed the opportunity.

The Government now proposes to give the peasants about 10,000,000 acres in place of the 180,000,000 asked for, and for an equal amount (10,000,000 acres) belonging to private estates whose owners have already declared their willingness to sell through the peasant's banks, deferring payments for several years.

If on the opening day of the Douma this proposition had been made from the throne, with a liberal amnesty for political prisoners, it would have demonstrated to the members of the Douma at least a willingness to assist in the problems that confront them to-day. Now the Douma regards the Government as a hindrance to helpful legislation, and neither is in a yielding mood.

The Socialists have been endeavoring to induce the peasants to indorse and support a proposal which aims at the practical annihilation of all property.

The constitutional Democrats, who have so far had the support of the peasants, are seeking to find the foundation for a fair settlement.

It adopts the principle of expropriation where the vital requirements of the local population demand it, and expressly stipulates that the basis of a division shall be a living farm.

The Douma is now debating the fairest methods of applying expropriation and the dealing of lands expropriated. A committee of eighty-six has been appointed from the Douma to study the entire agrarian question. This committee will be subdivided into small committees, to be apportioned to different parts of the country, who will report in the fall to the entire committee and that committee in turn to the Douma.

This last week the scheme of the Socialists to refer the agrarian question at once to local committees elected by direct universal suffrage was defeated, and the vote showed that the peasants had refused to follow the socialistic leaders. Thus the apprehension has been quelled for the time being of the spread of socialistic influence among the peasant members.

The attitude of the workmen is, however, changing. Where they have heretofore held aloof or boycotted the elections for the Douma, meetings are now being held, adopting resolutions in favor of support of the Douma in its conflict with the Government.

While outward order is maintained at the present in many parts of Russia, in the Baltic provinces and in the Caucasus advices are coming of murder and arson.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extracts.]

No. 552.]

AMERICAN EMBASSY,
St. Petersburg, June 27, 1906.

SIR: I have the honor to inclose the speech made by Prince Urussoff, former assistant minister of the interior, in the Douma on Thursday, June 21.

The day turned out to be a memorable occasion, as Mr. Stolypin, minister of the interior, in answer to an interpellation, made his first address in the chamber. He had availed himself of the legal limit of thirty days before replying to the interpellation on the acts of lawlessness committed by provincial governors, police officials, etc. Stolypin began by admitting that in some cases there had been illegal acts, but frequently the Government had to act vigorously in order to preserve order. During the various disorders 228 police had been killed and 388 wounded; that he had no knowledge of the printing of proclamations in the ministry inciting the people to murder the Jews; that he felt the Douma should not call him to account for the acts charged against his predecessors. He could, however, guarantee that while he was in office such acts would not recur, and, as his future policy, he would do his utmost to maintain law and order. It was not his business to make laws, but to administer them, and this was quite impossible without resort to a state of seige. (Cries of "Enough, Enough!" from the left, to which the minister replied: "I will not be perturbed by your noise; I have a clear conscience.") As the minister left there were yells of "Murderer! Assassin!" and the excitement was such that the president suspended the meeting for an hour.

At the renewal of the session, Prince Urussoff declared that massacres were always organized by secret forces. Urussoff went on to say that this "régime" was so strong that there was no guaranty whatever that such things would not occur again. He claimed that no minister, not ever one chosen from the Douma, could bring the country out of its present condition as long as the same dark mysterious powers were allowed to handle the reins of the Government and to carry out their experiments in vivisection. In the Douma they were try-

ing to raise the Tsar above and beyond the reach of political passions; they were all ready to sink their differences for the national welfare, but they felt the same dark forces estranging them from the sovereign, and rendering impossible that union of Crown and parliament without which there could be no peaceful evolution. They were confronted by a great and terrible danger which would not disappear until men imbued with traditions of the police officer were excluded from the conduct of affairs of state.

Previous to this the St. Petersburg Bourse had shown great weakness, but after the workings of the secret powers, as they have been called, had been exposed in the Douma, confidence seemed to be somewhat restored.

It is thoroughly realized now that the present cabinet can not work in conjunction with the Douma and strong conservative influences are being brought to bear at Peterhof in order to induce the Tsar to select a cabinet the greater part of which shall be taken from the Douma.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

QUESTION OF LIABILITY OF GOVERNMENT—A FUNDAMENTAL QUESTION ABROAD, AS MONEY LOANED GOES TO POLICE DEPARTMENT.

Speech by Prince Urussoff, governor of Tver to 1905, where he was very popular. Resigned on the appointment of Trepoff as assistant minister of interior. Was himself assistant minister for a time under Durnovo, 1905. Elected to the Douma as a member of the Moderates (Octobrists).

I ask to speak, representatives of the people, in order to offer for your consideration some of my reflections on the interpellation of the imperial Douma to the minister and the answer to this interpellation which we have just heard. I suppose that we shall look at the news of a special bureau concealed in the recesses of the police department and printing appeals to the people with its summons to civil war not so much as a fact of the past as a disturbing suggestion of the possibility that government officials may, in the future, take a further part in the preparation of those bloody dramas by which they have earned a sorrowful distinction in recent times and which, as recent events have shown, continue to occur, arousing the indignation of all to whom human life is dear and who value the dignity of the Russian Empire. At this point let me explain I do not for a minute doubt the sincerity of the declaration of the minister of the interior. It is not against the ministry that what I want to say to you is directed. On the contrary, the whole meaning, the whole interest, the whole importance of the question which we are considering is precisely in this, that massacres and civil murder by circumstances which still have force and are still to be found inside the sphere of government activity continue, and will continue, to be independent of any relations to them of this or that minister of the interior, or this or that ministry. The declaration of the minister in this respect seems to me not sufficiently convincing and I will at once try to explain why I think so. With this in view I shall have to touch the question of massacre and on the way explain the rôle played in this business by the press which has already excited our interest.

Any investigation of the so-called "pogroms" (massacres) will bring the investigator face to face with the following certain symptoms; they are identical in all cases: Firstly, a massacre is always preceded by reports of its preparation, accompanied by the circulation of appeals exciting the population and of one constant kind in form and substance. They are accompanied by a certain kind of stormy petrels in the person of little known representatives of the dregs of the population. Then, too, the cause of the massacre as officially announced is afterwards always without exception found to be false. Furthermore, in these massacres there is always to be found a certain similarity of plan which gives these actions the character of chance. The murderers act on the assumption of some kind of right, as though conscious that they will not

be punished, and only continue to act as long as this confidence remains unshaken—after which the massacre stops extraordinarily quickly and easily. Again, in the conduct of the police there is never any unity or plan, and whilst some police districts suffer complete devastation in the presence of considerable police forces, others remain almost untouched in consequence of the protection afforded them by the police who have fulfilled their duty with confidence and energy. At last the massacre is stopped, arrests are made, and the authorities when visiting the prisoners can not avoid the impression that they have before them not so much criminals as ignorant persons whom some one has deluded, and so one feels that there is some kind of organization always the same and broadly planned. Those are wrong who, when they have attributed it to the Government, think that the question is settled and the matter quite clear. But they are not altogether wrong, and the events of last winter which have served as reason for our interpellation, will help us to partly see through the mist which envelopes the affairs, so dark even without it.

In January, 1906, one of the persons occupying a secondary position in the ministry of the interior, but known as an opponent of the policy of massacre—I do not refer to myself—began to receive a large quantity of specimen appeals, simply designed, which had been widely circulated in the chief centers of south and west Russia, and also anxious complaints against the preparation of massacres in Vilna, Bialostok, Kiev, Nikolassv, Alexandrovsk, and other towns. The Gomel massacre of January confirmed the correctness of the apprehensions which had been expressed, and induced the person whom I have mentioned to use every means to avert any further massacres, which he also succeeded in doing, thanks to the action taken by the president of the Council of Ministers, who was gradually acquainted with the course of affairs by means of a secret investigation.

At this time some light was thrown, though still of an imperfect kind, on the following picture of the activity of the constructors of the massacres: A group of persons composing a kind of fighting organization of one of our "patriotic" clubs, together with some persons who were in close touch with the editors of a newspaper not in St. Petersburg (Moscow Gazette) undertook to combat revolution. Being patriots in that sense which was recently given to the word here by a member from the government of Tver and "real Russian people," they saw occasion for disturbance in the alien races. The people of the frontier, the pale of Jewish settlement, the Russian population, and also in particular Russian soldiers, were invited to settle accounts with the traitors in the thousand of appeals. These appeals, of the most exciting character, were conveyed by members of the society to the spot and were handed over to reliable local members or associates, who in their turn circulated these appeals with judgment and caution.

There were curious results from the point of view of the preservation of the unity of authority. An assistant police master (I give merely an example) circulates appeals without the knowledge of his chief, the police master. Or again, a police captain, let us say, of the first ward, was considered worthy of a confidence which was denied to the police captain of a second ward. Some one serving in the gendarme administration or in the detective department proved to be provided with special sums of money, to whom began to resort certain of the lower people. Reports went through the town of some kind of special preparations; frightened inhabitants went to see the governor, the governor reassured them, feeling all the time that things were far from tranquil. Telegrams which came in from the minister spoke of measures to be taken to secure tranquillity, and such measures were often taken. But in the depositions made to this end very few people had any confidence. In some cases the police quite honestly supposed that the measures were taken simply for show, for decency, but that they were already in possession of the real intention of the government. They read between the lines and thought that they heard beyond the order of the governor some voice from farther off, in which they had greater belief. In a word, there developed a hardly credible confusion, complete disorganization, and complete demoralization of the authority.

Meanwhile in St. Petersburg, as early as the autumn of 1905 (and it would seem before the October ministry came into office), in No. 16 Fontanka street, in some remote room of the department of police, there was at work a printing press, purchased at the expense of the department by government money. This press was put under the control of an officer of gendarmes in civil dress, Komisarov, who with a few assistants assiduously prepared the appeals to which I have already alluded. The secret of the existence of this "underground" press was so carefully kept, and the conduct of its organizers was so conspira-

tive, that not only in the ministry, but even the department of police itself there were very few persons who knew about it. Meanwhile the work of the society, whose organ the press was, was clearly meeting with success. For when questioned by a person who happened to come upon the track of this organization Komisarov answered, "A massacre—we can make for you any kind you please; if you like, for 10 men, and if you like, for 10,000." Gentlemen, this is a historic phrase. [Great excitement among the deputies in the house.] For the information of the Kiev deputies, I will add that in Kiev there was arranged a massacre of 10,000 for February 16, but it was successfully averted. [Great excitement.] The president of the Council of Ministers had, we are told, a most serious attack of nervous asthma when the facts which I have just narrated were communicated to him. He summoned Komisarov, who reported to him on what he had done and on the full powers which he had received, and in a few hours the department no longer contained either the press or the appeals of the staff. There was simply an empty room. And that is why no one, among others not even the minister of the interior, will be able to satisfy the legitimate desire of the Douma to know the names of those persons who controlled this organization, guaranteed its impunity, had a magic influence on the minds of police and other government officials, and even made it possible to secure promotions and rewards for those among them who showed the greatest activity. The examples of such rewards I am not able to remember, as also some other details of all this affair. At present I have to speak without notes and without preparation and reluctantly omit many things. Besides I have already exhausted your attention. [Numerous cries, Go on, we beg you.]

It is time to pass to the inferences of all that I have said. The first inference is this: That the explanation of the minister of the interior does not give us any serious guaranty with regard to the stopping of the work of organizations which prepare wholesale massacres and induce government officials to take part in their work. Yes; and that it quite intelligible; the chief organizers and instigators are outside the sphere of the activity of the ministry, and they can be altogether indifferent as to whether the minister of the interior may observe a benevolent neutrality toward them, or whether he may make some public declaration condemning their work. More than that, I affirm that no ministry, not even one taken from the body of the Imperial Douma, will be able to establish order in the country while persons who stand apart behind an impenetrable barrier can lay rough hands on separate parts of the government machine—sharpening their political ignorance by experiments on living organisms engaged in a kind of political vivisection. [Loud applause.]

A second inference is still more painful. It concerns the Imperial Douma itself. Representatives of the people, we have brought here from every corner of Russia, not only indignation and complaints, but also ardent desire for work, self-devotion, and real, pure patriotism. Here among us are many persons who live by incomes from estates, but have you heard a single expression from them directed against the plan of compulsory expropriation of land in the interests of the working tiller of the soil? There are many of us here who belong to the privileged classes, yet has anything been said on our side against the abolition of privileges, against the idea of civil equality, or against reform in a broad national and democratic spirit? And has not this so-called revolutionary Douma from the very beginning of its work and to the time at which I speak endeavored to solicitously raise the prestige of the Czar's crown, to put it above common political scandals, above our mistakes, and keep it from all responsibility for those mistakes? One might as well say, what other kind of Douma should we want at a time when the hour has come for pressing and inevitable reforms than such a one as has been capable of making private interests and class contentions yield to the triumph of the single welfare of the nation and of the Empire? [Vigorous and prolonged applause.] And yet, all the time we all feel that those dark forces are arming against us; that they hedge off from us the sovereign power and undermine its confidence in us. They do not allow our work to proceed in that harmony with the sovereign power which, by the law that has established our new order of government, is the essential condition of success and the pledge of a peaceful development and of the life of our State. It is here that we discover a great danger, and it will not vanish while the affairs of the administration and the destiny of the country are under the influence of men who are by education sergeants and policemen, and by conviction organizers of massacre." [Loud and prolonged applause from all sides; shouts of "Resign."]

Ambassador Meyer to the Acting Secretary of State.

No. 588.]

AMERICAN EMBASSY,
St. Petersburg, July 26, 1906.

SIR: I have the honor to inclose herewith translation of the proclamation issued by the members of the Douma that assembled at Viborg on Monday July 23, the day after the Douma was dissolved.

It is said that about 200 members were present and that 160 signed the manifesto.

It is noteworthy that the Polish members declined to attend the meeting or to attach their signatures.

About 300 members are reported to have preferred to return to their homes at once.

I have, etc.,

G. v. L. MEYER.

[Inclosure.—Translation.]

TO THE PEOPLE, FROM THE REPRESENTATIVES OF THE PEOPLE.

Citizens of all the Russias:

By the ukase of July 8 the Douma of the Empire was dissolved. When you chose us as your representatives you directed us to obtain for you land and liberty. In the execution of your instructions and of our duty we created laws to guarantee the liberty of the people; we demanded the dismissal of irresponsible ministers who, violating the laws with impunity, have trodden liberty under foot. But, first of all, we desired to create laws for the granting of land to the laboring peasants by way of disposing, for this purpose, of lands belonging to the Crown, the domains, the cabinet, monasteries and churches and by the expropriation of land in the possession of private individuals.

The Government found such a law unacceptable, and when the Douma once more firmly confirmed its decision relative to the necessity of expropriation the dissolution of the Douma was announced. In the place of the present Douma the Government promises to convoke a new one in seven months. For seven whole months Russia must remain without representatives from the people at a time when the people find themselves on the verge of destruction, the industrial and commercial relations broken, when the whole country is seized with convulsions, and when the ministers have shown themselves absolutely incompetent to satisfy the needs of the people. For seven months the Government will act as it likes, will wrestle with the movement of the people in order to obtain a submissive and desirable Douma, and if it succeeds in entirely crushing the movement of the people it will not convoke any Douma at all.

Citizens, stand firmly by the trampled rights of the representatives of the people. Stand for the Douma of the Empire. Russia must not remain one day without representatives from the people.

We have the means of obtaining this. The Government has not the right without our consent to collect taxes from the people, nor to call the people to military service, and, therefore, now, when the Government has dissolved the Douma of the Empire, it is your right to refuse to supply it with soldiers or money. If the Government, in order to secure resources, makes loans, such loans, made without consent of the representatives of the people, will henceforth be invalid, and the Russian people will not recognize them and will not pay for them. Consequently, until the representatives of the people are convoked, do not pay a kopeck into the treasury nor send a man to the army. Be firm in your refusal, stand for your rights, all as one man. Against the united and absolute will of the people no power whatever can resist.

Citizens, in this compulsory but inevitable struggle your representatives will be with you.

Signed by the members of the Douma of the Empire in alphabetical order.

Ambassador Meyer to the Acting Secretary of State.

No. 589.]

AMERICAN EMBASSY,
St. Petersburg, July 27, 1906.

SIR: I beg leave to inclose a cutting from the St. Petersburg Journal giving the French text of the Emperor's manifesto, dated July 23, and his reasons for dissolving the Douma.

His Imperial Majesty calls attention to their having undertaken an illegal act in an appeal to the nation. He asserts that an improvement in the lot of the people is only possible under conditions of order and tranquillity.

In dissolving the Douma he confirms his immutable intention of keeping that institution and appoints March 5, 1907, as the date of the convocation of a new Douma.

I have, etc.,

G. v. L. MEYER.

[Inclosure.—Translation.]

EXTRACT FROM THE "JOURNAL DE ST. PETERSBOURG."

ST. PETERSBURG, July 10.

Imperial manifest. By the grace of God, we, Nicola's II, Emperor and Autocrat of all the Russias, King of Poland, Grand Duke of Finland, etc., to all our faithful subjects, we make known, by our will, persons selected by the people have been called to the legislature.

Trusting in the goodness of God, believing in the happy and grand future of our people, we were expecting from their labors the happiness and interest of the country.

Great reforms had been indicated by us in all that concerns the life of the people, and our greatest care, which is to substitute education for the ignorance of the people and to lessen the difficulties of its life by improving the conditions under which it cultivates the ground, was foremost. A painful ordeal was reserved to our hopes. The elected of the nation, instead of turning their attention to legislative labors, have entered a field that was closed to them, and have begun to investigate the doings of authorities established by us, to indicate to us the imperfections of fundamental laws that can only be altered by our imperial will, and to commit illegal acts, such as the appeal addressed to the people of the Douma.

The peasants, dazed by these disorders, without waiting for the legal improvement to their position, gave themselves up, in a great number of governments, to pillage and theft, refusing to submit to the law or to legal authorities.

Let not our subjects forget that the improvement in the lives of the people is only possible if order and peace are not disturbed. Let it be well known that we shall not tolerate any license, any illegality, and that with all the forces of the State we shall subdue all those rebellious to our imperial will. We invite all well-thinking Russians to unite themselves for the maintenance of legal power and for the reestablishment of order in our dear country. Let peace be again established on the Russian soil and let the Almighty help us to accomplish the principal of our labors—the uplifting of the welfare of the peasants. On this subject our will is unalterable, and the Russian laborer shall receive the legal and honest means of enlarging his land where it is lacking, without trespassing on the property of others. Persons belonging to other classes shall make, on our appeal to them, every effort to solve this great problem, the definite solution of which through the legislative channel shall belong to the members of the future Douma.

By dissolving the actual Douma of the Empire we testify to our unalterable intention of maintaining, in all their force, the laws concerning the establishment of that institution, and, consequently, we have fixed, by our ukase given to the ruling Senate on the 8th July instant, the convocation of the new Douma on the 20th of February, 1907.

Having an unalterable faith in the mercy of God and in the intelligence of the Russian people, we shall expect from the new Douma of the Empire the realization of our projects and laws in conformity with the needs of renovated Russia.

Faithful sons of Russia! The Czar addresses you, as a father to his children, to induce you to unite with him for the work of the rejuvenation of our holy country.

We believe there can be found men of thought and action, and that their labors, full of abnegation, will restore the glory of Russia!

Given at Peterhof the 9th of July of the year of grace 1906, and the twelfth of our reign.

NICOLAS.

Ambassador Meyer to the Secretary of State.

No. 728.]

AMERICAN EMBASSY,
St. Petersburg, December 24, 1906.

SIR: I beg leave to report that an imperial ukase published December 22, in St. Petersburg, fixes the date of the elections for the Douma for February 19.

The fact that, with the exception of the 75 deputies from the Caucasus and Siberia, the elections of the remaining 449 members are to be held simultaneously has created great satisfaction.

A translation of the ukase will be found on overleaf.

I have, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

[Official Messenger, December 9/22, 1906.]

IMPERIAL UKASE.

Having recognized the necessity of fixing the date for the election of the new members of the Douma of the Empire in those parts of the Empire where at present the work of establishing and publishing the lists of electors has been ended, we, basing ourselves on article 128 of the election regulations of the Douma of the Empire (Collection of Laws, Vol. I, Pt. II, edition 1906), and in conformity with the special journal on the subject presented to us by the council of ministers, order: That the election of members to the Douma of the Empire, in the provincial election meetings of these governments which are conducted on the basis of provincial institutions (Collection of Laws, Vol. II, edition 1892) in the region of the Don and in the provinces of the Kingdom of Poland, is to take place on February 6, 1907.

The ruling Senate to issue in this respect the proper instructions.

TSARKOE-SELO, *December 7, 1906.*

NICOLAS.

AMELIORATION OF THE CONDITION OF THE PEASANT CLASS IN
RUSSIA.

Chargé Eddy to the Secretary of State.

[Telegram.—Paraphrase.]

ST. PETERSBURG, *August 28, 1906.*

(Mr. Eddy reports that the Emperor ordered on August 12-25 crown land in the governments of Archangel and Vologda to be placed at the disposal of the Peasants Bank, to be sold to the peasants.)

Chargé Eddy to the Secretary of State.

No. 638.]

AMERICAN EMBASSY,
St. Petersburg, August 29, 1906.

SIR: I have the honor to confirm herewith my cablegram of yesterday,^a and inclose herewith the text, in French, of the order in question.

I have, etc.,

SPENCER EDDY,
Chargé d'Affaires ad interim.

[Inclosure.—Translation.]

ST. PETERSBURG, August 16.

The Messenger Officiel publishes the following official communication:

"His Majesty the Emperor, with the purpose of increasing the real estate of the peasants, ordered, on the 12th of August instant:

"I. The sale through the Peasants' Real Estate Bank (a) of the leased crown lands not belonging to forest lots as fast as the leases expire; (b) of forest tracts surrounded by private lands; and (c) in the provinces of Arkhangelsk and of Vologda, of the forest tracts whose sale to the peasants shall be deemed practicable.

"II. Are excluded from the crown lands to be sold by the Peasants' Real Estate Bank (a) the lots occupied by manufactories, industrial establishments, or mining installations; (b) the crown lots occupied as country residences and other expensive constructions, by gardens, nurseries, or representing made ground not conforming to the ordinary conditions of rural economy and (c) crown lands in Crimea, in Transcaucasus, and in the forest of Bielovjsk.

"III. The allotment among the peasants of the lands transferred to the Peasants' Real Estate Bank, as well as the appraisalment of each land lot, shall be made by the real estate organization commission created by the imperial ukase of March 4, with the participation of the Peasants.

"IV. The duty of drafting projects for the system to be followed in the transfer of the crown lands to the Peasants' Bank in settling the accounts of the bank with the land office for the transferred lands, and in establishing the conditions under which these lands shall be sold to the peasants, in order that these conditions correspond with the means of the Peasants' Bank, shall be intrusted to the minister of the court, who will consult the ministers of the interior and of finance, and with the director-general of land organization and of agriculture, provided that such said projects shall be submitted in the near future to the high appreciation of His Majesty the Emperor."

Ambassador Meyer to the Secretary of State.

No. 687.]

AMERICAN EMBASSY,
St. Petersburg, November 10, 1906.

SIR: I have the honor to inclose herewith a translation of the ukase of October 5/18 granting new privileges to the peasants and modifying their relations to their village communes.

The preamble states that the great reform law of 1861 was supplemented by the manifesto of October 17/30, 1905, with a view to giving the peasants gradually increasing share in legislation. In continuance of this policy it is stated that the local administrative authority needs radical revision, for in spite of the reforms made by the organi-

^a Supra.

zation of the Duma peasants and certain others have not yet received all the privileges corresponding to the spirit of the manifesto in question. The text of the new ukase is given in full in the inclosure, except for the preamble, which has just been outlined.

I have; etc.,

G. V. L. MEYER.

[Inclosure.]

PEASANT LAW; UKASE OF OCTOBER 5/18, 1906.

[Translated from the Petersburg Zeitung, 8/21 October, 1906.]

The Czar orders, on the basis of the fundamental law of 1906, that the following reforms be made:

1. To accord all Russian subjects, without distinction of origin, with exception of the aborigines, equal rights with regard to the state service with persons of noble blood, and at the same time to abolish all special privileges of dress due either to official position or to the origin of the wearer.

2. Peasants and members of other classes formerly taxable are freed (*a*) from the presentation of discharge papers on entering an educational institution or the civil service; further, from personal payment in kind and the performance of communal duties during the whole time the persons in question may be either in the educational institution or civil service; (*b*) from the necessity of demanding for entry into holy orders or a monastery the permission of the commune.

3. The compulsory exclusion of peasant and other classes formerly taxable from the following ranks and careers is abolished: (*a*) From entering the civil service; (*b*) from receiving rank; (*c*) from receiving orders and other distinctions; (*d*) from attaining learned grades and honors; (*e*) from completing educational courses and particularly from winning higher class rights.

In all these cases the persons in question are allowed to retain all the rights arising from their connections with their commune, as well as the responsibilities thereof, until they have freely withdrawn from the commune or entered into other corporations of standing. With regard to the legal standing of the persons in question, there shall serve as a basis the regulations of the rank or profession which these persons have won.

4. Every peasant member of a village commune is allowed (*a*) to enter another commune without compulsory permission; and he retains until his voluntary withdrawal from the old community all its rights and naturally is responsible at the same time for all its obligations and burdens; (*b*) after renunciation of his shares in the profits of his communal land or his alienation of his portion of said land, the said peasant can withdraw unhindered from the commune, without regard for the peasant law, article 208, and article 165 of the law about the Baschkirs, on paying a certain compulsory subscription to the volost, and without the previous consent of the Volost assembly, except in the case when the peasant in question has attained membership in another commune, is in the state service, or has gained other class rights.

5. Peasants and members of other classes, formerly taxable, are allowed choice of domicile on the basis of the decisions provided for in the passport regulations, and have as permanent domicile not the place of registration but the place where they are employed, possess land, or are householders. Such persons, with the exception of those mentioned in the passport regulations in article 47, are to be given residence certificate permits, both by the guilds at their place of residence, and by the police administration in their domicile and in the residence of the pristaff. Finally the restrictive regulations with regard to the passports of the members of formerly taxable classes as provided for in the passport regulations are abolished.

6. From the 1st of January, 1907, the following are to be abolished: (*a*) The poll tax levied on peasants in certain parts of the Empire; (*b*) the general responsibility for the payment of the state and land tax as well as the commune tax in those parts of the country where the law of March 12, 1903, with regard to the abolishment of the tax responsibility has not yet extended; (*c*) the necessity for tardy taxpayers to work off their taxes, as well as the

naming the guardians or trustees for the collection of sundry taxes and liabilities due.

7. The following are repealed: (a), (b), (c) Certain fines incurred by peasants tried in the volost courts, etc., viz: (a) The special regulations re punishments for peasants and others tried before the volost courts for evading judgments of these courts which have not based the penalties inflicted on the list of penalties drawn for the justices of the peace; (b) the regulations permitting the forcible retention from the public service of persons of the taxable classes, as a means of special punishment, or in case of inability of the persons in question legally condemned to pay the fines inflicted; (c) the special measure of prosecution provided for the existing law in the volosts of the Baltic Provinces, that the injured person demand apology from the offender in any case, so that the guilt of the latter may be evident; otherwise the offender to be held for seven days' hard labor.

8. The following special regulations are annulled: (a) With regard to the method of dividing family lands among the members of a family; (b) the prohibition with regard to the right of peasants possessing no immovable property to incur "Wechselverbindlichkeiten;" (c) the existing prohibition with regard to former peasants cutting wood and setting up sawmills in mountain districts.

9. The right is to be given to all peasants belonging to a village commune, who possess the necessary census qualification, regardless of their possessing communal land, to take part in the second country electoral assembly (zemstvo?) without regard to their right to take part in the choice of delegates of the village community to the Zemstvo.

10. The rule by which governors have to confirm the delegates of the village communities to the zemstvo from among the number of candidates proposed by the volost assemblies is abolished and it is left to the elected candidates to make the final election of delegates from their own midst and to settle the succession of the delegates. For this purpose the following rules are made:

(a) The delegates to the volost assembly are called together in a certain place by the district marshal of nobility, and on the order of business being announced to them by him they are to proceed to the election of the proper number of delegates from their own midst, in their due order; (b) after the opening of the assembly by the district marshal of nobility, or his deputy, the order of business is explained by him, and one of those present being elected chairman, the former resigns the chair to the chairman so chosen; (c) the election shall be conducted according to the rules of electing deputies to the zemstvos.

11. Articles 57 and 444 of the regulations with regard to the peasant's courts, by which persons subject to the authority of the parish, village, or "Fremvolkerverwaltung" can be brought up for administrative punishment or fine on the action of the Zemski Natchalnik without formal judicial procedure, are abolished.

12. It is ordered that the district authorities can only annul decisions of the communal assemblies on the representation of the Zemski Natchalnik, when they infringe on an existing law or when complaints are made against them by members of the commune or those inscribed as members thereof.

The acting Senate will not fail to take measures for the execution of the above order.

NICOLAS.

PETERHOF, 5 October, 1906.

Ambassador Meyer to the Secretary of State.

No. 719.]

AMERICAN EMBASSY,
St. Petersburg, December 15, 1906.

SIR: I have the honor to report that an Imperial ukase, dated November 22, has lately been published, granting peasants the right to withdraw from the communal land system and become personal owners of the land they cultivate.

A translation of this ukase is attached hereto.

I have, etc.,

G. V. L. MEYER.

[Inclosure 1.—Translation.]

IMPERIAL UKASE TO THE RULING SENATE.

By our ukase of November 16, 1905, the collection of redemption payments for endowment lands (land granted to free peasants by their former masters) was abolished on January 1/14, 1907. From that date the said lands are relieved of the limitations placed upon them by virtue of the redemption debt and the peasants secure the right of freely withdrawing from the commune, while the right of possession of communal lands which become individual property is strengthened.

However, the actual realization of this legally recognized right in the majority of peasant communities encounters practical difficulties, owing to the impossibility of fixing the extent and making the divisions of the sections to be allotted to the house owners withdrawing from the communes.

On the other hand, the law does not establish the order of executing settlements in connection with expropriation of sections of endowment land in individual ownership whose owners do not possess individual title deeds.

Recognizing, in consequence of this, the necessity of immediately removing the present obstacles to the actual realization by the peasants of their rights to the endowment lands and approving the special report of the council of ministers drawn up in this relation, we, on the basis of section 87 of the fundamental laws of the Empire, edition of 1906, do ordain:

1. In supplement to section 12 of the general ruling with regard to peasants and the remarks in the same (Collection of Laws, special addition to Vol. IX, edition 1902), to establish the following regulations:

1. Every house owner, possessing endowment land under communal rights, can at any time demand that those sections of said lands which belong to him be formally made his individual property.

2. In those communities in which no common partitions were made for twenty-four years preceding the declaration of individual house owners of the desire to change from communal ownership to personal, each of such house owners becomes the individual possessor of all the sections of communal lands which are constantly worked by him (not rented), besides his farm section.

3. In those communities in which, during four years preceding the declaration of individual house owners of their desire to change from communal ownership to personal, there have been common partitions, each of such house owners becomes the individual proprietor, in addition to his farm section, of all those sections of communal lands which are allotted to him by the commune for constant use up to the time of a fresh general partition.

But if a house owner desiring to secure the right of individual possession has been assigned for constant use more land than would fall to his share on the basis of the last distribution, according to the number of distributory units in his family at the time of the said declaration, he becomes the individual proprietor of that quantity of communal land which is due according to the calculation indicated. The land thus left over becomes his personal property only on condition that he pay the commune its value, fixed on the basis of the original average redemption price per dessiatine of the lands granted the commune for partition and subject to redemption payments. In the contrary case all the said left-over land remains at the disposal of the community.

4. House owners who have become individual proprietors of sections of communal lands at his disposal for constant use (secs. 1-3), retain the right of use to the same extent of those arable, wooded, and other lands which are re-distributed on a special basis (for example, according to its products, or separately from the lands divided under general partition and on other bases, etc.), and also the right to participate in the use of the undistributed lands, on the bases adopted in the commune, such as "mir," farm lands, pastures, tenant lands, etc.

5. The constant share in lands divided on special bases (sec. 4) is fixed in accordance with the extent to which each house owner who declares his wish to change from communal to personal ownership enjoys the use of the said lands at the time such declaration is made.

6. Demands for transfer of communal lands to personal ownership (sec. 1) are to be presented to the commune through the village elder, and the commune is obliged, under a decision made by a simple majority of votes, within a month from the date of the declaration, to indicate the sections which, on the basis of sections 2 and 3, become the property of house owners who adopt individual

ownership, and where necessary also fix the amount of the supplementary payment due from him (sec. 3) and his constant share in the lands divided on special bases (secs. 4 and 5). If in the course of the said term the community does not draw up such a decision, all the said operations shall, at the demand of the house owner making the above-said declaration, be executed on the spot by the rural superintendent, who shall investigate all the disputes arising thereby and publish his decision in the affair.

7. In the decisions and rulings of the rural superintendents, mentioned in section 6, must be accurately indicated (a) the number of single sections which become the lawful property of the house owner, and also the extent and nature of the lands included in each of them; (b) the amount and description of the lands comprised in the grant of the community, divided on special bases (sec. 4), and the constant share in these lands of the house owner adopting individual ownership; and (c) the lands subject to the common use of all the members of the community and which may not be divided (sec. 4).

8. The parties thereto and interested persons may enter complaints to the district assembly against the community's decisions and the rulings of the rural superintendent (sec. 6) within thirty days from the time of their declaration. Complaints against the community's decisions are entered through the rural superintendent, and are presented by him, with his statement, to the district assembly, after a preliminary investigation has been made on the spot. Both the decisions of the community and rulings of the rural superintendent which have been complained of, and those which have not, are presented for confirmation to the district assembly.

9. The rulings of the district assembly, made upon complaints of decisions of the community and rulings of the rural superintendent, as well as with reference to the confirmation of these decisions and rulings (sec. 6), shall be considered final and be carried out by the village elders or the volost elders. Against the rulings of the district assembly complaints may be filed with the government (provincial) council only in cases of excess of the limits of department or evident infringement of the law.

10. In localities in which the regulations of July 12 (25), 1889, have not been put into force, the obligations placed by the present rules upon the rural superintendents, district assemblies, and provincial councils, shall be carried into effect by the persons and institutions under whose duties they fall.

11. In those cases when house owners who become personal proprietors of sections of endowment land, or the community, desire to mark the boundaries of these lands and make a plan of them, the surveying work and drawing up of the plans can be done both by government and private surveyors at the expense of the party which considered it necessary to fix the boundaries.

12. Every house owner who becomes proprietor of sections of endowment land in the order established by sections 1 to 11 of the present regulations, has the right to demand at any time that the community should allot to him, in exchange for such sections, if possible, a section in one place.

13. In those cases when the demand for allotment of a single place does not accord with the general boundary and the allotment is inconvenient or impossible, the community may satisfy the said house owner by a money payment according to a mutual agreement, or failing such an agreement, by an estimate made by the volost court. On his part, the house owner desiring to withdraw, should he consider the estimate made by the court unfavorable to himself, may refuse to receive the money and continue to possess the sections which have become his property in the former boundaries.

14. In general distributions the allotment in single places of sections to house owners declaring their desire to adopt personal ownership before the decision regarding the distribution has legally gone into force, or before the sections of endowment land have become his property in the order established by section 1 to 11 of the present regulations, is obligatory, upon the demand both of the said house owners and the community, without the latter having the right to satisfy said house owners by a money payment.

15. Disputes arising in the distribution of sections to single places, shall be settled upon bases established in the supplement to section 12 of the general regulations regarding peasants, edition of 1902.

16. House owners changing from communal to individual ownership, as well as their heirs and assigns, shall make use of the sections which become their personal property on the basis of the present regulations, until their apportionment to one place, under the same rights as enjoyed by the owners of farm sections. The heirs and assigns also retain the right to participate in the use

both of the lands distributed on special bases to the extent to which this right was enjoyed by the original owners of the lands, and of the undistributed lands on bases accepted by the community.

17. In the order and upon the bases established by sections 4 to 16 of the present regulations, sections repurchased before the term will be apportioned or become personal property on the basis of section 165 of the regulation on redemption, edition of 1876, and not apportioned to one place.

18. The operation of the present regulations (secs. 1 to 16) extends to peasants of all denominations, while sections of communal land may become personal property of individual house owners before its liberation from the redemption debt under the condition that that part of said debt be liquidated which falls upon the sections becoming personal property.

II. In supplement to the existing legislation on the order of expropriation of endowment lands comprised in farm possessions, to establish:

1. The expropriation of section of endowment land comprised in farm possessions shall take place in the general order of title-deed transfer. (Notarial regulations, edition of 1892, sec. 66.)

2. The fact of ownership of sections of land mentioned in section 1 by persons expropriating them may be certified in notarial institutions by one of the following documents: (a) Title deeds; (b) deeds of possession and other agrarian acts issued by peasant institutions; (c) the decisions of court statutes as well as Volost courts and district assemblies which have legally gone into effect and been carried out relative to the right of possession of real estate comprised in endowment grants, and to the inheritance of such property (general peasant regulations, sec. 125, pars. 1 and 4, and secs. 142, 159, and 161); (d) settlements in expropriation made prior to January 25 (7), 1883, in Volost administrations (general peasant regulations, sec. 110, par. 1, and remark 1); (e) communal decisions confirmed by the district assemblies or rulings of the rural superintendents regarding transfer of endowment sections at disposal of commune to personal property of individual house owners (division I of the present regulations, secs. 6, 7, and 9); (f) decisions of village and settlement assemblies which have legally gone into effect and been carried out regarding the granting of sections from the communal lands to individual house owners for farming purposes, as well as the exchange of lands for communal use to farm land, and regarding the division of "mir" lands into regular inheritance sections and into farms, as well as decisions regarding the transfer of whole communities with the farm system to ownership in separate sections (general peasant regulations, sec. 62, par. 8, sec. 66, pars. 1 and 2; redemption regulations, sec. 111; peasant ownership regulations, secs. 20 and 21, and government peasant regulations, secs. 32 to 34); and (g) in communities with the farm system, but in connection with farm sections, and in communities with communal cultivation of land, the decisions of village and settlement assemblies confirmed by rural superintendents, or persons having the same authority, to the effect that the expropriated section actually belongs to the person expropriating it by the right of property.

3. The decisions of the village and settlement assemblies, mentioned in point "g" of section 2 of the present (II) division, are made at the solicitation of owners of farm sections, and confirmed in accordance with the following rules:

(a) Said decisions shall be established by a simple majority of votes in certification of the fact of ownership by individual house owners not only of complete farm sections indicated in agrarian acts, but of portions of same forming the indisputable property of individual persons; (b) it is obligatory that there be included in the decision data as to the extent of the section, number of subdivisions of which it consists, dimensions of each subdivision, and nature of land, as well as exact description of locality of section and its boundaries; (c) in those cases when an exact description of the boundaries is impossible, a plan of the section should be attached to the decision, the same being made at the expenses of the owner; (d) it is obligatory that the decision be entered in the book of the village assembly for the inscription of decisions (general peasant regulations, edition of 1902, sec. 69), and a copy of it should be hung up for public notice in the Volost administration and in that village where the section referred to in the decision is situated; (e) the Volost elder is obliged, within a week from the drawing up of the decision, to verify, on the spot, the contents of the decision in the presence of three experts, and immediately present the decision, with his statement, for confirmation by the rural superintendent; (f) within a month from the day of the verification by the Volost elder complaint can be entered against the decision by the parties

interested to the rural superintendent, and (g) the decision is not subject to confirmation if it is found to be incorrect in form or if in its establishment those demands have not been recognized which are set forth in the present section, or if the civil right is contested and must be decided by a court.

4. Extracts of notarial acts relative to endowment lands, and subject to confirmation by superior notaries, may be sent by mail by the notaries to the superior (elder) notary.

III. In addition to the existing legislation defining the rights of peasants to sections of endowment land, comprised in farm possessions, to establish:

1. Farm sections, both those that have been placed at the disposal of peasants for farming purposes when their land was divided, and those subsequently made the personal property of individual peasants from communal lands, as well as farm sections under communal cultivation, form the personal property of house owners to whom these sections are allotted by agrarian acts, communal decisions, rulings of peasant institutions, acts relative to expropriation, and decisions of courts. The heirs of these house owners also enjoy such rights to the sections in question.

2. In those cases when the sections indicated in the preceding paragraph (1) are in the indivisible possession of several persons, not relatives to one another in direct descent, the same form their common property.

IV. In supplement to sections 62 and 66 of the general peasant regulations and section 15 of the regulations on land distribution for peasants and settlers of various classes, settled upon owned lands (Collection of Laws, special supplement to Vol. IX, edition of 1902), to establish:

The change of whole communities, both from the communal and farm systems to individual ownership is accomplished under decisions made by a majority of two-thirds of the peasants who have a right to vote at the assembly.

The ruling Senate will not fail to make the necessary dispositions for the fulfillment of this.

Original signed by H. I. M. personally.

NICOLAS.

At TSARSKOE SELO, 9/22 November, 1906.

STRIKES, RIOTS, AND POLITICAL DISTURBANCES.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 1, 1906.

Consul Smith in Moscow reports to-day by telephone that everything is quieting down; barricades being removed; streets regaining normal condition. American consulate has not been disturbed.

MEYER.

Ambassador Meyer to the Secretary of State.

No. 391.]

AMERICAN EMBASSY,
St. Petersburg, January 4, 1906.

SIR: I have the honor to inclose, for the information of the department, the French text^a of an imperial ukase dated the 14/27 of December, 1905, providing that in case of mutinies or strikes on Russian railroads the managers of the lines may proclaim martial law over all the property belonging to their division, and enacting measures for enforcing this provision.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 4, 1906.

Following telegram, dated January 3, just received from consulate, Warsaw: "Workmen's union ordered resumption work; factories reopening; extreme socialists' influence weakened; no great trouble anticipated."

MEYER.

Ambassador Meyer to the Secretary of State.

No. 397.]

AMERICAN EMBASSY,
St. Petersburg, January 5, 1906.

SIR: I beg leave to inclose copy of a report from the American consul in Moscow, giving in detail an interesting and daily account of the disturbances from December 20 to 31, inclusive, a brief digest of which I gave in my cable of to-day.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

Consul Smith to Ambassador Meyer.

AMERICAN CONSULAR SERVICE,
Moscow, January 2, 1906.

SIR: I have the honor to report to you regarding the riots which took place in Moscow, commencing the 20th and continuing until the 31st of December, giving each day separately:

December 20.—At 12 o'clock noon a general political strike was ordered by the deputies of the workmen and it was resolved to turn the strike into an armed revolution to upset the present existing Government, to attack and arrest the officials and proclaim a temporary government, and to call an assembly to elect representatives. It was recommended at the meeting of the workmen that no demonstration should be made until all were armed and to withhold from attacking the military forces.

At 12 o'clock the strike commenced and all works, mills, and factories stopped work and the strikers congregated at different parts of the city and marched around to every manufacturing establishment and made the workmen join the strikers. All workmen in the employ of the Moscow municipality joined the strikers, excepting the workmen of the city water and gas works, who were allowed to continue to work.

The strikers held a meeting at the large printing establishment of Sitin & Company and decided to issue a newspaper called "News of the Union of Russian Deputies." This paper was published for seven days and contained proclamations to the workmen, orders to the chiefs of the several revolutionary militia forces, reports about meetings held by the different unions, and reports about progress of the strike.

Revolutionary militia forces were formed in large numbers and ordered to parade the streets, carrying red flags and singing the Marseillaise anthem. The chief of police ordered out at once the dragoons and cossacks to disperse the mob, but as soon as one mob would be dispersed another would gather in another part of the city. In these charges of the cavalry several were wounded and killed. Toward evening the policemen were ordered off their posts and replaced by soldiers armed with guns and bayonets.

All the railways stopped operations with the exception of the Nicolai Railway, and the workmen joined the strikers. All restaurants, club houses, theaters, and other amusement places were closed for an indefinite time.

The same evening a mass meeting was held at the theater in the city, called the "Aquarium," where nearly 10,000 men congregated and while the meeting was in progress a cordon of cavalry and infantry were ordered to the place and surrounded the same. The strikers were, however, informed in time of this movement and made good their escape by climbing over the fences of the adjoining houses and only 70 men were arrested. At this meeting it was resolved to capture the governor-general at any cost.

December 21.—Life in the city seemed to be extinct, as all business offices, stores, and banks were closed, no newspapers came out, the schools were closed and the post and telegraph offices worked, but only in a confused state until approximately 2 p. m. Several leading delegates of the workmen committee were arrested this day.

December 22.—A meeting of the revolutionary party, consisting of about 500 men, took place in Mr. Fielder's house, located on Lebkevsky Péréoulok. The police ordered the revolutionists to leave the building and to surrender, but they refused, and military force, consisting of cavalry and artillery, were ordered to the place. The revolutionists were given two hours to do so, but they refused, fired at the military forces and threw several bombs into the street. Then the artillery opened fire on the house and bombarded same by shells. The casualties were, two officers and several soldiers killed and a number wounded, several of the revolutionary party were killed and a great many wounded, and 120 of them arrested. The police confiscated a large quantity of rifles, revolvers, knives, and 13 bombs.

During the night the revolutionists commenced to construct barricades in different parts of the city, from all sorts of rubbish, using wooden and iron gates, bricks, and cutting down telegraph and lamp posts and using the telegraph and electric light wires for making all kind of entanglements to stop the quick movement of the cavalry.

December 23.—During the night of this date two bombs were thrown into the detective department, a tremendous explosion took place, and the building was almost demolished. A sergeant of the police, one policeman, and one soldier were killed. Barricades were again constructed in several parts of the city, but soon destroyed by the soldiers. The revolutionary committee issued a proclamation in their paper, prohibiting citizens to be on the street after 6 o'clock in the evening, and ordering the cab drivers to retire after 2 p. m. Three gun stores were ransacked and all the guns and ammunition carried off by the revolutionists. Several skirmishes took place between the revolutionary militia and the military forces.

December 24.—Barricades were continually built during days and nights. The revolutionists were in hope that about 20,000 or 30,000 workmen from the factories in the suburbs would enter the city and join them, but this was not accomplished, as the military forces were sufficient to prevent this.

The revolutionists spread a rumor amongst the workmen that the soldiers were in sympathy with the strikers and that they would not fire on the mob and would join their ranks, but this rumor turned out to be untrue as the troops were loyal to the Government. They also circulated another rumor to the effect that a large party of revolutionists from the Baltic provinces was on the way to Moscow, all well armed with guns and cannon, but this also turned out to be untrue.

A squad of gendarmes were ordered to destroy the barricades on the Sadovaia street and Karetni Riad, and while at work in demolishing the barricades was attacked by 400 armed revolutionists, who demanded the gendarmes to surrender, and when they refused fired on them and wounded all but one. Such attacks were made on the military forces in different parts of the city. Late at night the Nicolai Railway station was attacked by a large number of revolutionists, but the military forces dispersed them by using Maxim quick-firing guns, field guns, and making cavalry charges.

By order of the police authorities all local telephone communication was stopped. My telephone was kept intact, but was only to be used for official business.

December 25.—One of the largest printing establishments was taken possession of by the revolutionists for the purpose of holding meetings, and to issue from there orders to their detachments for further attacks on the authorities. The soldiers were ordered to surround the building, which was accomplished, but

the strikers set the house on fire, by which means the larger number of the strikers made their escape during the commotion and conflagration. The balance was either killed or wounded. Fighting between the troops and strikers was kept up continually in different parts of the city.

December 26.—The revolutionists had posters put up on prominent places with instructions for the strikers to go around in small squads and to fire on the troops whenever they had a chance, also to disarm all policemen, officers, and soldiers and to arrest them when that could be done. To conceal themselves around corners of streets and take refuge in yards and houses, and to fire from there on the troops at every opportunity. An attack was made by a large number of strikers on an incoming military train with troops returning from Manchuria, and all the officers and soldiers were disarmed. Fighting was kept up all day in different parts of the city and many were wounded and killed. The troops used cannons in destroying the barricades and firing on several houses which were occupied by the revolutionists. Many policemen were killed while standing in their posts.

December 27.—At 6 o'clock p. m. the house where the chief of the secret police, Mr. Voilochelnkoff, resides, was surrounded by a revolutionary party and by their insistent demands the front door was opened. Six men rushed into his apartments and arrested the chief, and read the death sentence of the revolutionary party to him. His wife and three children pleaded to the revolutionists for mercy, but the revolutionists would not listen to their pleading, and allowed Mr. Voilochenkoff a short time to prepare for death and then took him out into a side street where he was shot to death, and his body left in the street.

Disturbances and shooting were carried on in the different parts of the city, and new barricades erected.

December 28.—A feeling of dissatisfaction spread among the strikers, and quite a number desired to return to work and gradually resumed work at different works and mills.

The Semenoff Guard Regiment and artillery arrived from St. Petersburg and was temporarily put under command of General Michenko, who had just arrived from Manchuria. The general at once gave severe orders to the military garrison, and the soldiers did excellent service and put terror amongst the revolutionists and mobs. All the policemen were given rifles, which had a good effect on the mobs. Barricades commenced to disappear in the central streets of Moscow.

December 29.—Shooting was going on as usual in all parts of the city, but not so much as before. The city is overrun with tramps and peasants, who are mostly begging and holding up people for the purpose of robbing them. Houses in places where people have deserted their homes and where disturbances took place are being robbed.

The revolutionists removed their headquarters to the outskirts of the city and commenced to build new barricades and to take possession of houses from where they could do damage to the troops when attacked.

December 30.—The governor-general increased the staff of policemen by 1,000 men.

The stores and business offices commenced to open, but closed at 4 p. m. The stock exchange opened, but hardly any business was transacted as everything is paralyzed by the riots; the Nicolai station is still under the command of military forces. No one is allowed near the station excepting persons showing railway tickets and baggage. It was dangerous for any one to venture to reach the station and only for the last few days traffic is noticeable in the neighborhood of the station. Shooting was continued on the outskirts of the city.

December 31.—The troops bombarded the large Prochoroff spinning mills, where a large number of revolutionists made their last stand. Many houses in the vicinity of the mill were either burnt down or wrecked by cannon balls. Many of the revolutionists and strikers were killed, wounded, or captured and the weapons confiscated. The general strike has been called off.

The governor-general issued several proclamations to the people asking all peaceable citizens to assist him in subduing the disturbances.

Moscow is under a strict state of siege. No one is allowed to carry any weapons. Many are being searched, and when weapons are found on them are arrested and the weapons confiscated. Everyone who is on the streets after 6 p. m. is being searched, and nobody is allowed out after 9 p. m. The proprietors of houses out of which shots are being fired are liable to a fine up to 3,000 rubles. The proprietors are also asked to search every tenant that they have suspicion of having arms.

Mr. Thomas Purdy, of New York Air-Brake Company, referred to me and requested me to make appeal for military protection for their works at Lubertzy station, on the Moscow-Kazan Railway, which I did, and the governor sent a squad of Cossacks to the works.

Most of the post-office employees are going back to work. The higher ranks of post-office employees, I understand, are not accepted back. Letter carriers are expected to deliver the mails in a day or so. The mail at the post-office is in a great disorderly condition, and no late mail expected to be received soon, as only the mail bags that were received in Moscow about a month ago are being opened now.

The telegraphic office does not as yet receive any private telegrams; official telegrams only are accepted.

The long-distance service was interrupted for several days, the wires having been cut between Moscow and St. Petersburg.

I have been informed that on many railways the freight cars were broken open and a large quantity of merchandise stolen.

The railways are gradually commencing operations, as the employees are going back to work.

At the present moment it is quite impossible to state correctly how many were killed and wounded during the riots, but there should be approximately 1,000 killed and 3,000 wounded from both sides.

The city telegraph system is completely wrecked, as all the poles were cut down and the wires used in barricading the streets. Many of the electric tram cars and horse cars were also used for barricades, and it will take several months to put everything in proper order.

All newspapers and periodicals stopped printing from the 20th to the 31st of December.

I am, etc.,

SAMUEL SMITH.

Ambassador Meyer to the Secretary of State.

No. 395.]

AMERICAN EMBASSY,
St. Petersburg, January 5, 1906.

SIR: I beg leave to confirm cable reading as follows:^a

In my cable of December 25^b I stated that although fighting had been stubborn and gatling guns had been used, I believed that the estimates so far given out as to loss of life were much exaggerated. It appears now that I was correct in my surmise, for in a semiofficial statement given by one of the papers, from statistics taken at all the hospitals and accident bureaus, the deaths were given as about 750 and the wounded as a little over a thousand.

I am glad to state that as yet I have heard of no injuries occurring to American citizens in Moscow; in fact in all these disturbances that have taken place in the various cities the revolutionists and strikers have refrained in all instances from attacking foreign consulates, and I believe this also applies to the property of foreign individuals.

I have just received a letter dated the 1st of January from Thomas C. Purdy, vice-president of the New York Air-Brake Company, at Lubertzy, thanking me for my prompt action as to a guard for their factory. He states that the town has been taken possession of by the military authorities and that order has been restored and he is under the impression that the works are now safe, but will not undertake to resume operations until the workmen have recovered from their present delirium.

^a Telegram of January 1, *supra*.

^b Printed in Foreign Relations 1905, p. 784.

Conditions in St Petersburg remain unchanged. The city is quiet, without any disturbances except in some of the outskirts.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extract.]

No. 430.]

AMERICAN EMBASSY,
St. Petersburg, January 29, 1906.

SIR: I have the honor to report that the revolutionary party seems to have spent its force for the time being. Instead of aiding reforms, they have greatly hampered them.

By the attempted capture of Moscow, by their riots and rebellions in other parts of the country, followed by destruction of life and property, they have forced the Government into repression and reactionary methods in order to restore law and order. All this has necessarily caused a delay in the classification of the newly enfranchised voters and has given an excuse for a continued waste of precious time due to bureaucratic formality.

Some of the factions are finally waking up to the necessity of giving attention to registration and a better comprehension of the coming elections. The Constitutional-Democratic party have decided by a large majority to take part in the elections and the Douma. The Social Democrats have also decided to participate. On the other hand, the Russian Social-Revolutionaries, at their first meeting in Finland, lately, voted in favor of a boycott of the elections.

At its last meeting, the Constitutional-Democratic party, in view of obstacles to free election campaigning which the local authorities are using against all opposing parties, voted to protest against the government policy, which in any way impeded free elections to the Imperial Douma, and further urged the most energetic participation of its members in the approaching elections.

At a meeting of the marshals of the nobility, held at Moscow last week, the following resolutions were adopted:

1. That the final settlement of the agrarian question should be made the first task of the Douma.

2. That in deciding the agrarian question, it should be based on the principle of inviolability of private property.

It is reported that the reduction of military service from four years to two years is being projected by the minister of war, and that he will mobilize two new Cossack regiments for general service.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 538.]

AMERICAN EMBASSY,
St. Petersburg, June 11, 1906.

SIR: I have the honor to report that I have this day received a letter from the American vice-consul in Warsaw, dated June 8, in which he informs me that on the 7th instant a meeting of delegates

was held from several of the chief Russian railway lines, at Bialystok, at which representatives of the Social-Democrats of St. Petersburg were present.

It was resolved that should the Douma be unable to carry through various projects on account of the opposition of the reactionary ministry, a general strike on all the railroads will be started on or about the 7th of July, to be continued until the Government gives way to the Douma. This undoubtedly will lead, it is said, to a fresh general strike throughout the whole country.

In government circles in Poland, also, fears are expressed of general agrarian troubles, and urgent demands have been made of the return of all regiments sent temporarily from Poland to quell the disturbances in the Baltic provinces.

Strikes continued off and on in Poland and have been a serious embarrassment to the manufacturers, compelling them to refuse contracts, which are supposed to have been transferred to foreign firms.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 585.]

AMERICAN EMBASSY,
St. Petersburg, July 24, 1906.

SIR: I beg leave to report that Mr. Stolypin, prime minister, to-day addressed the following telegram to the governors-general, governors, and prefects throughout Russia and to the viceroy of the Caucasus:

In conformity with instructions received from the Emperor with a view to securing full cooperation between the different local authorities, I hereby inform you that the Government expects you to exercise vigilant and untiring supervision over your subordinates so that order may be promptly and definitely restored.

Disturbances must be repressed, and revolutionary movements must be put down by all legal means. The measures you take must be carefully considered. A struggle has begun against the enemies of society, and not against society itself, and consequently wholesale repression can not be approved. Imprudent and illegal acts, likely to give rise to discontent instead of conducing to calm, can not be tolerated.

The intentions of the Emperor are immutable. The Government firmly desires to assist in the amendment of legal procedure and of the laws hitherto enforced, which no longer serve their purpose. The old régime will be regenerated, but order must be fully maintained. You must act on your initiative as you are invested with responsibility. Firm and vigorous steps taken on these lines will doubtless be upheld by the best part of society.

I have, etc.,

G. V. L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 608.]

AMERICAN EMBASSY,
St. Petersburg, August 6, 1906.

SIR: The events of the last week were the results of the deep-laid plan that insurrections should take place simultaneously at Sveaborg, Kronstadt, Libau, Odessa, and Sebastopol. It started prematurely at Sveaborg on the occasion of a sailor's funeral, it being

declared by his comrades that he died from overwork and bad treatment. The mutiny spread over the garrison like wildfire, their ranks being increased by men of the navy and not by the infantry companies.

Before 10 o'clock in the morning the southern part of the Sveaborg forts had been taken and the red flag hoisted. This served as a target for the loyal batteries and the fire of the loyal ships in the harbor of Helsingfors. A battalion of infantry was dispatched to Sveaborg, which, with the support of the batteries in Helsingfors, succeeded in quelling the revolt and causing the forts to surrender.

At Kronstadt it was planned to take the fort known as Constantine and at the same time capture the arsenal. The revolutionists began at a given signal about midnight. They took possession of Fort Constantine and then the arsenal. This they discovered, to their amazement, was without ammunition, so by necessity they were obliged to return to their barracks, where later they were surrounded by loyal troops.

The fort was also recaptured, but not without the loss of several officers and the escape, in a tugboat, of the civil agitators.

The intended insurrection at the three other places, Libau, Odessa, and Sebastopol, did not materialize.

It is reported that the burgher's estate of the Finnish diet voted that in the present state of affairs, caused by the conflict which had broken out among the Russian troops stationed at Helsingfors, it is the duty of every Finnish citizen to refrain from all unlawful acts and to assist the authorities in preserving order. The other estates of the diet adopted the same resolution.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 609.]

AMERICAN EMBASSY,
St. Petersburg, August 6, 1906.

SIR: I beg leave to confirm my cables sent on the afternoon of August 3 and on the morning of August 5, reading as follows:

The general strike predicted for Monday has already commenced.

Strikes commenced here Friday. All tram cars stopped and most of the river boats. Railroads still running. Will know Monday probably as to what extent general strike can be put into effect.

I had previously learned that the general strike had been fixed for Monday. This referred to the action of the steam railways but, contrary to expectations, the employees of the street railways and river boats commenced to go on a strike Friday afternoon. Saturday some of the mills shut down. By Sunday morning a few of the river boats were running again and one or two tram cars.

It is now felt that the strikes on the railroad will not be successful, coming as they do after the failure of the insurrection of the sailors and troops at Helsingfors and Kronstadt.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, August 8, 1906.

General committee which ordered a general strike has now declared it off; main cause of failure, nonparticipation of the railroads and universal reluctance of workmen.

MEYER.

Chargé Eddy to the Secretary of State.

No. 634.]

AMERICAN EMBASSY,
St. Petersburg, August 23, 1906.

SIR: I beg leave to confirm herewith my cablegram of to-day sent en clair, as follows:

All strikes concluded, Reval; factories have resumed work.

I have, etc.,

SPENCER EDDY.

Chargé Eddy to the Secretary of State.

[Telegram.]

ST. PETERSBURG, August 26, 1906.

Three men dressed as officers entered the house of Prime Minister and attempted his life by throwing a bomb into the room where he usually works. He was not there and escaped harm; his son and daughter hurt; 15 killed and 15 injured; also 1 of the murderers dead. The embassy called on the minister and I wrote the usual letter to minister for foreign affairs. City quiet.

EDDY.

Ambassador Meyer to the Secretary of State.

No. 665.]

AMERICAN EMBASSY,
St. Petersburg, October 13, 1906.

SIR: In confirming my cablegram of the 10th instant, sent en clair, as noted below, I beg to inclose copy of a letter dated October 11, from the American vice-consul in charge at Warsaw, relating to the general strike in Lodz.

Consul Warsaw telegraphs (quote) Lodz general strike owing execution five terrorists (quote).

I have, etc.,

G. v. L. MEYER.

[Inclosure.]

The American Vice-Consul to Ambassador Meyer.

WARSAW, October 11, 1906.

SIR: I have the honor to confirm my yesterday's wire, running thus: "Lodz general strike owing (to the) execution (of) five terrorists." The strike, which was extended to Zgierz and Pabjanice, in vicinity of Lodz, was of demonstrative character and is not likely to hold on.

I have, etc.,

WITOLD FUCHS.

Ambassador Meyer to the Secretary of State.

No. 677.]

AMERICAN EMBASSY,
St. Petersburg, October 31, 1906.

SIR: I beg leave to report that while about 600,000 rubles were being conveyed in a close carriage escorted by six mounted gendarmes from the maritime custom-house to the provincial treasury, a bomb was thrown under the horses, killing one outright and wounding the other. The gendarmes' horses bolted and the coachman fled. The occupants of the carriage were uninjured, but dazed. Meanwhile the carriage was surrounded by the robbers, the money bags seized and passed on to a woman in a droshky, who drove off at great speed, leaving the men to carry on the fight. More bombs were then thrown, and the gendarmes by this time began using their rifles, aided by the police and private watchmen.

It is a wonder that a number of people were not killed by the fusillade. The casualties were three gendarmes, an accountant, three watchmen, one woman, and one boy, all wounded; one watchman killed and one robber killed, five afterwards arrested. I examined the place the next day, which was in the center of the city on one of the most frequented thoroughfares, and found that the windows in a house on one side of the street were shattered, which was the extent of the damage.

It appears now that the bombs had been manufactured for the purpose of making a noise and alarming the people, rather than for destruction. The amount of money carried off amounted to 366,000 rubles.

I have, etc.,

G. V. L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extracts.]

No. 680.]

AMERICAN EMBASSY,
St. Petersburg, November 1, 1906.

SIR: I beg leave to report that during part of the month of October I made a trip to Odessa via Vilna, stopping first in Russian Poland. From Odessa I traveled by steamer to Sebastopol, from there across country by stages through the Crimea, then by the military road over the mountains to Bakchisarai, an ancient Tartar capital, and then by rail to St. Petersburg via Moscow.

Throughout Volhynia and as far as Odessa crops had been harvested and winter wheat sown, and the peasants were busily engaged hauling the beet root to the sugar factories or way stations.

Odessa is a city of about half a million inhabitants, one-third of which are Jews. They are not confined to any special district, but are at liberty to make their abode in any part they see fit.

I found the streets of the city rather deserted at night, with many special watchmen and gendarmes at nearly every corner, with loaded rifles and fixed bayonets.

General Baron Kaulbars impressed me most favorably as a straightforward and honorable man. He informed me that he should punish all those who committed crimes or endeavored to disturb the peace, irrespective as to whether they were Russians or Jews. His

brother assured me that there would be no pogrom in Odessa while the General was in command.

Sebastopol is a closed port. There appears to be a change for the better in the discipline and conduct of the sailors since Admiral Skrydloff has been in command. Although a short time ago the scene of mutiny and disorder, now, as far as appearances went, it was perfectly quiet, and it was the opinion of the Admiral that future outbreaks, if they occurred, would never be successful as long as the men were unable to get the support of their officers.

Throughout the Crimea I saw no sign of disturbances. Much attention is being paid, with considerable success, to the cultivation of the grape, the royal family also having a very large interest.

Traveling north from Simferopol to Moscow, at two of the stations a few troops were in evidence, but nowhere did I see or hear of disturbances of any kind among the peasants.

In Moscow all the gendarmes, as in Odessa, were carrying the loaded rifle with fixed bayonet, and at the entrance to the bank a soldier was invariably stationed, but here again, as in Odessa, business was most active, with much traffic in the street, carried on without interruption.

In some of the mill districts in different parts of the country agents have been shot when they were unpopular with the men. This occurred last Saturday in an English manufactory outside of Petersburg, but, strange to say, the greatest trouble has been with the Belgian companies.

On the whole, the revolutionary movement, for the time being, has lost its momentum. A year ago it was on the crest of the wave. Then a strike could be ordered and put in force without any difficulty, but now the workmen refuse to be used for political purposes or respond to the whims of the agitator.

The present conditions are liable to continue until the next Douma, March 5. Yesterday, which was the first anniversary of October 17 (Russian style), it had to be given out by some of the revolutionists that there would be strikes, uprisings, and agitations throughout the country. But the day passed off quietly.

Mr. Stolypin is facing with much courage and resolution the stupendous task which confronts him. He is endeavoring to deal fairly, while at the same time it is necessary to reestablish law and order. He has issued instructions to governor-generals and prefects of cities restricting the jurisdiction of the field courts-martial to cases of serious crimes and criminals taken red-handed. This should tend to confine the operations of the courts-martial to the repression of real crime and prevent their abuse for political vengeance.

He has also rebuked the reactionists, who were prone to adopt the methods of the Black Hundred. This has aroused some indignation among them.

Stolypin informed one of my colleagues that he was reporting everything to the Czar and keeping him thoroughly informed and the reports that he was about to resign were without foundation of any kind.

Conscription began last week in several provinces. Conscripts are reporting themselves without noticeable abstentions. The conscription in St. Petersburg has also started.

I have, etc.,

G. V. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 718.]

AMERICAN EMBASSY,
St. Petersburg, December 15, 1906.

SIR: I have the honor to confirm the following cable sent you this afternoon en clair:

Attempt made here to-day to assassinate Dubassoff, former governor Moscow during strike 1905; three bombs thrown, one took effect; wounds not thought fatal; two assassins captured, third escaped.

Admiral Dubassoff was walking in the Tauride Gardens early this afternoon when the attack was made upon him. He was wounded, it seems, in the foot.

I have, etc.,

G. v. MEYER.

Ambassador Meyer to the Secretary of State.

No. 729.]

AMERICAN EMBASSY,
St. Petersburg, December 28, 1906.

SIR: I beg leave to report that Count Alexei Ignatieff was assassinated December 21 at Tver while attending a meeting of the provincial zemstvo, to which he had been elected.

During a recess in the debates, when about to enter the refreshment room, he was shot by a young man. The assassin said he had acted under orders of the Socialist revolutionary committee.

Count Ignatieff was the brother of the well-known diplomat. He had been governor-general of Eastern Siberia in 1885, in 1889 assistant minister of the interior, and in 1890 governor-general of Kieff until 1897. Since then he has been a member of the Council of the Empire. He has been strongly opposed to the ukase of October 30 and was regarded as the leader of the reactionary party at the court, at one time being mentioned as a possible prime minister.

I have, etc.,

G. v. L. MEYER.

PROTECTION OF THE NESTORIAN CHURCH IN PERSIA.

The Acting Secretary of State to Ambassador Meyer.

No. 116.]

DEPARTMENT OF STATE,
Washington, February 17, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 426,^a of the 27th ultimo, transmitting a letter of L. O. Fassum, dated at Urmia, Persia, in which he asks for protection of the Nestorian Church against aggressions, and requesting instructions in the premises.

In reply I have to advise you that it does not appear that the American boards are in any way parties in interest in the matter.

If the conduct of the Russian monks is as alleged, it would follow that the Persian authorities are at fault in not protecting the Syrian

^a Not printed.

Church at Urmia from Russian aggression. It is therefore a matter between Persia as the protector of the church on the one hand and Russia on the other as responsible for the various trespasses committed by Russians in the territory of Persia.

Mr. Fassum seems to be in no way concerned unless it be as a voluntary agent, and his interference in the premises can not give him any claim for support or assistance from the American Government. If the American boards were concerned it might be different, but there is no foundation laid for the suggestion of a claim on their part.

Mr. Fassum's object seems to be to persuade this Government to aid Persia in a controversy against Russia in which American interests are in no way involved. The mere mention of the claim carries with it a negative answer.

I am, etc.,

ROBERT BACON.

AMERICAN CITIZENS RESIDENT IN RUSSIA.

The Acting Secretary of State to Ambassador Meyer.

No. 108.]

DEPARTMENT OF STATE,
Washington, January 17, 1906.

SIR: The department has received your No. 377, of December 28 last, relative to the case of Mordiros Sevoian's application for a passport. His certificate of naturalization, issued by the common pleas division of the supreme court of Rhode Island, at Providence, June 13, 1896, which you transmit, has been filed with your dispatch.

It may be added, however, that even an attempt to procure a passport under false pretenses is not by itself sufficient reason for sequestering a certificate of naturalization. This paper should not be taken up by an officer of the United States unless there is good reason to believe that it was improperly issued, fraudulently obtained, or is in the unlawful possession of a person to whom it was not issued.

I am, etc.,

ROBERT BACON.

Ambassador Meyer to the Secretary of State.

No. 445.]

AMERICAN EMBASSY,
St. Petersburg, February 15, 1906.

SIR: I have the honor to refer to the department, for its decision in the case, the passport application of one Johan George Joseph Albert von Mertzendorf, a naturalized citizen of the United States residing in St. Petersburg.

The applicant was born in Aachen, Germany, May 26, 1835; he was naturalized before the superior court of the city of New York as Albert Mertzendorf, September 16, 1856; he received the passport No. 14602, issued by the Department of State, September 17, 1856, signed by the Hon. William L. Marcy, the then Secretary of State, which he subsequently exchanged for the passport No. 170, issued to himself and his wife, Amanda Olivia, born Jernstedt, by this embassy, then a legation, under the date of July 30, 1874, and signed by Eugene

Schuyler, esq., the then chargé d'affaires ad interim between the departure of the Hon. Marshall Jewell and the arrival of his successor, the Hon. George H. Boker, formerly ministers of the United States to Russia.

This passport the applicant has retained since that date, though he has never signed it; and, as there is nothing on the face of the passport to indicate that it can ever expire, he has had no difficulty in continuing its use.

He desires, however, for the purposes of proper identification, in connection with a certain inheritance, to secure a new passport for himself and wife, made out in his full name, and has presented his old passport and his naturalization certificate, as well as the certificate of his birth registration, at this embassy, to that end.

He states that he is childless and in bad health, and presents a physicians' certificate to the effect of the latter allegation, which is inclosed herewith, as is also a copy of his letter transmitting the same. He has not revisited the United States since his first arrival in Russia, the autumn of 1856, and, on account of his age and health, has no intention of returning to America. He has, until his call at this embassy, been unaware of any requirement of the Government of the United States that he return to the country of his adoption, and until recently he has been ignorant of any regulation providing that a passport be renewed after the expiration of two years.

In case the department should decide that no passport be issued him in the form he has requested, he desires that he be permitted to retain his old passport, which has been returned to him pending the decision of the department in the matter, that he may continue to reside in Russia without molestation, in accordance with the Russian police regulation requiring foreigners to possess and exhibit their national passports. He represents no American interests in Russia, but has been employed by American firms on several occasions to make translations.

I should be greatly obliged if the department would inform me of its ruling on the status of such passports as that possessed by this applicant, as well as to instruct me as to my action in this present case, in view of the circumstances which have been herein set forth.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extract.]

No. 464.]

AMERICAN EMBASSY,
St. Petersburg, March 14, 1906.

SIR: In further reference to the matter of my No. 369, of December 26 last, I have the honor to inform you that a tentative directory of the American citizens in Russia has been compiled, and under my direction, from information furnished, on request, by the American consular officers throughout the Empire. As the completeness of the directory must necessarily depend on the accuracy and zeal with which the consular officers respond to the request for this information, the lists are of varying value, and only those furnished by the consul

at Moscow (already transmitted to the department) and the vice-consul at Warsaw are of the desired character. On account of the insecurity of the mails at the time when the matter was first broached, two of the letters requesting such lists appear to have gone astray, and there has not yet been time to receive replies from the second request made of the consular officers at Batum and Vladivostok; also the consular agent at Abo, but recently confirmed in his office, has as yet made no report.

Leaving out of consideration these three consular districts, where the American population is probably not considerable, the inquiry would appear to show 283 American citizens in more or less settled residence in Russia. This figure is certainly incomplete. The division is as follows:

St. Petersburg -----	84
Moscow -----	107
Riga -----	33
Odessa -----	32
Warsaw -----	22
Wiborg -----	2
Rostoff-on-Don -----	1
Helsingfors -----	1
Novorossisk -----	1
	283

In this connection a matter has been brought to my attention which I desire to refer to the department for its information and advice. In spite of the police regulation in Russia requiring aliens to possess and exhibit from time to time their national passports, of the 283 American citizens now residing in Russia only 129 are known to this embassy to possess American passports in good order. Of the remainder, 50 appear to be living on passports which have expired, and while it is possible that some of this number have had passports renewed at other embassies or legations many cases are known where Americans continue to satisfy the police regulations with passports which have long since passed the limit of their value. It is also possible that of the 104 whose means of remaining in Russia under the existing police regulations are unknown to the embassy, a considerable number may be residing with passports issued elsewhere than in Russia, the valid duration of which may have expired. In some cases where new passports have been denied applicants it is known to the embassy that these bearers of expired passports continue to employ them and to obtain of the Russian authorities the protection accorded American citizens by virtue thereof.

In addition to this it is worthy of note that there are at least 11 cases on record at this embassy in which passports have been issued with the warning, for cause, that no further passport would be issued to the applicant; but as, under the present system of keeping passport records, this fact can be known only to this embassy, it would be perfectly simple for an applicant so provided with a passport, in no way different from any other, to renew the same an indefinite number of times at other embassies or legations, without the knowledge of this embassy.

As for the matter of expired passports in use in Russia and other cases which arise from time to time where persons claim the priv-

ileges of American citizenship without having discharged the duties thereof, I beg to suggest, if it meet the approval of the department, the embassy be authorized, at its discretion, to request American consular officers in cases of this sort to inform the local police authorities that the passports in possession of such persons are invalid, as they require renewal. In this way the embassy could clear itself of the responsibility for the acts of such persons who for reasons of their own might not desire, after such warning had been given, to regularize their status both in the eyes of the police and to the knowledge of the embassy. I feel sure that much of the question as to the rights of citizenship of applicants to this embassy for assistance or protection, which so often delays and hampers the action of the embassy, might thus be obviated.

I have, etc.,

G. VON L. MEYER.

The Secretary of State to Ambassador Meyer.

No. 125.]

DEPARTMENT OF STATE,
Washington, March 20, 1906.

SIR: The department has received your No. 445, of February 15, 1906, asking whether you should issue a passport to John George Joseph Albert von Mertzenfeld, who was born in Germany, naturalized as a citizen of the United States on September 16, 1856, and received a passport, No. 14602, from this department September 17, 1856. He subsequently received another passport from the legation at St. Petersburg July 30, 1874, and has continued to use these old passports up to the present time, having been ignorant until recently that their validity had expired.

You submit a certificate from a physician to the effect that Mr. von Mertzenfeld's age and physical ailments are such as to render it dangerous for him to undertake a journey to the United States. The department is of the opinion, however, that at this late day this is an unimportant circumstance in determining whether he should receive a passport. As he has been resident abroad for half a century, and left the United States the day after he acquired his citizenship, the department is not inclined to believe that the animus revertendi has ever existed in his case.

You state that he has been employed on several occasions by American firms to make translations, but such employment obviously does not bring him within the category of those who are residing abroad in extension of legitimate American enterprises, and who, consequently, receive prolonged protection from this Government.

The old passports which Mr. Mertzenfeld holds were not at the time they were issued intended to be indefinitely effective. When the passport of 1856 was issued a person was expected to receive a new passport each time he might go abroad and to renew his passport while he was abroad at a legation or consulate annually. By the department's circular of September 1, 1873, the duration of the passport was limited to a period of two years; but it is only since 1892 that the statement "Good only for two years from date" has been printed on each passport issued. (See *The American Passport*, p. 75.)

The recognition as an American citizen which Mr. Mertenfeld now receives from the Russian Government through these old passports is due to ignorance on the part of the Russian officials of the regulation of this Government limiting the duration of passports. The continued use of the passports by Mr. von Mertenfeld is, therefore, improper, and they should be surrendered to your embassy, and, if there be no other circumstances than those set forth in your dispatch to excuse the prolonged residence of Mr. von Mertenfeld outside of the United States, you are instructed to refuse to issue him another passport.

I am, etc.,

ELIHU ROOT.

The Acting Secretary of State to Ambassador Meyer.

No. 132.]

DEPARTMENT OF STATE,
Washington, April 14, 1906.

SIR: I have to acknowledge the receipt of your No. 464, of the 14th ultimo, on the subjects of the use in Russia of expired passports.

In reply I have to say that, while the department disapproves of the use of expired passports and wishes to discourage the practice so far as it can, it is not prepared to authorize consular officers to notify the police, whenever an expired passport is being accepted as evidence of the citizenship of the holder that it is invalid, as such a course would probably lead to the molestation of the holder, who might really be an American citizen. Cases of imposition coming to your attention should be dealt with according to their merits, and notification of the invalidity of a passport may be made to the police when the circumstances surrounding the case warrant such action.

I am, sir, etc.,

ROBERT BACON.

MURDER OF VICE-CONSUL STUART AT BATUM.

The Russian Ambassador to the Secretary of State.

MEMORANDUM HANDED MAY 22, 1906.

[Translation.]

His Excellency Mr. Iswolsky, Minister of Foreign Affairs, to Baron Rosen, Ambassador of Russia at Washington.

ST. PETERSBURG, May 21, 1906.

The Viceroy of Caucasia telegraphs me as follows:

"On May 20, at 11 p. m., Mr. Stuart, American consul at Batum, was mortally wounded near his country seat, in the village of Moskhindjaour. Death ensued in an hour. The motive of the crime is unknown. Investigation is vigorously carried on. I have ordered the governor to take energetic measures for the detection of the malefactors and to communicate the result to me."

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, May 21, 1906.

(Mr. Meyer states that the British consul has reported to him that Stuart, American vice-consul at Batum, was murdered last night, and that the murderers are unknown.)

The Acting Secretary of State to Ambassador Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 21, 1906.

(Mr. Bacon directs Mr. Meyer to urge authorities to identify and punish murderers; also directs him to ask the British consul to take charge of the American interests and the American consulate at Batum. Mr. Bacon states that the British Government has been asked to give permission.)

Ambassador Meyer to the Secretary of State.

No. 519.]

AMERICAN EMBASSY,
St. Petersburg, May 24, 1906.

SIR: I beg leave to confirm my cable of the 21st, reading as follows:^a

I at once notified the British embassy, as Stuart was a British subject, and reported the news to the foreign office, asking to have it officially confirmed.

I have the honor to acknowledge your cable instructions received in cipher, the true reading of which is:^a

I had anticipated your instruction, and on the evening of the 21st cabled you as below:

The foreign office has just advised me of the following telegram, received at 11 o'clock p. m., May 20: "American Vice-Consul Stuart was mortally wounded near his country house at the village of Makhindjaouri. He died an hour later. The reason for the attack is unknown. An energetic inquiry is being made. Orders have been given to governor to use strenuous measures to discover murderers and to communicate results of inquiry."

In addition to this, the minister of foreign affairs, Mr. Izolsky, wrote personally expressing his condolences and horror at the crime.

It seems that Mr. Stuart was in business, representing English firms, and last Christmas was intimidated by a number of workmen into paying a tribute of 3,000 roubles. He has also lately had trouble, it is said, with the longshoremen, on account of a clerk in his employ, and it would appear that this attack had been instigated by personal spite.

^a Supra.

The Government is making every effort to intercept the assassins, and I understand that three arrests have been made. This information I have not as yet received officially.

I am inclosing on over-leaf copy of letter addressed to the foreign office, and also another to the British embassy in St. Petersburg.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

Ambassador Meyer to the British Chargé Spring Rice.

AMERICAN EMBASSY,
St. Petersburg, May 23, 1906.

SIR: On the night of the 20th instant, Mr. William H. Stuart, a British subject, the United States vice-consul at Batoum, was murdered near his country place at the village of Makhindjaouri. As there was no consul at Batoum, Mr. Stuart was in full charge of our consulate, which is in consequence left without a representative.

For your information, I beg to inform you that my Government has already requested the British Government to allow Mr. Patrick Stevens, His Britannic Majesty's consul at Batoum, to assume charge of the American consulate and to represent our interests at that place, and that I have asked the Russian Government to consent to this representation on the part of Mr. Stevens.

I have, etc.,

G. VON L. MEYER.

MEMORANDUM.

DEPARTMENT OF STATE,
Washington, May 24, 1906.

The Department of State has just received the memorandum of the Russian embassy containing a copy of the telegram sent by the imperial minister of foreign affairs to the Russian ambassador at Washington, dated the 21st instant, announcing the murder of the American vice-consul at Batoum, Mr. Stuart.

The Government of the United States does not entertain a doubt that the Imperial Government will use its best endeavors to bring those who have committed the crime to justice.

Ambassador Reid to the Secretary of State.

No. 205.]

AMERICAN EMBASSY,
London, May 26, 1906.

SIR: I have the honor to inclose a copy of a letter I have received to-day from Mr. R. E. Stuart, a brother of the late Mr. W. H. Stuart, our vice-consul at Batoum, in which it is requested, on behalf of the deceased's family that should the circumstances of his death be such as reported in the newspapers the American Government should take action to secure the punishment of the offenders and compensation for his family.

I have been unofficially informed that no claim for compensation from the family of Mr. Stuart, who was a British subject, has yet reached the foreign office, but that should one be made His Majesty's Government would "take it up." In my acknowledgment of Mr.

R. E. Stuart's letter, while advising him that I was forwarding his letter to you, I have also suggested to him that this course should be adopted.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Mr. Stuart to Ambassador Reid.

BEDFORD STREET, STROUD, GLOS,

May 24, 1906.

SIR: I venture to call your attention to the circumstances as reported in the daily papers under which my brother, Mr. W. H. Stuart, an English subject and your vice-consul, residing at Batoum, Caucasus, Russia, met with his death on Sunday evening the 19th instant. At present no further details appear to be known in England than those which have appeared in the daily papers.

It is clearly a case in which the circumstances should be thoroughly investigated, and if possible the offenders brought to justice, and I can not doubt that you or the proper representative of the United States will take all prompt and effective measures with this object in view. At any rate, on behalf of Mr. Stuart's family, I shall feel grateful if you could give them some assurance on the subject.

Whether it is a case in which the Russian Government should be asked for compensation is, I think, a matter for serious consideration, because certain members of his family will, in consequence of his death, be deprived of definite financial assistance which he was rendering them, and I think it is right that this question should be submitted to you at an early date.

I know that Mr. P. Stevens, H. B. M. consul at Batoum, was a great friend of my brother's and will, I am sure, do all that lies in his power in the matter; at the same time if there is anything which can be done by headquarters to strengthen his hands, I should be grateful.

If the Russian Government are incapable, as they apparently are, of maintaining proper order in their country, and of protecting the life of residents therein, I think they should be made to suffer the consequences of their failure to do so, particularly when a blow is struck at the official representative of a friendly nation.

I feel sure that, as the representative of the United States at the port of Batoum, his case will receive at your hands the best consideration and assistance which can possibly be given with the object of insuring that justice shall be done on all sides.

I shall be glad to furnish you with any further information in my power.

I have, etc.,

R. E. STUART.

[Inclosure 2.]

[Clipping from *The Standard*, May 22, 1906.]

ODESSA, *May 21.*

Mr. Stuart, an Englishman who occupied the post of American vice-consul at Batoum, has been murdered there. Mr. Stuart was a nephew of the late Major Stuart, formerly British consul-general at Odessa.

A Reuter's Batoum message adds that the murder took place in a villa at 11 o'clock on Sunday night. The murderer escaped.

Mr. William H. Stuart was, according to one of the principals of the MacAndrew Forbes Company, of Cannon street, who knew him well, one of the most popular men in the Caucasus. He was gifted as a linguist, and spoke nearly every continental language. Three years ago Mr. Stuart succeeded Mr. Chambers as American vice-consul at Batoum, but he was a British subject, born in England, where his mother and two brothers now live. Just before his appointment as vice-consul he visited this country, and was at the time of his death contemplating another holiday. Mr. Stuart was managing partner in the firm of F. A. Matinevich & Co., and also represented several British firms, the most important of these being the MacAndrew Forbes Company, already mentioned, and which was the first to have tidings of his death. Details are not expected for another ten days.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, May 31, 1906.

Minister for foreign affairs informs me that Kassim Didjavadgé and Ali Porkhall Oghly have been arrested under the charge of having assassinated Stuart and that the former has already admitted his participation in the crime. He adds that it appears from the communication of His Majesty's lieutenant in the Caucasus that the investigation is being actively followed up and that he expects to advise me as soon as possible of its final result.

MEYER.

Ambassador Meyer to the Secretary of State.

No. 532.]

AMERICAN EMBASSY,
St. Petersburg, June 5, 1906.

SIR: In regard to the murder of the United States vice-consul at Batoum, Mr. W. H. Stuart, I now beg leave to inclose for the information of the department, a copy of a letter dated May 22, and its inclosure, from the British consul at that place, reporting the circumstances of the crime.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.]

British Consul Stevens to Ambassador Meyer.

BRITISH CONSULATE,
Batum, May 22, 1906.

SIR: It was with deep regret that I had to wire you this morning as follows: "Extremely regret have to report murder of Vice-Consul Stuart last night. Murderers unknown."

In confirmation of the above, I do not think I can do better than inclose to you a copy of my dispatch of yesterday's date to the British chargé d'affaires in St. Petersburg relative to the assassination of Vice-Consul Stuart, which is herewith appended.

Mr. Stuart's loss will be felt throughout the whole of the Caucasus, and many an American citizen will miss the cheery welcome of their late vice-consul at this port.

It has been arranged that the funeral shall take place to-morrow.

I am, etc.,

P. STEVENS,
H. B. M.'s Consul.

[Inclosure 2.]

British Consul Stevens to the British Chargé d'Affaires.

BRITISH CONSULATE,
Batum, May 21, 1906.

SIR: It was my painful duty to telegraph you this morning as follows: "Owing to murder of British subject and American Vice-Consul Stuart last night shall be unable to proceed Tiflis to-night; shall forward report re case Stock to-morrow or next day."

In confirming the foregoing message I have the honor to report that while Mr. Stuart was proceeding on foot at 10.30 p. m. last night along a secluded part of the road leading to his country residence at Makendjaouri he was fired at three times by some unknown persons who were concealed in the bushes. All three shots took effect, one in the left knee, another just above the left hip, and the third bullet piercing the left arm below the elbow, lodged itself in the region of the heart.

Mr. Stuart was picked up in a dying condition shortly after the occurrence, by a friend who was staying at the villa and by two of his servants, who ran in the direction from which the report of the firing came. He was only able to give a few words of instructions to them and say that he had been shot at by two men.

The body was brought to his town residence about 1.30 a. m., and I immediately roused all the authorities, including the governor, chief of the district, procureur, police, etc., etc., and a searching inquiry was then and there instituted on the spot and is now being carried out.

It is reported this afternoon that two men have been arrested on suspicion as being implicated in the murder, and the general opinion appears to be that these men were paid to assassinate Mr. Stuart, who was respected and beloved by all those whom he knew and all those who had dealings with him.

It is generally supposed that the crime was committed through either envy or revenge, seeing that the small sum of money which he had on him, his watch and chain, and the contents of his pockets were not touched.

I have, etc.,

P. STEVENS.

The Acting Secretary of State to Ambassador Meyer.

No. 150.]

DEPARTMENT OF STATE,
Washington, June 13, 1906.

SIR: I have to acknowledge the receipt of your No. 519, of the 24th ultimo, inclosing copies of your note to the foreign office and of your note to the British embassy at St. Petersburg, in regard to the murder of Mr. Stuart, the American vice-consul at Batum.

Your action is approved.

I am, etc.,

ROBERT BACON.

The Secretary of State to Ambassador Reid.

No. 232.]

DEPARTMENT OF STATE,
Washington, June 15, 1906.

SIR: I have to acknowledge the receipt of your No. 205, of the 26th ultimo, transmitting copy of a letter from Mr. R. E. Stuart, brother of the late W. H. Stuart, American vice-consul at Batum, asking that action be taken for the punishment of the latter's murderers, and that steps be taken by this Government to obtain compensation for his family.

In reply I have to say that our ambassador to Russia is pressing for the punishment of the murderer or murderers, and has advised the department of the arrest of two persons, one of whom has confessed participation in the crime. The department sees no reason to believe that the fact that Mr. Stuart was the American vice-consul had any instigating connection with the crime, and it agrees with you that any demand for compensation for that family should be considered by the British Government.

I am, etc.,

ELIHU ROOT.

TREATMENT AND CONDITION OF JEWS IN RUSSIA.

The Acting Secretary of State to Ambassador Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 7, 1906.

(Mr. Bacon states that grave fears are felt in this country by relatives of the Jews in Russia, who believe that mob disturbances and unlawful attacks are planned for Easter, and wants to know what information Mr. Meyer has as to the precautions which have been taken to avert the dreadful events of former years.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

ST. PETERSBURG, April 9, 1906.

(Mr. Meyer states that he has been assured by M. Witte that there will not be any disturbances, and that the minister of the interior sent out a circular to all the governors saying that they must hold the police responsible, and that this has reassured the chairman of the Jewish committee. Mr. Meyer says that he thinks that disturbances will occur in isolated places on account of the ill feeling of some subordinates.)

Ambassador Meyer to the Secretary of State.

No. 544.]

AMERICAN EMBASSY,
St. Petersburg, June 16, 1906.

SIR: I beg leave to report that Thursday, June 14, Corpus Christi Day, was the anniversary of the saving of Bielostok from cholera. The day was observed by orthodox processions, which were interrupted by pistol shots from the tops of certain Jewish houses, supplemented by the throwing of a bomb. This created a terrible commotion, resulting in the massacre of Jews and much loss of life on both sides.

It is difficult to obtain authentic and reliable information concerning the affair, the report, however, appears to be confirmed from several sources that the authors were Jewish anarchists who fired revolvers at the Russian Church procession and killed several persons taking part in it. This occasioned uprisings against the Jews and outrages by rioters as well as destruction of Jewish property. The troops have dislodged bands of rioters, and order is being slowly restored.

The exact number of victims is unknown, but 100 killed and 250 wounded is thought at this time to represent the casualties.

Bielostok is a town of about 60,000 inhabitants. Martial law has been proclaimed and additional troops are arriving.

Messrs. Shtchepkin, Arokantseff, and Jakobson, members of the Douma specially appointed as a committee to investigate as to the real causes of the late disturbances and massacre, have left for Bielostok.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, June 23, 1906.

Mr. Meyer states that he has been advised by a responsible party who has just returned from investigating the massacre of the Jews last week that 100 were killed and nearly 100 wounded, that there were several cases of mutilation, but none of ravishing, and that the rioters plundered considerable of the property of the Jews. He adds that evidence points to the work and enmity of the lower local military and police officials, who acted without instructions from St. Petersburg.

Ambassador Meyer to the Acting Secretary of State.

No. 574.]

AMERICAN EMBASSY,
St. Petersburg, July 13, 1906.

SIR: I beg leave to inclose herewith the official communication on the disorders at Bielostock and a copy of a letter^a received from Mr. Stolypin, minister of the interior.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

OFFICIAL COMMUNICATION ON THE DISORDERS AT BIELOSTOCK.

ST. PETERSBURG, 1906.

On the 1st of June last there occurred some very regrettable disorders at Bielostock, involving the death of 82 persons, of whom 7 were Christians and 75 Jews; besides, 78 persons (18 Christians and 60 Jews) received more or less serious wounds, and 169 dwellings and shops belonging to the Jewish inhabitants of the city were demolished, causing damages estimated at 200,000 rubles.

Deeming it his bounden duty to have a rigorous investigation made into the causes of this deplorable event as soon as possible, the minister of the interior at once intrusted this mission to Mr. Frisch, a member of his council fulfilling the office of marshal of the court of His Majesty the Emperor.

The information gathered by this envoy, as well as that obtained from other sources through the efforts of the Government, enables the following account of the events which took place on June 1 to be prepared, the underlying causes being at the same time set forth.

The city of Bielostock, which contains about 100,000 inhabitants, has become within recent years the chief center of the revolutionary movement in the western section of the Empire. In the midst of the local population, of whom 75 per cent are Jews, numerous revolutionary organizations have been formed, some of which are radically anarchistic. These organizations, without any regard whatever for the interests of the peaceful and the working population, pursue their purpose with dogged persistence and with weapon in hand by

^a Not printed.

the means of attempts against the lives of the police and of the garrison troops stationed there for the sake of maintaining public order and opposing the development of revolutionary activity. The members of this organization have even adopted a distinctive dress in the shape of a uniform, which serves to determine their identity, and they have established their central headquarters in the Sourayskaia, one of the streets of the city, where they do not allow either the police or the troops to penetrate.

The criminal machinations of these revolutionary societies became more extensive in 1905 and were signalized by whole series of murders and attempts against the lives of the police officers and the garrison soldiers, beginning with the murder of Chief of Police Metlenko, which was followed by the murder of the chief of police of the Eltschine district; the attempt made June 8 against the life of Chief of Police Pelenkine, who was wounded; that of July 21, made by means of a bomb against Assistant Chief of Police Goubisky and Commissioner Joulkevitch, both of whom were wounded; that of August 24 against Police Commissioner Samson; the murders, committed on different dates, of Policemen Mosguere, Moniechko, and Barantsevitch, and the attempts against Police Corporals Savitsky and Costitsky, who were wounded, as were also 8 policemen.

Last September, after Bielostock was declared to be in a state of siege, the activity of the terrorists was relaxed, but it manifested itself with renewed vigor March 1 of this year, when the siege was raised. Without mentioning the numerous shots fired at the patrols and the military rounds, a new series of murders and attempts against the lives of the officials began at this time. On March 4 Commissioner Rasky was wounded and his assistant, Koulchinsky, killed; on March 18 the noncommissioned officer of the gendarmery, Rybansky, and the baggage master, Syralevitch, were killed; on April 29 an attempt was made against the life of Policeman Davydoff; on different dates during the month of May Policemen Zenevitch and Alexietaschouk were wounded; Policeman Cheymann was wounded; three soldiers of the Vladimir Regiment were wounded; the Cossack Lopatine was killed; on May 28 Chief of Police Berkatscheff was killed by shots fired from the crowd in Sourayskaia street, and finally, on May 29, the soldier, Arsentseff, was killed. Within this same period six attacks with bombs were made by the terrorists against the buildings of local manufacturers as well as against a banking office at Bielostock.

Within a space of three months, from March 1 to June 1 of this year, the crimes of a terrorist character committed against officials and private individuals of the city gave rise to 45 judicial investigations. In almost all the cases the authors of these crimes failed to be discovered, for the eyewitnesses, fearing the vengeance of the terrorists, refused to testify.

This series of attempts against life, as well as other acts of violence committed against peaceful inhabitants, including Jews, had produced a state of panic among the people of Bielostok, and when Chief of Police Derkatscheff, who enjoyed the public esteem of all the orderly people of Bielostok, whether Christians or Jews, was murdered on May 29, this crime brought the feeling of panic, as well as the general irritation against the promoters of these disturbances, to the culminating point. Rumors were spread about the city that the terrorists had decided to massacre all the officials, and at the same time the report was circulated that preparations were being made for the "pogrom" (destruction) of the Jewish population, among whom, according to the general opinion, all the criminal attempts had originated. While these rumors were taking form and maddening the inhabitants, confusion set in among the ranks of the police, the members of which became more and more inefficient. The best police officers had been killed, wounded, or crippled, and the others, fearing for their lives, had hastened to resign. To supply their places, and especially that of policemen, it became necessary, owing to the lack of volunteers, to appoint persons who in most cases had not been trained at all for this employment, so that they had continually to be changed. Since June, 1905, seven persons had been successively appointed in Bielostok to the office of chief of police, and three police officers to whom this position had been offered refused to accept it. During this same period five persons had successively held the office of assistant chief of police. It has been the same with the police commissioners and their assistants, who had continually to be replaced. In the absence of anyone desirous of holding these positions, it was necessary to recruit persons from different parts of the Grodno government, and to intrust those offices to them provisionally. The circumstances above described com-

bined together to create a state of apathy and a lack of initiative among the police, who even hesitated to show themselves in certain quarters of the city. Thus, in Sourayskaia street, where the revolutionary organizations were more particularly concentrated, it had been necessary to withdraw all the police officers from duty, because those sent there inevitably became the victims of murderous assaults.

The overexcitement of the population of the city on the one hand, and the disorganization of the police on the other, had created a state of affairs favorable to the outbreak of disorders with an irresistible force at the slightest provocation. This provocation was furnished June 1, when a fresh assault, audaciously committed by the enemies of public order, brought about an outburst of general indignation on the part of all the Christians of Bielostok.

On this day it was customary to celebrate religious ceremonies, which are followed by two processions through the city, one being orthodox, in commemoration of the return of the United Greeks to the Russian Church, and the other being Catholic, on the occasion of Corpus Christi Day. These solemnities bring together not only all the inhabitants of the city, but also attract a great number from the surrounding country. In expectation of this influx of people, and in view of the excitement prevailing among the inhabitants, extraordinary measures had been taken to preserve order. A reinforcement of the police had been arranged and an agreement reached between the chief of police and the military authorities whereby the city was divided into two sections, in which the guards of soldiers had been doubled and placed under the respective orders of specially appointed chiefs, under the general command of the head of the infantry division.

In spite of all these precautionary measures there were two or three places in the city where explosive devices were thrown at the crowds following both the orthodox and the Catholic processions. It was the same with regard to the faithful who began to disperse at the end of the ceremony. The processions were fired on besides with revolvers. Those who suffered from the explosion of these devices are still at this time under treatment at the city hospital; they are Stanislaw Milousky, janitor of the city school, and three women (two of whom were married to policemen), viz, Anna Demidiouk, Alexandra Minekowsky, and Marie Commissariouk. As far as Milousky and Minekowsky are concerned, the fact of their having been wounded by the bursting of an explosive device was established by the testimony of the victims and confirmed by the juridico-medical certificates given by the physicians Jdanoff, Granowsky, and Rosenthal, assisted by Doctor Epstein, of the Israelite Hospital. These revolting crimes and sacrileges brought to the spot a detachment of troops, who opened fire on the houses from which it was supposed that the revolver shots had been fired at the procession. Almost at the same time the "pogrom" (destruction) of the Jews by the Christian population broke out with the force of an irresistible element, without distinction of innocent or guilty. In certain places the Jews armed themselves to repel the attack, which increased still more the fury of the already overexcited crowd.

To follow out the course of events on June 1 in all their details when the disorders ceased in certain parts of the city only to begin anew elsewhere, and to gather the truth from the declarations of the victims and discriminate it from the falsehoods, either intentional or unconscious, is manifestly the mission of the judicial authorities who already have the matter in hand and are prosecuting it with all possible energy. While any positive conclusion before the completion of the judicial investigation would be premature, the Government believes that it may affirm one fact as being well established, viz, that the crimes against life and property were for the most part the work of small bands of evil doers from among the population of the city and the surrounding country who, acting separately, attacked the houses and stores of the Jews and chose for this purpose the part of the city where no troops were stationed. In the great majority of cases the disturbances were quelled by detachments of troops who arrived in good time. Toward 6 p. m. the pillagers had been driven away everywhere, and at the principal entrances to the city military patrols barred the road against the inhabitants of the surrounding region who started toward the city at the first news of the "pogrom." The disorders, which had ceased in the evening, were renewed next morning. Attempts were made to sack a few more shops, while at the railroad station, where there was but a small guard owing to the troops being detailed to the center of the city, the Jews were suddenly attacked by a numerous crowd. Toward the middle of this day the revolutionary organizations proceeded to make a series of attacks

against the troops, which did not end until the night of June 4. The patrols were fired upon, as well as the police guardhouses and the buildings of the staff of the Sixteenth Infantry Division and the Fourth Cavalry Division, and even the government banking establishment was not spared. Three soldiers were wounded in these affrays. The troops, in replying to these attacks, fired on the houses from which the shots proceeded, and, as was to be expected, the victims included not only those guilty of armed aggression, but also peaceful inhabitants who were in the houses.

The Government has already taken measures in accordance with the data secured in the administrative investigation in order to render the activity of the local authorities more conformable to the exigencies of good order and normal conditions. As to the principal participants in the bloody disturbances, as well as their accomplices and the instigators of the crime, the courts will without any doubt exercise their full rights in discovering, trying, and punishing them. The Government will, on its part, make it a duty to lend all the assistance possible to the courts in order that not one of the guilty parties may escape justice and the punishment which he deserves.

The Government indignantly denies the rumors spread abroad that the anti-Jewish riots at Bielostok took place with the knowledge and connivance of the local administration and of the troops of the place. The Government deems it its duty to express the firm conviction that the true cause of the lamentable events at Bielostok must primarily be sought in the machinations of the revolutionary parties. It was the revolutionists who, by an uninterrupted series of murderous attacks on the authorities and private individuals, wrought up a peaceful population to extreme fury and threw disorder into the ranks of the local police by rendering impossible the task which devolved upon it of preventing and promptly quelling any incipient disturbance.

Chargé Eddy to the Secretary of State.

No. 644.]

AMERICAN EMBASSY,
St. Petersburg, September 15, 1906.

SIR: Referring to the department's cabled instructions of July 31, 1906, whereby the embassy is directed to furnish, from time to time, information concerning the Jews throughout Russia, I have now the honor to give you the following facts, which I have gathered from Government documents, from conversations with men who are in a position to know the situation, and from the Russian law.

The number of Jews throughout the entire world is variously estimated at from 9,000,000 to 11,000,000, of which number 5,140,800 live in the Russian Empire. Of those who live in the Empire, 2,797,880 reside in European Russia, or about 3.2 per cent of the entire population; in Poland there are 815,443; in the Caucasus, 22,732; in Siberia, 11,941.

To understand the position of the Jew in modern Russia, it is first necessary to understand something of the laws dealing with, and directed against, him.

The Russian Government first began to take an interest in the Jews in the year 1772 when, for the first time, the latter were officially received as citizens of the Empire. In examining the contemporary Russian laws, it is seen that they divide the Jews into four categories:

(1) The "Caraim" Jews. These Jews have the same rights as other Russian subjects.

(2) The Polish Jews. These, according to the law of 1862, enjoy the rights of other subjects, but only within the limits of Poland

itself. However, the law promulgated in 1891 forbids them to acquire and to cultivate, as their property, the land of the peasants.

(3) Foreign Jews. Those who are not Russian subjects are not permitted to enter the Russian Empire and there become naturalized. The right of temporary sojourn in Russia can only be granted by the minister of the interior or by the Russian embassies, legations, and consulates. (Law of Mar. 14, 1891.) It is hardly necessary to add that Russian representatives abroad never actually give permission to foreign Jews to enter the Empire, even for a short time, and that such permission must be obtained through the ministry of the interior. It is true that the Jews living in Central Asia have the right to enter Russia proper, to there transact their business, and even to become Russian subjects, provided they register themselves immediately in one of the merchant guilds. But the right of citizenship, even then, can only be obtained by the direct permission of the minister of the interior or of the governor-general of Turkestan.

(4) The Rabbinist Jews.

The right of domicile is granted only to Jews in Poland and in the Governments of Bessarabia, Vilna, Kieff (with the exception of certain parts of the city of Kieff), Taurida (with the exception of the city of Yalta), Kherson (with the exception of the town of Nikolaieff), Moghileff, Volhynia, Vitebsk, Grodno, Poltava, Ekaterinoslaff, Podolia, Tchernigoff, Minsk, and Kovno. No Jews have the right to live in Finland save those who have been domiciled there from time immemorial. In the Provinces of Kouban and of Terek those only have the right of domicile who have obtained a degree of arts or sciences. (Law of 1892.) In Siberia, according to the explanation of the law by the Senate, no Jews may make their home except those who have lived there for several generations. The question of the status of the Jews in Siberia has, however, not yet been fully defined. In Kurland the right of domicile is accorded only to those Jews (and their descendants) who have lived there before the revision of the law in 1835, and in the Caucasus only to those who were there before the subjection of that country.

Certain classes of Jews have the right to establish themselves anywhere throughout the Empire, some temporarily and others as permanent residents. Those having the right of permanent domicile are composed of:

(1) Merchants of the first guild who, according to the law of 1859, are allowed to establish themselves in the cities, where they are registered in a guild on the condition that they have been formerly merchants of the first guild within the Jewish pale.

(2) Those who have the degree of doctor of medicine, doctor of laws, or who are candidates for such degrees at the universities, and also all Jewish doctors as well as those who have graduated from the Polytechnical Institute of St. Petersburg, or from the Russian universities. (Law of 1879.)

(3) Jews who ended their military service before 1874, the year when universal conscription was put in practice throughout Russia. These have the right to settle with their families on the government lands.

(4) Artisans of the highest class. (Law of 1867.) But this latter law, though good in theory, amounts to very little in practice. The guilds are purely Christian institutions, and to produce a certifi-

cate of membership of the first guild within the pale is not an easy matter. Moreover, this certificate produced, the Jew must pass an examination and pay rather a large fee. If he succeeds up to this point and becomes a member of the guild in his new place of residence, he is forced to submit to annoyances by the authorities and especially by the police. The regulations are very hard on him; he can not trade in any place but the town in which he has settled; he can not change his trade; if he meets with an accident and is unable to work at his calling he must return within the pale.

The classes of Jews who enjoy the right to travel about and to reside temporarily in different parts of the Empire are:

(1) Merchants of the first guild, registered in the cities within the pale, have the rights of sojourn in other governments for a period not to exceed six months each year; and merchants of the second guild have the same right for a period of three months each year. (Law of 1879.)

(2) Those who have graduated from schools and gymnasia and wish to enter universities and other higher schools have the right of domicile in all cities where there are universities and schools of the higher order.

A significant fact is that the right of universal domicile and temporary sojourn is a personal right and does not apply to the wife or children of the possessor.

There are two forms of public service theoretically open to the Jews: (*a*) Service by appointment and (*b*) service by election.

(*a*) Such Jews are nominally admitted to the public service who have received a higher education and have obtained scientific degrees. But none the less many departments do not admit their participation, as, for example, the ministry of justice.

(*b*) According to the law of 1870, the number of Jews in the village councils and in the councils of municipalities must not exceed one-third of the number of the Christian members of the said council. Mayors of villages must be Christians. According to the laws of 1890 and 1892, Jews can not take part in assemblies for election beyond the Jewish pale, and the same laws forbid them to hold office under the municipalities outside the pale. Furthermore, in courts of justice, whatever the religion of the plaintiff or defendant, there must be more Christians than Jews in the jury and the foreman of the jury must be a Christian.

Professional careers are not very restricted, so far as the Russian Jews are concerned, most occupations of this nature are as free to them as to the Gentile. But to be a practicing lawyer, the Government demands of the Jew that he shall, after passing the necessary examinations, obtain the permission of the minister of justice. Furthermore, according to the law of 1894, the number of Jews practicing law is limited to 10 per cent of the entire number of lawyers throughout the Empire, so that it is rather difficult for a Jew to obtain admission to this calling. However, owing largely to the efforts of the lawyers and to the influence of more modern ideas, the above restrictions are now being taken in the broadest possible sense, and the admission of Jews to the Russian bar is daily becoming more easy.

The profession of teaching is forbidden to Jews, whether in government institutions of learning or in private schools.

According to the census of 1892, more than 35 per cent of the Israelite population are earning a living in cities as (a) artisans, and as (b) workmen.

(a) In 1897 there were registered in 1,200 districts a total of 500,986 Jewish artisans, who composed in themselves 13.2 per cent of the population of these 1,200 districts.

	Master workmen.	Skilled workers.	Apprentices.	Total.
Men.....	229,485	115,784	79,169	424,438
Women.....	29,911	24,744	21,893	76,548
Total.....	259,396	140,528	101,062	500,986

Other statistics show that, within the Jewish pale, there are 15 Jewish artisans for every Christian artisan. If we suppose that two members of each family are artisans and that the average family is composed of five members, we find that about 1,400,000 live by artisan labor, or nearly 30 per cent of the entire Jewish population within the pale. The statistics of the town of Mogileff show that the average salary of an independent Jewish artisan amounts to as much as 500 rubles (\$250) yearly; that of an artisan who is not independent is about 240 rubles (\$120) a year. The working day for the former is from eleven to thirteen hours; for the latter anywhere from fifteen to eighteen hours. Such a number of working hours seems almost impossible, and yet it is the life lived by most of the poorer Russian Jews. The fact that they are none the less a fairly healthy and long-lived class speaks highly for the stamina of the race.

The greater part of the Jewish working class (as distinguished from the artisans) is employed in domestic service. Of this class there are about 170,000 men and women. There are also about 100,000 day laborers, of whom 32,000 are engaged in quarrying and as teamsters, 30,000 as bearers of burdens and porters, 20,000 as woodcutters, sawyers, terrace makers, pavers of streets, etc., and 13,000 are employed on farms or live in small towns and seek their employment in the surrounding fields. The number of Jews employed in factories within the pale, including Poland, approaches 50,000.

The following table gives an idea of the employment of Jews within the pale with the exception of Poland. The percentages given indicate the proportion of Jews among the entire number of workers:

Products.	Governments of northwest.	Southwest.	South.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Glove makers.....	100.0	100.0
Matches.....	95.2	12.0
Soap.....	84.7	81.1	63.6
Sweetmeats.....	62.4	100.0
Distilleries.....	25.4	4.2	21.4
Foundries.....	14.9	15.2	.2
Mechanics.....	4.2
Bricklayers.....	49.4	8.8	3.0

It is especially noteworthy that the number of Jews engaged in planting tobacco and in the cigar and cigarette manufactories is

everywhere greater than the number of Christians so employed. For example, in 1899 the total number employed in the tobacco plantations amounted to 3,720, of which number 3,431 were Jews, or 92.3 per cent. The number of women and children employed is, in general, greater than the number of men; for example, in 1899 in the government of Grodno the women and children composed 74 per cent of the total, and in the government of Ekaterinoslaff the percentage was 91.

In regard to agriculture in its more general form the Jews are discriminated against. The law of 1804 allowed them to cultivate and own the unoccupied lands belonging to the Crown, and the enjoyment of these rights were on very advantageous conditions.

After 1850 the Government began to organize agrarian colonies on a large scale, but the lands which were available were not very fertile, and the sums of money appropriated for the purpose were insufficient; now these agrarian colonies have a very hard life of it. Many of them have ceased to exist, for the conditions imposed for the right to cultivate the crown lands are so severe for the Jews that they no longer dare to enter into any agreement. The poverty among this class is unbelievable, their food consists largely of cabbage soup and a sort of broth made out of grain. Meat is almost an unheard-of luxury. One wooden spoon has to suffice for an entire family, as the cost of one for each member of the family can not be borne; and yet a wooden spoon can be bought for 3 kopecks ($1\frac{1}{2}$ cents). While traveling through the country in a sleigh on a shooting expedition I once threw away a piece of newspaper which had been used as wrapping for a parcel. This happened in a village, and those of the inhabitants who were standing about almost fought one another for it. On inquiry I found that they wished the piece of old newspaper to make cigarettes of and "to wrap things in." There is a lying-in hospital supported by charity in St. Petersburg itself, where it is a common occurrence for women to wrap up their newly born children in newspapers when leaving the hospital for their homes, simply because they can not afford to buy even a piece of flannel cloth suitable for the purpose. My own experiences have all been within 100 miles of St. Petersburg, but I have seen enough poverty, even in this prosperous section of the country, to give a good idea of what the condition must be of the poorer Jewish agricultural people within the pale.

In the Jewish agricultural colonies above mentioned there are within the pale 13,000 families, making in all 76,000 persons, who are in possession of 98,000 arpents of land. Of this land, only 17,000 arpents are the personal property of the Jews. Seventy-eight thousand arpents compose the land ceded by the state and 3,000 arpents are rented.

Jews have the free right to acquire property in all the towns and villages within the pale, with the exception of certain parts of the cities of Keiff, Yalta, and Sebastopol.

The law of 1903 forbids Jews to acquire real estate outside of towns and villages beyond the pale.

The conditions for holding real property and for the renting of lands are more favorable to the Jews in Poland than anywhere else. The law of 1862 allowed them to buy and to rent land, except (law

of 1891) the land belonging to the peasants. The following table shows the proportion of land belonging to Jews within the pale and within the Kingdom of Poland:

	The 15 governments of the pale.		The 10 governments of Poland.		Outside of the pale.	Total.
	Number of arpents. ^a	Percentage of total.	Number of arpents.	Percentage of total.	Number of arpents.	
Real property owned	411,108	0.58	240,273	2.13	718,160	1,369,541
Rented lands.....	521,649	.74	37,765	.33	53,807	613,221
Total.....	932,757	1.32	278,038	2.46	^b 771,967	1,982,762

^a An arpent is equivalent to about 550 square yards.

^b Outside the pale: European Russia, 745,646; Caucasus, 5,072; Siberia, 18,753; Central Asia, 2,496; total, 771,967.

The Russian Government first took up the question of Jewish public education at the beginning of the nineteenth century, when the Jewish question first claimed their attention. The law of 1804 stated that "all children of Jews are to be received and educated, without any discrimination whatever between them and children of Christians, in the Russian schools, gymnasia, and universities." This law also stated that "no one shall be turned from his or her religion under any pretext whatsoever," and further "the degrees which shall be conferred upon Jews, as a recompense for their personal efforts, shall be fully recognized."

None the less, the Jews did not place their children in Russian institutions of learning, where everything would have been strange to them—customs, language, and even the studies themselves. During the intervening forty years the Jews, with the permission of the Government, founded only three private schools; in 1822 at Ounam, in 1826 at Odessa, in 1830 at Vilna. In 1835, according to the government statistics, there were only 11 Jews in all the Russian universities, and in 1840 only 72 Jews in all the Russian government schools. But at present there are an appreciable number of Israelite students in the universities. In the St. Petersburg University there are 140, or 3.64 per cent of the total number; at Kharkoff 395, at Kieff 363, at Novo-Rossisk 255, at Tomsk 140, at Warsaw 170, at Kazan 64. The total proportion in all Russian universities is about 10.6 per cent Christians for every Jew. As the number of Christians in Russia is about fourteen times the number of Jews, it will be seen that the proportion of Jews desirous of obtaining an education is greater than that of the Christians. It may be added that the Israelite students in the universities, though somewhat addicted to socialistic and anarchistic doctrines are, for the most part, very intelligent, and take a fairly high rank in the examinations. They specialize largely in the learned professions, medicine and law having the greatest number of followers.

In 1844 the Emperor Nicholas I promulgated a law according to which it was decided to establish special schools for Jewish children in all the towns and villages within the pale. These schools were to be of two classes, a higher and a lower. For school teachers

there were provided certain training schools; but these institutions did not gain very much sympathy from the Jews, and therefore measures were taken to cause the Jews to enter their children in them. The authorities simply demanded the parents to cause their children to attend; but it was only after Jews had been appointed as inspectors of these schools that the new movement began to obtain Jewish approval. But in 1873, for some unknown reason, these schools were all closed, and the result was that the number of Jews in the government schools and universities was greatly increased. In 1887 the then minister of public instruction, M. Delianoff, decided to limit the number of Jewish students. This measure was carried into effect and the number of Jews was reduced to a certain percentage of the total number of students in the different localities. For the institutions within the pale this was fixed at 30 per cent; outside of the pale, 5 per cent; and at St. Petersburg and Moscow, 3 per cent. Moreover, there were a certain number of institutions where Jews were not received at all. After this the number of Jewish students began to diminish as follows:

	Number of Jews in 1881.	Number of Jews in 1894.
	<i>Per cent.</i>	<i>Per cent.</i>
Preparatory schools.....	12	6.2
High schools.....	8	5.2
Total.....	20	11.4

In the universities the same results followed; in 1886 the Jews composed 12.7 per cent and in 1899 4.4 per cent of the entire student body. In the higher technical schools a limit was also placed; the St. Petersburg Institute of Technology received 3 per cent, the St. Petersburg School of Mines 5 per cent. Some of the higher institutions were entirely closed to the Jews, such as the St. Petersburg School of Electrical Engineering, the Military School of Medicine, the St. Petersburg School of Civil Engineers, etc.

After placing these limits on the government schools in general, the minister of education began the opening of the present plan of Jewish public education, which has resulted in the following system:

In the cities and towns within the pale there are 800 Jewish schools with 600,000 pupils, but this number of schools is really insufficient, as more than two-thirds of the villages remain without schools. The state schools compose altogether one-fifth of the entire number of Jewish schools, the public schools one-fifth, and the private schools three-fifths. Beyond this there are 25,000 Jewish schools which are not under state control, with a total of 300,000 scholars. Unfortunately there is a dearth of capable instructors, as the two institutions for the training of teachers are entirely inadequate.

The special taxes paid by the Jews in Russia, apart from the taxes which they pay in common with all other subjects of the Empire, are divided into two classes, which are known as general taxes and special taxes. The former are taxes on all animals killed for food and are

known as the "koróbotchny sbor." Each animal killed is taxed; on beef this amounts to about 1 cent per pound. Each chicken, killed after the Jewish custom, is also taxed. Then there is the special payment to the Government for the right to sell meat which has been killed and prepared in accordance with the Hebrew customs. This tax falls very heavily upon certain classes of the Jews. By those who do not observe the strict teachings of the Mosaic creed it is not felt at all, while those who live up to their religion with all its usages are very much affected.

The special taxes comprise many small ways of collecting money from the Jews; e. g., the tax paid by Jews for the right to rent houses, shops, etc., as well as the tax on factories owned by them. The collection of these taxes is farmed out by the government of each province.

Another special tax is what is known as the "candle tax." (Law of Jan. 17, 1848.) By this law there is a special payment to be made for every candle which is burned by the Jewish families on Friday evenings. The revenue from this is divided between the public instruction of the Jews and the administration. At the present day, however, this candle tax exists only in name. It has been found more easy to take a fixed sum each year from the "koróbochny sbor" for both objects named above (public instruction and the administration).

According to the law of 1862 the Jews have the right to open publishing houses for the printing exclusively of Jewish books. Permission for this is obtained only through the minister of the interior. Each printing press is taxed according to its size. Small presses pay 20 rubles (\$10) a year, while large rotary presses pay up to 240 rubles (\$120) yearly.

In 1874, when universal conscription was introduced in Russia, no particular regulations were laid down in regard to military service for the Jews. But two years later many restrictions were instituted, chief among which are the following:

(1) Jews can not serve in the regiments of the guards, in the frontier guards, in the gendarmerie, or in the navy.

(2) No Jew can attain the rank of officer in the army or navy. No matter what his capacity may be, he can not be admitted to the examinations for a commission.

(3) The families of Jews who have fled from the country to avoid military service must pay a fine of 300 rubles (\$150).

These regulations, however, have failed to attain their end. For each year the number of Jews who do not materialize for military service increases in a startling manner. It is almost impossible to obtain accurate statistics on which to base a statement as to how many young men should yearly be called upon to perform military service. During the past twenty years more than a million Jews have emigrated from Russia to America alone, of which number two-thirds have been men. But if we take the census of 1897 as a basis, we find that the Jewish population of Russia was 4.13 per cent of the whole, and as the number of young males of 21 years of age is nearly always the same among all peoples, we are safe in saying that the correlation between the male Jews of 21 and the male Christians of 21 is also

4.13. However, the following statement gives an entirely different result:

	Christians and Jews.	There should have been of Jews (at 4.13 per cent)—
There were called upon to serve.....	1,053,572	43,512
Number taken for service.....	320,832	13,250
	Number of Jews taken.	Difference between section 2 and section 3.
There were called upon to serve.....	58,635	15,123
Number taken for service.....	19,911	6,661

According to official reports there were taken Jews less..... 1,970
 And nevertheless there were actually taken..... 4,691

The Russian point of view is briefly about as follows:

A Jew comes to a Russian village in which the peasants have been living in peace and quietness. The peasant is by nature a good-natured, stupid, hard-working individual, who has never thought it possible for himself to gain more than enough to keep himself and his family in food, clothes, and fuel, with a more or less solid roof to cover them. In a short time the Jew, by his keener intelligence and greater energy, begins to get money by perfectly lawful buying and selling. Then the Jew lends money, taking as security the land or house or personal property of the peasant. Then comes the foreclosure and the consequent enmity, which lead in many cases to violence. The Jew is unwilling to relinquish what he has got hold of by legal means. The peasant considers himself wronged, and tries to even things up in his own way. The Jewish point of view is well given in a statement of their case which was made as a memorial from 32 Jewish communities in Russia, presented to the committee of ministers on March 9, 1905. A translation of this memorial reads as follows:

The measures taken in the last quarter of a century dealing with Russian Jews have directly tended to drive them to beggary and to leave them without means of subsistence, the benefits of education, and human dignity. A continuous system of persecution was artfully devised and regularly put into force. When the common people massacred the threatened Jews in the towns, the bureaucracy judged it proper to take away the right to live in the country districts and to acquire any property there. By law and by means of administrative measures, not only was further settlement in the villages prohibited, but at the same time crowds of people, settled in the fifty-verst zone and provinces outside the pale, were driven into the towns, and the very limits of the pale were narrowed. In the government outside the pale certain privileged localities were created where only persons who had completed their studies were allowed to come (Moscow, the Government of Moscow, the military provinces, etc.). Finally, one part of the Empire (Siberia) was closed to all Jews but convicted criminals.

In consequence of these measures and the forced migration of a mass of people, the population of the pale increased. In spite of considerable emigration beyond the ocean and to European countries, there are actually 4,200,000

Jews inclosed within the walls of towns, and only 700,000 in the villages of this great district.

Measures were taken to prevent Jews from entering middle and high schools; to counteract their wish to learn, percentage restrictions were imposed. Jews were admitted to middle schools with the greatest difficulty; thousands were not admitted. Only units entered the high schools. These few fortunate ones had not the right to enter the public service; they could only become lawyers with the permission of the minister of justice, and for fifteen years this permission was never accorded.

Without exaggeration it might be said that the whole machine of state aimed at making it impossible for Jews to exist in Russia. Every department had something to say on the Jewish question. It seems improbable, but it is certain, that not long ago every measure was the more popular the more it was intended to persecute and destroy the people who were considered the enemies of God and man. It was, in short, even a short time back, found necessary to forbid Jews to acquire real estate in the interior of Russia, in spite of the fact that only in three governments is property held by Jews more than 1 per cent of the entire amount. The bureaucracy has persecuted the Jews by all means and in all their aspirations. It has gone so far that, even in creating savings banks, Jewish founders were not allowed to elect directors from among their coreligionists, and Jew workmen, united for mutual help, were obliged to intrust their affairs to casual and disinterested persons.

A large percentage of Jews settled in the towns of the pale (in some 60 per cent, and calculated on the payment of municipal rates, 90 per cent), have no right to take part in municipal administration, and their needs are provided for by persons who are not interested in the town, and are ignorant of the needs of the local population.

It would be difficult to summarize all those legal and administrative restrictions which hamper the Russian Jew from his birth to his death. Wherever he lives—within or without the pale—he is not guaranteed either from material ruin or moral outrage at the caprice of the authorities. He is at the mercy of the police.

The aim of the administration has been achieved even in a greater degree than those responsible for this system would wish. Among the Jews of the pale, who for the most part consist of a half-starving crowd, a fifth are dependent on charity, and in the large towns, such as Wilna and Berdicheff, as much as a fourth and even a third. Such a percentage of paupers can not be equaled in any country in Europe.

Living side by side with this mass of paupers is a proletariat of workmen and artisans. The only condition—writes an inquirer into the conditions of the Jewish working class—which makes it possible for a workman to toil otherwise than as a slave is the right to move from one place to another, and Jewish workmen are, in fact, subjected to severe restrictions or are without this right. If they do not wish to die of hunger, or to go begging, they must submit to every condition. On the other hand, Jewish capitalists are subjected to many restrictions, and it is difficult for them to be in touch with the extensive markets and purchasers outside the pale.

The disabilities of the Jews have also influenced the economical prosperity of the Christian population; the removal of Jews from participation in economic life hampers trade and also imposes restrictions on Christians in the domain of credit and the free disposal of property. An eloquent proof of this is the attempt of many Christian landowners to evade these restrictions by fictitious leases or deeds of sale.

Restrictive laws demoralize the authorities who carry them out. The Government has latterly recognized that everlasting deportations of Jews are only a temptation to the police authorities, and have a demoralizing effect on a nation. Under such influences the authorities look upon the Jews as a people outside the law, for whom there are no courts and no protection. It leads to innocent people being persecuted, ruined, and even murdered, as is shown by the Kishineff, Gomel, and Moghileff massacres.

The only way to improve the sad lot of the Jewish population in Russia is to give them the same rights as the rest of the nation, as has been done in all European states.

Beyond the right of taking part on an equal footing with other citizens in political and social life, justice demands that they should have the elementary rights of citizenship—freedom of action, freedom of profession, the rights to acquire property, the right to be educated. Freedom of movement and freedom

of occupation are closely connected with, and are indispensable to, a well-ordered state. These rights give a man the possibility to develop and apply his capacity and strength to gain the means of existence in those occupations which he finds congenial and in the place which is congenial. These are the elementary rights of every human community, and every obstacle to freedom of movement, of occupation, and the acquisition of property are felt as being a cruel persecution and an encroachment on the rights of humanity. The struggle of life is already hard enough without creating further obstacles in the way of earning a living, whether physical or intellectual. On the contrary, initiative and independence must be encouraged. For this purpose all races and creeds must be allowed free development.

"When the object is to better the lot of a people, then small means have less than small results; they have no effect at all." This is a truism which no one denies. A gradual change, which only prolongs the evil, has already been condemned by the Russian statesman, B. N. Chicherin, with special reference to the Jewish question. "Restriction of rights," he declares, "is a kind of punishment. If I am convinced that the man is being punished wrongfully, why is it necessary to gradually change his punishment?"

Such a gradual change is not only unjust, but it is ineffectual. The Jewish people in all its ills feel profoundly, not only physical and material wants, but also the moral outrage of their degraded position. Half measures are no reparation for an injury. A people of many millions, aroused to consciousness of its right to existence, can not indefinitely remain a race of suspects.

Most of the legislative and administrative enactments concerning the Jews of the last twenty-five years have been based on the danger they are supposed to represent to the prosperity and greatness of the country. This idea has been spread by certain sections of the press to draw attention from the real evils of Russia; it was proclaimed by the bureaucracy because the "pernicious" aspirations and activity of the Jews seemed to be a convenient explanation of all our misfortunes. "Russia for the Russians." This formula justified and explained everything, excluding from the number of Russians the followers of all foreign creeds, although they had been settled in the country for centuries. But is the unity and stability of a great empire really guaranteed by narrowing the foundations? Not only in their present trials, but when they have passed, the thoughts of the Russian people should be directed to reconstituting their internal strength. Union is only possible by unity of interests and sentiment. Restrictive laws condemning the Jews to poverty and demoralization paralyze all their efforts toward normal activity, having driven hundreds of thousands of energetic, laborious persons beyond the seas, and have sapped at the root the intellectual strength of a people of many millions, to the detriment of the whole country.

All Jews in Russia are at present animated by one thought: that the cruel force of endless limitations and restrictions is sapping the very foundation of their existence; that such an existence is no longer tolerable. Wearing by the past, seriously anxious for the future, the Jews are waiting for the complete restoration of their strength and a final abrogation of all exclusive laws, in order that, free and equal with other citizens of a great country, they may labor for its welfare and prosperity.

With this feeling on both sides, it seems hopeless to try to arrange matters satisfactorily. The religion of the member of the Orthodox Greek Church teaches him that the Jew is not to be looked upon as is a fellow Christian, and the severe tenets of the Christianity of three centuries ago still hold the people in this Empire, from the highest to the lowest. It is true that the faith of the people in the governing class has recently been practically broken. But their faith in their church has practically remained unchanged, and in considering the Jewish problem in Russia it must not be forgotten that the Russian point of view is, at bottom, a religious feeling, while the point of view of the Jew is purely ethical.

The Jews are not taking the ill treatment and oppression with peace and resignation. This is a point which should be well understood in considering their position. During the past twenty years their opposition, while unorganized and misdirected, has none the

less been so strong and so unquenchable that neither prison, nor bodily suffering, nor the whips of the Cossacks, nor transportation to the farthest limits of Siberia, nor even the death penalty itself, has been able to keep them quiet.

It is said by many writers on this subject (Christians as well as Jews), that the Russian Government, unable to cope with the question themselves, have been stirring up the minds of the uneducated masses against the Jews to an extent which has resulted in the unfortunate massacres at Kisheneff and elsewhere. It is not asserted by reasonable men that the St. Petersburg Government had a hand in these massacres. What is meant is that the Government is trying to make it harder and harder for a Jew to remain in Russia, and are prejudicing the people against the Jews to that end.

When Boulyguin gave it out that Jews were not to have representatives in the Douma, the entire Jewish population came out with so strong a protest that the Government saw they must drop the matter for the time being at least. This shows conclusively that the united voice of the Jews in Russia carries weight enough to change the plans of the Government in some respects—a state of affairs which would have been considered absurd twenty or even ten years ago. So it is possible to believe that the condition of the Jewish population, bad as it is, is also no worse than it has been, and it seems just to hope that the near future will bring the same betterment of conditions to them as it bids fair to bring to the Russian people generally.

I have, etc.,

SPENCER EDDY.

Chargé Eddy to the Secretary of State.

No. 649.]

AMERICAN EMBASSY,
St. Petersburg, September 19, 1906.

SIR: In confirming my cablegram to the department of the 11th instant as follows:

Consul at Warsaw telegraphs that a disturbance exactly similar to the one at Bialystok is taking place at Siedletz. Details lacking as yet.

I have the honor to inclose, for the further information of the department, a copy of a letter, dated the 14th instant, from the vice-consul in charge at Warsaw, in which he gives details regarding the disturbances at Siedletz. In this connection I also inclose translation of a telegram, published in the local papers, dated Siedletz, September 12, giving the official account of the occurrences.

I have, etc.,

SPENCER EDDY.

[Inclosure 1.]

Vice-Consul Fuchs to Chargé Eddy.

AMERICAN CONSULAR SERVICE,
Warsaw, September 14, 1906.

SIR: I have the honor to confirm my wire of the 10th instant, reading:

"Siedletz exact repetition of Bialystok."

In supplement to this and to the general report of the "pogrom," as given by the press, I wish to add the following particulars:

There can not be the least doubt but that the "pogrom" was premeditated and prepared by the troops, soldiers having been seen on the eve of the massacre enter lodgings and instruct the Christian population to hang out devotional objects as preservatives against what was going to happen. There were no khooligans on the premises, it appears, to provoke or to take part in the massacre.

I am informed from reliable quarter that the number of Jews killed amounts to 137 (corpses identified), the number of wounded about thrice as many. The Jewish shops and houses along the principal streets and the central market pillage.

Characteristic feature is that in opposition to the wholesale massacre of Jews and devastation of their homes was killed one (1) Christian civilian and one (1) soldier, another soldier being wounded. As to property one Christian shop and one hotel plundered.

On the other hand, however, it can not be denied that attempts upon the lives of gendarmes, higher police officials, and military men had lately been particularly numerous in Siedletz.

I have, etc.,

WITOLD FUCHS,
Vice-Consul.

[Inclosure 2.—Press Telegram—Translation.]

SIEDLETZ, *August 30 (September 12), 1906.*

(Official.) Details of the disorders at Siedlitz. In the afternoon of August 28 (September 10) an officer was shot at from the balcony of a house in Igo-rodnaia street. Seven young men were arrested. The night of the 29th was quiet.

On the 29th (September 11), at daybreak, another officer was fired at in Slodolnaia street. The troops opened fire against both houses. During the night of the 30th (September 12) two shots were fired from the garden in front of the treasury. It is evident the sentinels were aimed at and they replied by firing eight shots.

Up to the present 6 Jews and 1 Jewess have been registered as wounded at the Christian Hospital. One Catholic was killed and another died of fright. At the Hebrew Hospital there are 17 Jews killed, 12 severely wounded, and 60 slightly wounded; 21 bodies have been buried at the Hebrew cemetery.

Fifty-four persons, of whom 43 had used arms, were arrested. A dragoon accidentally killed himself. Twelve places were set on fire, but all of them were localized. Seven shots were fired from artillery, making breaches in two houses on Penknaia street. The firing was concentrated on the houses in the center of the town.

The furniture of several apartments was damaged. The merchandise in several shops was injured. Large quantities of goods were stolen. To-day the town is quiet. A military committee has arrived from Warsaw. The Jews continue to remove from the towns to neighboring villages.

The reports published in Polish newspapers are intentionally false or exaggerated in order to produce sensation. There have not been disorders in other parts of this government.

Ambassador Meyer to the Secretary of State.

No. 651.]

AMERICAN EMBASSY,
St. Petersburg, September 22, 1906.

SIR: I have the honor to report that Barcn Gunzburg, representing the Siedletz Jews, called upon M. Stolypin to urge against the trial of the prisoners by court-martial.

The minister expressed his profound regrets for the excesses that had taken place and his determination to thoroughly investigate the facts and publicly distribute the responsibility, no matter upon whom it may fall. He also complied with the request of Baron Gunzburg

notifying the governor-general of Warsaw of the desirability of having recourse to the ordinary tribunals.

The premier, in conclusion, expressed the hope that the Siedletz riots would constitute the very last ordeal for the Jews, and touching the question of Jewish disabilities he stated that he would shortly introduce a bill extending Jewish rights and leaving it to the Douma to bestow absolute equality.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 679.]

AMERICAN EMBASSY,
St. Petersburg, November 1, 1906.

SIR: I beg leave to report that at the sitting of the council of state last Saturday the question of according ordinary political rights to the Jews came up for discussion. Some divergency of opinion was manifested. It was finally decided by a vote of 28 to 16 not to deal separately with the Jewish problem, but to regard it as forming part of the general question of granting equal political rights to all nationalities in the Russian Empire.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 705.]

AMERICAN EMBASSY,
St. Petersburg, December 1, 1906.

SIR: I beg leave to report that a semiofficial note published this week on the Jewish question states that the questions of permission for Jews to acquire land in all parts of Russia and the removal of the limits for Jewish settlement must be left to the Douma. While, however, such provisions would at present be premature, the three following measures will be carried out before the summoning of the Douma: The removal of the restrictive police regulations in twenty-five governments lying within Jewish pale; the promulgation of similar arrangements for Jews outside the pale; and the removal of the restrictions under which Jews labor regarding trade.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 732.]

AMERICAN EMBASSY,
St. Petersburg, December 31, 1906.

SIR: I beg leave to report that in a conversation with Baron Gunzburg I learned to-day that it was definitely known that the Emperor had decided not to affix his signature to the bill presented by Stolypin granting certain privileges to the Jews, referred to in my dispatch of December 1, No. 705, namely:

The removal of the restrictive police regulations in twenty-five governments lying within Jewish pale; the promulgation of similar arrangements for Jews outside the pale; and the removal of the restrictions under which Jews labor regarding trade.

It is understood that the Tsar stated that as the Douma was to meet within a few weeks it was better and wiser that no new legislation should be promulgated.

Ever since this bill has been laid before the Emperor by the prime minister the reactionists have been active in their efforts to prevent the same becoming a law. It is felt that the attempt on Dubassoff's life and the assassination of Count Ignatieff have assisted the opponents to the bill in affecting the Emperor's decision.

It is believed by many that the Emperor is not necessarily opposed to this legislation, but on a matter which affects so many people throughout the Empire he prefers action should be taken by the Douma.

I have, etc.,

G. v. L. MEYER.

PATENT LAW OF RUSSIA.

Ambassador Meyer to the Secretary of State.

No. 566.]

AMERICAN EMBASSY,
St. Petersburg, July 10, 1906.

SIR: I beg leave to report herewith, for the information of the department, that on May 3, last, I received a letter from the law offices of Messrs. Gartner & Steward, Paterson, N. J., copy of which letter is inclosed herewith, inquiring as to the steps to be taken to get an extension of time to execute the necessary working under Russian patents granted to American citizens. Having referred this matter to the Imperial Government I have just received a note from the imperial ministry for foreign affairs, dated June 26 (July 9), copy and translation of which is attached hereto, stating that patents must be worked within five years from their issuance by the Russian Government; but, that if the stipulation in article 24 of the patent laws has not been carried out for exceptional causes beyond the power of the patent holder, the latter may present a petition for the conservation of his patent rights to His Majesty the Emperor through the department of commerce.

I have notified Messrs. Gartner & Steward of this reply.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.]

Messrs. Gartner & Steward to Ambassador Meyer.

LAW OFFICES GARTNER & STEWARD,
PATENTS AND PATENT CAUSES,
United Bank Buildings, Paterson, N. J., April 20, 1906.

YOUR EXCELLENCY: The early part of January we addressed a letter to the Imperial Russian embassy in Washington inquiring as to the steps to be taken to get an extension of time to execute the necessary working under Russian

patents granted to American citizens and the inclosed letter was received by us advising us to communicate on the subject with your excellency. Similar advice has also been given to us by the State Department.

The matter under consideration is as follows:

The Russian patent law prescribes the working in Russia of an invention covered by a Russian patent within five years from the date of the issue of the patent, and if such working is not executed within five years, the patent will become null and void.

We have a number of clients for whom we have procured Russian patents and secured the official working certificates within the time prescribed by law.

At the present time, the working under certain Russian patents should be executed before the latter part of July, 1906, but, as said patents cover an invention for which at present there is no demand in Russia, we have not been able to find any manufacturer who would be willing to undertake the manufacturing of the machines in question—to comply with the requirements of the Russian law.

Moreover, the invention covered by the above-mentioned patents will be of great commercial value for Russia within the next two or three years, and arrangements are being made at the present time to create a demand in Russia for said machines, but in view of the unsettled affairs, such as strikes, etc., said arrangements have so far not been completed.

Our clients of course do not want to lose the patents for nonworking within five years from the date of the issue of the patents, for the reason above stated, that within the next few years said invention will be of great commercial value for Russian silk manufacturers, and we therefore ask your excellency to be kind enough to submit the matter to the proper authorities with a view of ascertaining if we could not secure an extension of time to work said invention in Russia—say an extension of from one to two years—and advise us of the steps to be taken to procure said extension.

Thanking your excellency for any attention this matter may receive, we beg to remain,

Yours, most respectfully,

GARTNER & STEWARD.

[Subinclosure.]

IMPERIAL RUSSIAN EMBASSY,
Washington, January 7, 1906.

MESSRS. GARTNER & STEWARD,
United Bank Building, Paterson, N. J.

GENTLEMEN: I have your letter of yesterday's date relating to the extension of the life of patents granted under the Russian patent law and would advise you to communicate on the subject with the United States ambassador at St. Petersburg, at the same time furnishing him with all necessary information in regard to the specific cases you have in hand, so as to enable him to lay this matter in complete shape before the proper authorities.

Yours, faithfully,

ROHN.

[Inclosure 2.—Translation.]

The Ministry for Foreign Affairs to Chargé Eddy.

MINISTRY FOR FOREIGN AFFAIRS,
SECOND DEPARTMENT,
St. Petersburg, June 26, 1906.

MONSIEUR LE CHARGÉ D'AFFAIRES: In reply to the embassy's note of April 21 (May 4) last relative to American inventions patented in Russia five years ago, I now have the honor to inform you that in conformity with article 24 of the regulations confirmed by His Majesty the Emperor on May 20, 1896, concerning patents, persons who have been granted patents are obliged to apply their inventions in Russia within a period of five years dating from the issuance of the patents. Should this not be done the said patent right will be considered invalid from the date of their official publication that they have been annulled.

The department of commerce thinks it proper to state that this period being long enough, no question consequently has been raised in subsequent regulations, as to the granting of an extension of the fixed period.

If, however, the stipulations in article 24 could not be carried out because of exceptional circumstances beyond the power of the patent holder, the latter may present a petition relative to the preservation of his patent to His Majesty the Emperor through the department of commerce.

Please receive, etc.,

GOUBASTEFF.

PROHIBITION OF FIREARMS.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, March 16, 1906.

MR. SECRETARY OF STATE: By virtue of special provisions recently promulgated the importation into the Empire of Russia, the Grand Duchy of Finland included, of all kinds of firearms (except ordinary sporting guns), such as cannon, shells, explosives of all kinds, gunpowder, cartridges, nitroglycerine, etc., is absolutely prohibited. In spite thereof these articles, shipped to anarchist committees, are at times surreptitiously carried across the border and after are confiscated by the authorities.

In order to avoid any misunderstanding on that account and with the hope of discouraging as far as possible this unlawful importation, I have the honor, by order of my Government, to apply to your excellency with the request that you will kindly lend your cooperation to the end of causing such measures as you deem necessary to check the exportation of these prohibited articles to Russia to be taken consistently with the existing laws of the United States.

Hoping that the Department of State will favorably receive this request, I embrace this opportunity to renew to you, Mr. Secretary of State, the assurances of my highest consideration.

ROSEN.

The Secretary of State to the Russian Ambassador.

No. 17.]

DEPARTMENT OF STATE,
Washington, March 20, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th instant, stating that the Government of Russia has forbidden the importation into the Russian Empire of all kinds of firearms (except ordinary sporting guns), cannon, shells, explosives of all kinds, gunpowder, cartridges, nitroglycerine, etc., under penalty of confiscation of the articles in question.

Your note has been communicated to the Secretary of the Treasury and the Secretary of Commerce and Labor, and will be published.

Accept, etc.,

ELIHU ROOT.

The Secretary of State to Ambassador Meyer.

No. 142.]

DEPARTMENT OF STATE,
Washington, May 19, 1906.

SIR: I inclose copy of a letter from the Savage Arms Company, of Utica, N. Y., who express the hope that the Russian prohibition of the importation of arms may be relaxed, so as to allow them to import small-caliber target rifles and other small rifles for game shooting.

They allege that the prohibition has been relaxed in favor of certain Belgian manufacturers of arms.

You may look into the matter and see whether there is any discrimination against Americans, and if you find this to be the case request equally favorable treatment for them.

I am, etc.,

ELIHU ROOT.

Ambassador Meyer to the Secretary of State.

No. 613.]

AMERICAN EMBASSY,
St. Petersburg, August 10, 1906.

SIR: In reply to the department's instruction, No. 142, of May 19, inclosing a letter from the Savage Arms Company, I beg to report that a careful inquiry into the matter of the alleged relaxation of the prohibition against the importation of firearms into the Russian Empire discloses no discrimination against American firms in this respect. It has been further explained to me that if, after the prohibition against such importation had gone into effect, any small firearms had been permitted to pass through the custom-houses they could only have been intended for some government institution, and in such case the clearance of said small firearms must have required a special permit from the director of customs; the director of customs, however, has no knowledge that any such permits have been issued.

I have, etc.,

G. VON MEYER.

The Russian Ambassador to the Acting Secretary of State.

[Translation.]

No. 246.]

IMPERIAL EMBASSY OF RUSSIA,
Magnolia, Mass., August 10, 1906.

SIR: In continuation of my note to the Secretary of State, dated March 16 last, I have the honor, by order of my Government, to advise the Department of State that, with a view to checking more effectively the unlawful importation of firearms and explosives into Russian ports in the Baltic, the Imperial Government has decided to extend to the flotilla of revenue cutters charged with surveillance and prevention of smuggling in Russian territorial waters the assistance of war ships of the imperial navy. There is nothing unusual in this cooperation, for which provision is made in the laws of the Empire. As to the instructions that have been issued to the officers of war

vessels to that effect, they are in every respect consistent with the provisions of the Russian customs law and the general rules of international maritime law.

Be pleased to accept, etc.,

ROSEN.

CAPTURE AND DESTRUCTION OF THE STEAMSHIP KNIGHT
COMMANDER.

Ambassador Meyer to the Secretary of State.

No. 503.]

AMERICAN EMBASSY,
St. Petersburg, May 2, 1906.

SIR: In compliance with the department's instructions cabled to me under date of April 18, I have the honor to inclose herewith a copy in Russian of the proceedings and decision of the supreme court in St. Petersburg in the case of the *Knight Commander*, as well as a copy in Russian of Mr. Berline's protest as regards neutral goods, together with the translation into English of both these documents.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.—Translation.]

DECISION.

By a ukase of His Imperial Majesty the supreme prize court at its session on November 19, 1905, at which were present the president, Adjutant-General-Admiral Kaznakoff, member of the admiralty council, and the following members of the admiralty council: Admiral Koupreanoff, Vice-Admiral Verkhovsky, Vice-Admiral Dykoff, Vice-Admiral de Livron; Senators, Actual Privy Counselor Grave and Privy Counselor Count Tisenhausen; also the member from the ministry for foreign affairs, Privy Counselor Martens, and the Acting Procurator, Privy Counselor Steblin-Kamensky; Acting Superior Secretary, State Counselor Sourine, heard the appeal in the decision of the Vladivostok prize court, rendered on July 24, 1904, in which the steamer *Knight Commander* and the cargo on said vessel when seized was condemned to be confiscated as being contraband of war.

The circumstances of the case are as follows: On July 11, 1904, about 6.30 o'clock in the morning, a detachment of cruisers, under the command of Rear-Admiral Jessen, consisting of the cruisers *Rossia*, under the command of Captain of the First Class Andreeff; the *Gromoboi*, under the command of Captain of the First Class Dabitch; and the *Rurick*, under the command of Captain of the First Class Trousoff, while cruising in the Pacific Ocean in latitude 34° 21' north and 138° 53' 5" west, sighted a trading vessel. The *Rossia* steamed in pursuit, and when at a distance of 15 to 20 cable lengths hoisted the signal "stop," and fired blank shots one after the other, and noticing that the steamer continued to steam at full speed in the direction of the Gulf of Tokyo, it fired two shots at the fore part of the steamer. Then only did the steamer heave to, and hoisted the British flag. By order of the commander of the cruiser *Rossia* the signal for "the captain to come on board with his papers" was hoisted, but as this order was not carried out a detachment under the command of Lieutenant Gavrishenko and Midshipman Baron Aminoff was sent to examine the vessel, its manifest, and cargo. Upon reaching the vessel it was found that the steamer was named the *Knight Commander*, English, and, in command of Capt. J. K. Durant, was proceeding to Japan with a cargo consisting of railway material, parts of bridges, machinery, and mixed cargo. The captain could produce no papers. The examination of the holds made by the above-named officers showed that they contained almost exclusively

contraband of war, the balance of the cargo being comparatively very small. Having visited the steamer, Lieutenant Gavriushenko returned to the cruiser, together with the captain and documents.

Captain Durant being asked why he was not in possession of the cargo's bills of lading, and learning from him that there was coal on the steamer for not more than four days, Rear-Admiral Jessen declared to the captain that as the steamer was subject to confiscation and there was not sufficient coal to take it to a Russian port, he would destroy her. Half an hour's time was given for the crew to disembark.

At 8.32 Captain Durant returned to his vessel and at 9.15, as soon as the crew had left, the steamer was blown up.

Upon the return of the detachment of cruisers to port the case of the sinking of the said steamer was examined by the prize court of the port of Vladivostok.

Upon the presentation by Captain Durant to the court of the ship's papers it was seen that the steamer *Knight Commander*, British flag, was built at Harrow, in 1890, had a displacement of 9,620 tons, gross tonnage of 4,305.53, registered tonnage being 2,716.32, speed 11 knots, registered at the port of Liverpool, No. 97801, and the property of Robert L. Greenshields, of Liverpool. From the entries in the log book, supplemented by explanations given by Captain Durant, it was seen that up to December, 1903, the vessel plied between Calcutta and other ports of India. In December the vessel was chartered by the British Lloyd for one trip to Trieste and Venice. In Venice the steamer was chartered by an Austrian firm at Trieste to carry coal, machinery, and other cargo to Messina, and thence to Palermo with a cargo of 25,000 cases of lemons and other goods for New York, where the charter expired. In New York the vessel was not chartered, but, taking up various goods, it was sent by the agents of the shipowners to Port Singapore, Manila, Shanghai, Yokohama, and Kobe, where the present trip was to end.

With regard to the cargo, the captain not having been able to produce any bills of lading or either the ship's manifest referring to it, the court could only form an opinion of that part of it which was addressed to Yokohama and Kobe, which was found on board the steamer at the time of its arrest by the Russian cruisers. At the same time, as Captain Durant could produce no documents concerning that portion of the cargo which was examined by the court to show its nature or quantity, and the court had only at its disposal the deposition of the officers of the imperial fleet, Lieutenant Gavishinko and Midshipman Baron Amiriouff.

The explanations given by Captain Durant, the entries made in two private-letter books presented by the latter, and these, when carefully compared, showed that the cargo at the time of the seizure of the vessel consisted of the following articles: Rails, parts of bridges, various railway material, steel, steel sheets, nails, wire, tubes, wheels, tar, acids, shovels, and a small amount of mixed goods consisting of paint, clothing, leather, sail cloth, tin plates, hardware, timber, and small articles, such as ink, scents, soap, etc.

As stated above, the captain produced no manifest. When asked with regard to this, the captain stated that he gave the shipowners' agents full powers to sign the manifests; that he saw some of the manifests for the first time at Shanghai at the office of Arnold Harberg, but that he never received copies of the bills of lading or manifests, nor did he sign a single bill of lading. Captain Durant could not recollect whether he took oath or not for the ship's manifest, and could not explain otherwise the absence among his papers of the New York port "clearance papers." The Vladivostok prize court found that the vessel should have been in possession of copies of bills of lading and in all cases of the ship's manifest of cargo—that in America the execution of such formalities is absolutely required, which fact was confirmed by Captain Durant in his letter to the shipowners dated from Messina on March 3, 1904, and that consequently, without his signature, under oath of the manifest, in that it contains a correct list of the cargo taken on board and destined to parts mentioned in the manifest he would not be allowed to discharge in port. That he was allowed to discharge is shown by the fact that the *Knight Commander* discharged at Manila that part of the cargo destined thereto. That without his signature to the manifest he could not discharge such cargo is proved by the fact that at Manila he signed a manifest, under oath, which simply stated that he had not taken any goods on board.

That a manifest signed by the captain in New York and the clearance papers should have been on board is clear from the circumstances, firstly, that the Manila manifest and clearance papers were found among the documents presented

by Captain Durant, and secondly, on a leather case, bearing the inscription "Steamer *Knight Commander*, for the guidance and memory of the captain," is given a full list of all the documents which the vessel must absolutely carry, and among them the ship's manifest and clearance papers. Therefore Captain Durant could not fail to recollect whether or not he signed a manifest at New York, and could not be without a clearance paper of said port and without a manifest of the cargo duly signed by himself. The fact of Captain Durant's statement that he could not recollect whether he signed them or that he must have lost these documents, as a reason for not possessing them, cannot be considered. The real explanation must be that Captain Durant destroyed them as compromising his vessel or at least intended to hide them.

The insincere explanations of Captain Durant can also be seen in his business correspondence with the shipowners, of which the court became acquainted through the press copy letter book produced by him together with other papers. From these books, recognized as belonging to him and containing copies of his (Captain Durant's) letters, written in his own hand, the following expressions are to be remarked, which clearly show the true character of the vessel's destination, as well as the correspondence with regard to the requirements of neutrality on the part of the shipowner and captain.

1. Page 422 of press copy book: "New York, April 15, 1904. Stowage is progressing very slowly, thanks to the nature of the goods, for we were nearly two full days in stowing parts of bridge constructions weighing from 6 to 7 tons each. Our agents cabled to Chemulpo to prepare proper cranes for discharging purposes, but no reply has so far been received. I shall thus be obliged to get proper tackle and heavy pulleys in order to discharge this portion of the cargo and have an end of it, and perhaps may sell them at a profit. This class of cargo puts us to a great deal of trouble, as we are not outfitted with necessary pulleys and cordage."

2. Page 424: "New York, April 22. I regret to have to inform you that we are still stowing very slowly, thanks to the nature of the cargo with which we have to deal. We are stowing the bridge material in hold No. 1 in destination for Chemulpo."

3. Page 443: "Shanghai, June 19. As far as I have been able to ascertain from Mr. Arnold Karberg, the passage to Chemulpo at the present time is not without danger. They have strongly advised me, if I should still decide to try, to go south, then straight to the west before touching at any port. I have not the intention of throwing off the responsibility, but do not see either why we should want to meet a catastrophe. From your yesterday's letter I was fully under the impression that we had not to discharge at Chemulpo. Our last sure port on the way hence will be Kobe. Be assured that I will carefully weigh these circumstances, as well as that of considering whether or not it will be safe to travel farther. I am afraid that the stem of our vessel will sit very low in the water when the cargo for Kobe (the actual) is discharged, as, when loading, holds No. 2, 41 were the ones which took in the greater portion of the bridge material."

From the above correspondence it is visible, firstly, that the vessel was far from being a passive arm in the transport of contraband of war to the enemy, but that, on the contrary, the owner of the vessel took a marked part in this operation; secondly, that in reality the carefully hidden destination of the vessel was Chemulpo and not Yokohama or Kobe—in other words, the acting Japanese army; and, thirdly, that the true nature of the cargo as well as its destination and that of the vessel were well known to Captain Durant. Meanwhile, in his explanations before the court of the different circumstances of the vessel's voyage, Captain Durant, who was not aware that his letter-press copy books were in the hands of the court, declared that the parts of the bridge were destined to Kobe, and that he was not aware that railway material was contraband of war.

In view of the discrepancies in Captain Durant's explanations before the court, as well as the hiding away of a whole lot of very important documents regarding the steamer and cargo, the summons to him to aid in establishing the quantitative relation of articles of contraband as compared with the total quantity of cargo on the steamer at the time of its arrest was not found possible by the court.

As regards two private notebooks, Nos. 4 and 5, in view of the fact that they only contain data relative to goods and their marks addressed to Yokohama and Kobe, without their weight or capacity; that they do not contain any information relative to the rails and in general to the railway material

which was found on board as being destined for Kobe; that relative to this material no documents or notes were presented to the court, nor the slightest indication shown about railway material, and that, after all, these notebooks Nos. 4 and 5 were private property, incomplete and insufficient, the only proofs in the absence of absolute proofs for determining the relative quantity of contraband cargo found on the *Knight Commander* were, for the court, the depositions of Lieutenant Gavrishenko and Midshipman Baron Aminoff, who searched the vessel. Having examined the fore holds, which were the largest, the first named saw that the cargo consisted of railway material in the form of parts unmounted, such as bridges, rails, tubes for boilers, car-body springs, with wheels as well as cogwheels, angle-iron bars, telegraph wire, and barrels of cement. The cargo in the after holds examined by both officers also, for the most part, consisted of railway material, iron tubes in large quantities occupying over one-third of the hold, as well as parts of machinery and their accessories, and, finally, the center hold also contained railway material in the form of car bodies or movable platforms.

In making the examination of the holds in company with Baron Aminoff, Lieutenant Gavrishenko came to the conclusion that the *Knight Commander's* cargo was contraband, and if she carried noncontraband goods they were in very small quantity.

Therefore, in the opinion of the Vladivostok prize court, there remains absolutely proved:

1. The actual illegal action on the part of the owner of the steamer *Knight Commander* in transporting to our enemy at Chemulpo, directly at the theater of operations, articles of contraband of war;

2. The hiding by the captain of said steamer of a whole set of very important documents relating to his vessel and its cargo as well, as his evident knowledge of the fact that he was carrying articles of contraband of war to our enemy; and

3. The finding on said steamer at the time of its seizure of contraband of war in quantities undoubtedly far exceeding half of the total cargo.

On this ground, and being guided by the facts in the present case provided for in sections 5, 8, and 13 of the Naval Prize Regulations, the prize court found:

1. That the English steamer *Knight Commander* was properly captured within the observances of the rules provided for in sections 2, 3, 15, and 17 of the prize regulations, and

2. That the said steamer which was carrying contraband of war destined to the enemy in quantities exceeding one-half of the total cargo, as well as the cargo, are properly legal prizes; and, therefore, on July 24, 1904, it resolved; that the steamer *Knight Commander* and the contraband of war "cargo" found on her at the time of the seizure, were legal subject to confiscation, as legal prizes.

Mr. Bajenoff, attorney for the owners of the vessel and of the cargo, appealed against this decision and stated:

1. That section 36 of the instructions for the visiting and arrest of vessels had not been properly carried out, namely, the protocol of the search made on the vessel as well as the resolution for the sinking of the same, were not signed by Admiral Jessen, giving his reasons and the section of the instructions by which he destroyed the steamer.

2. That Captain Durant was examined, although not under oath, but as a witness, which is an infringement of section 64 of the "regulations" which recognizes him as one of the parties and not subject to examination as a witness.

In examining the decisions of the court relative to the recognition of the steamer *Knight Commander* as a legal prize, the lawyer in his appeal, states:

1. That the deductions made by the court from this correspondence as to the insincerity of the captain's explanation and the reference to the obligations of neutrals can scarcely be considered convincing.

2. That the accusation brought against the captain that he hid the documents can be but a supposition of the court, unsupported by any real facts.

3. That in the evidence taken in forming its decision the court had not sufficient data for determining the quantity and quality of the cargo, and based its verdict upon the doubtfulness of the captain's explanation found "as absolutely worthy of confidence for determining the relative quantity of cargo contraband of war on the *Knight Commander* the depositions of the officers, Gavrishenko and Aminoff, who examined the whole vessel.

In considering the value of this proof, Mr. Bajenoff in his appeal, finds that one can not but come to the conclusion that the examination of the vessel was very superficial, the examiners only took notice of such articles which, in their opinion, might be contraband of war, one of them it is seen, including even iron of every description, and the other railway material, which he saw in every article made of iron, and neither of them paid any attention to the other part of the cargo, which was considerable, as seen in books Nos. 5 and 6 attached to this case.

Only a superficial examination could result in such a way and indeed, in looking from above, through the hatchways, the holds 35 to 40 feet deep, one could see only articles on the top of the holds. The proof that the examination was only superficial is supported by the statement of Gavrishenko that "he had not time to open the cases as he was ordered to hasten his return to the cruiser."

In conformity with the imperial instructions of February 14 of the present year, sections 7 and 9 of series 6, all kinds of steamship engines or boilers, both mounted or unmounted, as well as articles and material which may serve for telegraphs, telephones, or railways, are to be considered as contraband of war. "Hence it is clear that not all kinds of machinery and iron are contraband of war, but only those which have a special purpose." From the deposition of the witnesses one may consider as more or less established that part of the cargo consisted of rails and bridge parts and that to the eye these formed about two-thirds of the contents of the two after holds of the vessel, while of the other five holds the cargo consisted mostly of iron articles, cases, barrels, etc., the destination of which could not be determined by the witnesses, and was not determined at all.

All this taken together could in no way justify the ground for considering the cargo as contraband of war, "even if the said rails and parts of bridges were a part of it" in quantity exceeding half the entire cargo, and this result not having in itself more or less exact figures or documentary evidence, and consequently the only measure which could be applied in the given case to the steamer was to seize and take her to the nearest port to be delivered as contraband of war (remark to section 37, section 2b), and in no case could the steamer be sunk.

Under the conditions in which the steamer was arrested it is difficult to believe that it was not possible to take her to the first Russian port, inasmuch as it is seen in the case that the vessel carried 120 tons of coal, which at a ten-knot speed would be sufficient for four days, namely, to cover a distance of about 1,000 miles, whereas the nearest Russian port, "Karsakoff, on the island of Sakhaline," is considered to be about 750 miles distance from Yokohama, and secondly, because, although the vessel was seized at 15 miles from the entrance to the Gulf of Tokyo, the enemy was not visible and in general did not show himself, whereas these very circumstances were given as requiring the destruction of the steamer.

The prize court, in deciding the question of the cargo, was guided by that information which guided the navy administration; also, whereas, if they had followed Section I of the "prize regulations," where in similar cases the owners of the cargo must be summoned through publication in the newspapers, the court would in all probability have been able to obtain sufficient information to have prevented it from making a wrong estimate in the quantity of cargo recognized as contraband of war.

In view of all the foregoing, the attorney, in appealing, asks the supreme prize court to reverse the decision of the Vladivostok prize court as being irregular, and to recognize the sinking of the steamer *Knight Commander* as unjustifiable, and to give satisfactory compensation both to the owners of the vessel as well as to the owners of the cargo on said vessel.

To this appeal the procurator of the Vladivostok prize court gave an explanation, in which he states that paragraph 40 of the "Instructions relative to the overhauling and seizure of vessels, as well as to bringing and delivering vessels and their cargo," allows the commanders of the imperial navy, in some cases, to burn or sink the vessels which have been captured. The steamer *Knight Commander*, which was caught in the act of carrying contraband of war to the enemy's ports, and on which all the necessary documents were missing, was undoubtedly subject to arrest. Consequently, in the face of the above-named extraordinary circumstances, the commander of the detachment of cruisers had the full right to order the vessel to be destroyed. In reference to section 5 of section 40 of the instructions, it is definitely said that "although

section 21 of the prize regulations of 1895 allows the burning or sinking of a captured vessel under the personal responsibility of the commander, yet the commander undergoes no responsibility when the captured vessel is undoubtedly subject to condemnation as a prize, and when the extraordinary circumstance in which the imperial vessel may find itself renders absolutely necessary the destruction of the arrested property." In the present case such circumstances showed themselves in the lack of coal for transporting the steamer to a Russian port and the impossibility of furnishing the steamer with coal, in view of the strong swell and proximity to the enemy's coast. At the same time such circumstance was due exclusively to the captain of the steamer *Knight Commander*, who, notwithstanding the two blank shots which were fired from the cruiser *Rossia*, continued his course at full speed toward the Gulf of Tokyo.

In section 3 of the "instructions" the results of such actions on the part of neutral steamers are determined as follows: "Any vessel which shows an open design to escape from a cruiser, and which obliges the latter to chase and use force to stop it, is subject to capture; at the same time, however, the commander of the cruiser may, if he finds it necessary, arrest the vessel temporarily and search it fully." Consequently, in the present case the commander of the cruiser had only to make a preliminary search of the *Knight Commander*, and demand this on account of the distinct design of the *Knight Commander* to get away from the cruiser, and the party to the appeal has absolutely no ground for complaint. In ordering the search the commander acted upon his official authority, with a view of becoming thoroughly acquainted with destination of the captured steamer, as required by section 40 of the "instructions," and the transferring of the crew and documents was executed in due form. The cargo could not be discharged from the vessel for the same reason which prevented the cruiser from furnishing the *Knight Commander* with coal.

Referring further to the above-named search of the steamer and its cargo by Lieutenant Gavrishenko and Midshipman Aminoff, the search is stated by the party in appeal as having been superficially made. The question presents itself, how in the absence of any documents on the steamer (the private note books can not of course be recognized as documents) the party in appeal would have conducted the search. The difficulty of such search is fully foreseen in paragraph 23 of the "instructions" in compliance with which the officers must first decide what cargo, in view of the absence of accurate documents, are to be considered as the most suspicious. In the absence of all documents the duty of the searching officers becomes difficult to the utmost degree, and only the owners of the vessel and of the cargo or their agents must bear the responsibility therefor; finally the blame must be laid to the captain of the vessel or on whomever it may please them to lay it, except on the searching officers. In reality "to make it obligatory in consequence of the absence of any data relative to the cargo" for the searching officers to examine all and every hold of the vessel and their contents, consisting of the cargo, and to clear the goods from the holds and open the cases, in general a very difficult task, and in the present case, taking all the circumstances into consideration relative to the cargo, part of which consisted of parts of bridges, which it took, with all the facilities which the port of New York could furnish, twenty days to put on board, is quite impossible. In order to obtain a more or less exact understanding of the cargo of the steamer it would be necessary to discharge it, to do which at sea was out of the question, and therefore the search of the steamer, as in fact has already been stated, was not obligatory in the present case and the search was carried out by the officers within the limits of possibility.

The results of the search were explained by the officers with the confidence that the great majority of the *Knight Commander's* cargo consisted of contraband of war. Inasmuch as the captain was unable to present any documents to contradict this assurance, the information brought by the officers was the only element the commander could use for deciding as to the character of the captured steamer as well to the quantity of such cargo, and he decided that the steamer *Knight Commander* was a lawful prize.

The decision of the prize court confirmed this supposition, and therefore in this respect neither the commander of the cruiser nor the chief of the detachment can be called upon to assume any responsibility (sec. 40; sec. 5 of the instructions—remark). Let us now see what evidence the court had when it examined the present case. All the material proofs lay at the bottom of the sea. No bills of lading, no manifest, no documents whatever pertaining to the cargo were presented by Captain Durant. Among his papers two private note-

books, relative to goods received on board, two spaces are remarked, evidently intended for the rails, parts of bridges, and, in general, all the railway material which was contraband of war. The summoning of the owner of the vessel would have thrown no light on the subject, for the fact that, as all the material proofs had disappeared, it would have been easy for him to invent documents which would have compromised our officers, as the rails and parts of bridges would have changed into common iron bars and building material for some foreign private person or firm in Japan, or the quantity of contraband of war would have been reduced so as to be less than half of the total cargo. In all prize cases the captors are considered as the respondent, and it is not for this party to prove the regularity of its acts, but for the other party to prove the irregularities. This is a universal rule. As no documents were found on board of the steamer at the time of its capture, and consequently the material proofs having disappeared can not be produced, they can not be recognized, and therefore in the present case the summons of the owners for them to present their proofs before the court would have been at the very least superfluous. The explanations given by Captain Durant, as far as they refer to the character of the cargo carried by the steamer could have still less weight in the court's decision. Indeed, from his already, as representing the interests of the shipowners and the owners of the cargo, it was impossible to expect other explanations than those which could clear them, such a proposition the captain hastened to confirm, declaring before the court, contrary to the entries made in his own correspondence, that he had absolutely no knowledge that his vessel was transporting contraband of war, and so forth.

Besides that the case has signs of other evidence which does not give the court the possibility to avail itself of this part of Captain Durant's explanations, namely, undoubtedly in the opinion of the court, the hiding by the captain of the documents which pertained to the cargo of the steamer.

The party in appeal explains the absence of the bills of lading from among the papers as due to the fact that they were sent in advance by post. Although in all other cases relative to the detention of neutral vessels which were examined by the court the captains presented copies of bills of lading and the manifest, but allowing even the explanation of the party in the appeal, it is asked why the latter did not find it necessary to explain likewise the absence of the manifests which, especially in view of the absence of the bills of lading, should absolutely have been in the possession of Captain Durant, signed by him on oath, as to their accuracy. Considering the bills of lading and manifests as of no importance it would be interesting to learn on what ground the party in appeal would desire the court to form its opinion of the steamer's cargo when both vessels and cargo are destroyed. On one hand, the party in appeal considers these documents as having no special importance, on the other hand, several lines further on, in his appeal, he says that of course it would have been more convenient for Durant if he had possessed them or copies of them, with him, in that case it is doubtful whether the steamer would have been captured. In these words, placing the fate of the steamer and its cargo as dependent upon the possession of the first cargo documents, the party in appeal most clearly, contrary to his first declaration, establishes their paramount importance, in that it would have been preferable had Captain Durant been in possession of the cargo documents, one must agree with the party in appeal. But Captain Durant was not of that opinion, as he viewed it, if he had had the documents and the exact list of goods taken on board at New York, it would be far more unpleasant for him that the party in appeal thinks. The manifest of the port of Manila, which states that the *Knight Commander* took no goods on board at that port was present, it was not compromising, and it was found among the papers Captain Durant presented. It is a pity that this contradiction in the protest of the appeal party remains without explanation. Ending the examination of that part of the protest which deals with the total absence of cargo documents on board the *Knight Commander*, I find it my duty to once more emphasize one circumstance remarked by the court in its decision: In the leather bag or portfolio bearing the inscription, *Knight Commander*, made for the safe keeping of the vessels' documents, is printed the words "See that the general documents mentioned in the list are kept in this bag upon putting to sea and entering port." And, as among the papers are mentioned the bills of lading and manifest, in view of such a clear reminder to the captain of this part of his duty there can be no excuse for its not having been carried out.

As has already been said in the question relative to the determination of the quantity of cargo of a contraband of war nature, the court could be guided

exclusively by the facts resulting from the search of the steamer made by Lieutenant Gavrishenko and Midshipman Aminoff. Two private notebooks, beside this, that they do not contain a list of the articles forming the cargo, do not contain any data as to the weight dimensions of the articles they do mention, nor do the press copy books with the business correspondence of the captain. But if the court had really needed supplementary data in order to support its decision relative to the fact that the larger portion of the *Knight Commander's* cargo was contraband of war, such data was given by Captain Durant to the court at the sitting of July 24. As seen in the protocol of this sitting, Captain Durant explained that the total cargo on board the vessel at the time of her capture weighed from 3,500 to 3,800 and perhaps even 4,000 tons. Let us consider the most favorable figure for Captain Durant, namely 5,000 tons. Deducting therefrom 385 tons for water supply and 110 tons for coal, or a total of 495 tons, there remain 3,505 tons of cargo. Of this amount, in accordance with Captain Durant's statement, there were 1,000 tons of rails; the letters of Captain Durant to the shipowner show that alone the parts of bridges consigned to Chemulpo required twenty days to be put on board, from April 15 to May 5. Under ordinary circumstances in a well arranged port, a vessel puts about 200 tons on board daily. But let us suppose that on account of special difficulties, which appeared in stowing the heavy and bad-shaped parts of bridges, this daily placing on board amounted to an average of 100 tons or, let us say, even, 50 tons a day. Even in this case the amount placed on board in twenty days amounted to 1,000 tons of bridge parts, which, with 1,000 tons of rails, formed 2,000 tons—that is to say, more than half the above-named 3,505 tons of cargo on board the *Knight Commander* at the time of her capture by the Russian cruisers. Let us add to this weight, whatever it was, the car bodies and car wheels seen by Lieutenant Gavrishenko, as well as the T iron bars, telegraph wire, besides a lot of steel sheets, tar, and acids mentioned in books Nos. 4 and 5, and we must come to the conclusion to which the court also came with the information it possessed, namely, that the quantity of contraband or war cargo on board the *Knight Commander* at the time of her capture by the Russian cruiser was undoubtedly, and in a large degree, more than one-half of the total cargo, and, consequently, both the steamer and the illegal portion of the cargo should be condemned as legal prize subject to confiscation.

Referring to the decision of the court as to the illegal action of the owners of the steamer *Knight Commander* the party in appeal claims that from the quantity of letters only three were made note of, those most favorable to its deductions. Why did the party in appeal require the contents of all the letters which had no bearing on the voyage in dispute? It is difficult to say. It does not matter how many notes the court could have made from the letters, they would not have reduced the importance of those three which establish the part played by the owner of the vessel and the captain in the transport to the enemy of contraband of war. From the fact that against three witnesses who have seen an illegal action should the accused place a hundred witnesses to certify that they did not see anything, does not mean that the illegal action was not accomplished. Furthermore, the very wording of the court's deductions from Captain Durant's letters is such that, contrary to the opinion of the party in appeal, there remains no doubt as to the real character of the steamer's last voyage and its relation to the obligations due by the shipowner and the captain.

Thus deciding in accordance with the important strength of the proofs in the case the court could not arrive at any other but the decision it rendered in recognizing the steamer *Knight Commander* and the cargo on it as contraband of war and a legal prize, subject to confiscation, which decision I find fully justified and proper.

Apart from the explanations given by the procurator of the prize court in reply to the protest of the shipowner's appeal, there has also been received an explanation from the chief commander of the first squadron of the Pacific Ocean Fleet, in which Rear Admiral Jessen states:

1. That section 36 of the "Instructions" clearly and definitely requires that the protocol should be signed by the members of the committee and the commander.
2. That Captain Durant was examined without oath and that section 64 of the Regulations was not violated.
3. The presence on the steamer of contraband of war was so evident that the court did not even touch the question of examining relative to the refusal to stop. When ordered to stop, the vessel started off at full speed, intending to

approach the coast, and did not stop until the fourth shot was fired. It is doubted whether the captain of neutral nationality would have risked his life if he had been transporting a neutral cargo.

The attorney for the owner of the *Knight Commander* of the steamship company "Ritsar," Mr. Sheftel, supplementing the appeal filed by Mr. Bajenoff, presented a petition accompanied by 46 documents, stating:

1. That the prize court was duly bound to first of all decide the question as to the right to sink the vessel, and its duty in this connection had not been fulfilled, thus violating articles 50 and 74 of the Naval Prize Regulations.

2. That the true meaning of article 21 of the prize regulations, and remark to section 40 of the instructions, provides that only the enemy's and not neutral ships may be sunk, and this is recognized by many authors and by institutes of international law.

3. That in sinking the *Knight Commander* there were lacking the extraordinary conditions which the law recognizes as acceptable for the sinking of vessels.

4. That in proof of the statement that neither the owner of the vessel nor the captain knew that contraband cargo was being carried on the steamer is the fact that the transport of the cargo was accepted before the declaration of war between Russia and Japan.

5. The false accusation of the captain by the court relative to his having destroyed the bills of lading and manifests and his hiding the destination of the cargo.

6. That in calculating the relation of contraband cargo as compared with the whole cargo there must be taken into account the total cargo taken on board the steamer at the time of loading, and not the quantity of cargo remaining on board the steamer at the time of the capture.

7. That the Vladivostok prize court in its decision determined what cargo, not being contraband, was subject to liberation.

8. That the amount of cargo at the time of the capture of the *Knight Commander*, including contraband of war, was in weight less than half of the cargo at the time of clearance. In support of this Attorney Sheftel presents documentary proof that at the time of the capture the *Knight Commander* carried 4,700 tons of dead cargo, 5,141 tons weight and capacity, as follows:

Rails and rail fastenings.....	Tons.
Parts of bridges.....	979
300 pairs of wheels and axles.....	1,702
400 wheels.....	212
	59
Total.....	2,962

This quantity, as compared with the quantity of cargo on board when the steamer left New York, namely 6,857 tons, was less than half.

In this case Mr. Berline, attorney for the American Trading Company, Messrs. Wassermann and Healing, and the Methodist Missionary Society, made a special appeal, in which he shows: That the supposition of the court in explaining that the absence of cargo documents was due to their being hid by the captain, is not supported; on the contrary, it is denied by the presentation of copies of bills of lading; the latter shows the peaceful character of the cargo and its true destination; they have special importance in view of the superficial and insufficient search made by the officers. Much importance can not be given to the depositions of the officers in the protocols. The officers came to the conclusion that the cargo was contraband of war, when they only looked at the cargo through the hatches, and did not even examine the contents of the bales and cases; therefore their statement that the majority of the cargo was railway material, or even iron cargo, is without foundation and can not be accepted. All this information leads one to the assurance that the captain had no need to hide the cargo documents even if he had had them in his possession; this supposition can therefore have no weight for the decision of the court. Therefore the examination of the captain, although not under oath, was illegal, inasmuch as the captain represents the owners of the cargo and is party in the present case, and can not therefore be examined as a witness.

The statements made by the captain at the examination could not serve as condemning him, for the following reasons:

1. Captain Durant was examined under circumstances which precluded all possibility of quietly and knowingly making his statements.

2. His statement that he did not know the exact quantity of cargo according to categories is explained by his assertion that he never signed bills of lading, but only saw some of them at Shanghai (protocol No. 5).

Besides this the court has committed a very strong infringement of article 71 of the prize regulations, in that the cargo owners were not called through publication and were thereby deprived of giving their explanations and presenting documents to prove the true character and destination of the cargo.

Considering, in view of the foregoing, that the search of the steamer made by the officers of the Russian cruiser gave no accurate data with which to establish the contraband character of the cargo, that in view of this the sinking of the steamer was illegal and a sacrifice for his clients, Mr. Berline asks that they receive proper compensation. He asks:

1. That the cargo which was on the *Knight Commander* belonging to Messrs. Wasserman, Healing, The American Trading Company, and the Methodist Missionary Society be considered as neutral and not subject to confiscation.

2. That the decision of the Vladivostok prize court in this subject be reversed.

3. That his clients be granted compensation for the value of the cargo sunk and for the losses sustained by them thereby.

To this petition Mr. Berline, sworn lawyer, attached in his capacity as attorney of the American Trading Company, besides his powers of attorney: (1) A sworn statement of Mr. Morse; (2) 11 bills of lading; (3) 11 invoices.

II. In his capacity of attorney for Messrs. Wasserman: (1) His power of attorney; (2) the sworn deposition of Mr. Wasserman; (3) 3 copies of bills of lading.

III. In his capacity of attorney for Healing: (1) Power of attorney; (2) sworn deposition of Mr. Kendilla; (3) 5 invoices; (4) sworn declaration, showing that the goods were American manufacture; and (5) copies of bills of lading.

IV. In his capacity of attorney for the Methodist Missionary Society, a full power.

Besides the foregoing Mr. Sheftel, sworn lawyer, presented 17 petitions, in which in the names of the cargo owners and insurance companies he asks that they may receive compensation for the goods stated in the petitions, as non-subject to confiscation.

These petitions were in the names of: (1) The London and Provincial Maritime and General Insurance Company; (2) Same company "Insurance Company" in British possessions; (3) British and Foreign Maritime Insurance Company, Liverpool; (4) Chinese Insurance Company, of Commercial Steamers, London; (5) Hongkong and Shanghai Bank Association, London; (6) Switzerland General Insurance Company, Zurich; (7) London Insurance Association; (8) Tokio Maritime Insurance Company; (9) G. V. Taiser and others, Insurance; (10) G. V. Taiser and others, Insurance; (11) Maritime Insurance Company, London; (12) Mannheim Insurance Company; (13) Maritime Insurance Company, Liverpool; (14) Thames & Mersey Maritime Insurance Company; (15) Mutual Maritime Insurance Company, London; (16) The United States Lloyds Company; (17) Francis Mulling.

With these documents and petitions, powers of attorney were presented made in the name of Mr. Sheftel, sworn lawyer.

Considering the decision of the Vladivostok prize court, together with the appeals filed against it, with the circumstances of the case, and the laws, the supreme prize court finds:

In conformity with article 11 of the Naval Prize Regulations, vessels of neutral nationality are subject to confiscation as prizes when these vessels are caught in the act of carrying as cargo to the enemy or the enemy's ports, articles of contraband of war in quantities exceeding in their total capacity or weight half of the whole cargo. The cargo is confiscated in conformity with part 1, section 12, when it consists of contraband of war in transit to the enemy or enemy's ports.

The real and clear sense of the law shows that in order to confiscate a vessel carrying articles of contraband of war, not pertaining to firearms and ammunition or components for explosives, it is necessary to establish that the bulk of this cargo exceeds in measurement or weight half the full cargo, for the confiscation of the cargo itself it is not necessary to establish the relative quantity of the contraband cargo, as the confiscation of the cargo is made dependent exclusively of the fact whether the cargo is really contraband of war, independently of the fact as to the quantity transported (Art. I, sec. 12). This distinction must absolutely be kept in view in deciding the present case, and

thus in order to recognize the confiscation of the cargo carried by the steamer *Knight Commander* it is sufficient to establish that it consisted of contraband of war, and is being carried to an enemy's port, in which event the quantity of the cargo is without importance. In order to establish the right of confiscation of the vessel it is necessary to show that the contraband portion of the cargo carried by the vessel exceeded one-half of the total cargo.

Referring in this respect first of all to the appeal made by Mr. Bajenoff, attorney for the shipowners, in which he does not discuss the question that the vessel was carrying goods to the enemy's ports, and to the facts in the case that the *Knight Commander* at the time of its capture carried contraband of war exceeding in capacity or weight one-half of the whole cargo, the superior court finds that the explanations given by the other lawyer, Mr. Sheftel, in his appeal in favor of the shipowners, that at the time of the capture of the *Knight Commander* it carried 5,141 tons of cargo, of which there were 979 tons of rails and rail fastenings and 1,702 tons of bridges, which amounted in total to 2,681 tons, namely, 111 tons more than one-half of the total cargo; if one further considers that rails and parts of bridges evidently form material for the construction of railroads, as is clear in regard to rails from their very denomination, and with regard to the parts of bridges, from their material of which they were manufactured and their weight, directed to the same railroad company in Chemulpo as were the rails. Such like material, in conformity with sections 8 and 9 of the Imperial Instructions of February 14, 1904, is contraband of war.

One can not but come to the conclusion that the decision of the Vladivostok prize court recognizing the steamer *Knight Commander* a legal prize, fully conforms to the circumstances of the law in the case and that not only does the party in appeal not strengthen itself, but weakens its defense. It is not useless to add that the above calculations of the attorney for the appeal relative to the quantity of cargo on the *Knight Commander*, consisting of rails and parts of bridges is confirmed and shown by the procurator of the prize court in the explanation made in the appeal petition, was based upon the deposition made by Captain Durant.

Referring now to the examination of other appeals against the regularity of the Vladivostok prize court's decision, relative to the objections made to the confiscation of the vessel, the supreme prize court finds that these objections were as follows:

1. That only an enemy, and not a neutral vessel, may be sunk.
2. That the prize court in not deciding the question as to the legality of sinking the steamer *Knight Commander* violated the law.
3. That at the time of the sinking of the steamer there were not present those conditions the existence of which by law are necessary for recognizing the sinking as legal.
4. That the accusation of the court against Captain Durant as to his hiding the destination of the cargo as well as concealing and destroying the manifests and bills of lading were improper.

All the above objections, in the opinion of the supreme prize court, even in the event of their correctness could not induce the prize court to change its decision because, as it is stated above, the confiscation of the vessel is due exclusively to the presence of the conditions provided for in clause 1, section 11, of the Naval Prize Regulations, and consequently the absence of the conditions indicated in the objections of the party in appeal in deciding the question as to whether the vessel was subject to confiscation, has no importance.

But independently of this, the supreme prize court finds that all these objections are improper in the present case.

First of all must be remarked that the question as to the regularity of the sinking of the vessel did not pertain to the examination of the prize court, in absolute conformity with article 58 of the Naval Prize Regulations, but in accordance with the real sense of article 21 of the Naval Prize Regulations, and article 299 of the Naval Military Criminal Statutes it may pertain to the examination of the naval authorities and the criminal court, inasmuch as the sinking of a vessel is allowed under the personal responsibility of the naval authorities, therefore, to judge whether in the present case the naval authorities sufficiently examined the extraordinary circumstances, which decided them to sink the vessel or whether these circumstances were insufficient, can only be judged by the commanding authority who ordered the sinking of the vessel, and not the prize court.

Besides this, in conformity with the same article 21 of the Naval Prize Regulations and clause 40 of the instructions relative to the manner in which the capture of vessels is to be effected based on article 26 of the prize regulations confirmed by the council of the admiralty, the fear that the vessel may fall into the hands of the enemy and the distance of a home port to which such vessels may be brought are conditions which justify the sinking of a vessel. The presence of these conditions in the sinking *Knight Commander* were duly established by an act on July 11, 1904; the question raised in the appeals that the sinking of neutral vessels is illegal is rejected in conformity with articles 11 and 21, which together clearly explain the irregularity of this point; in conformity with article 11 trading vessels of neutral nationality may be subject to capture; in accordance with the same article 21 all captured vessels may be sunk in extraordinary cases; thus, according to Russian law in force, the Russian prize court alone can properly decide this question, and the objections raised in the appeal are negative.

We can not, however, agree with the declaration made by the shipowners' attorney that the Russian law, in allowing "neutral vessels" to be sunk, is contrary to the principles of international law, if even in a double sense a "neutral vessel" is such as is neutral only through its nationality, although nowise neutral in its acts. In support of his position, the attorney cites a whole lot of passages from authors who declare themselves against the legality of destroying vessels of neutral nationality. But the views taken by authors or learned men, although very authoritative, do not make it an obligatory rule of international law. It is well to adhere to such opinions, but one is not obliged to accept their execution.

Not citing the opposite view, it is not found unnecessary to draw attention to an article by Professor Holland (*Revue de droit international*, 1905, No. 3) which expresses a doubt whether the sinking of a vessel of neutral nationality should be considered a violation of the principles of international law, especially in view of the circumstances that not only Russian law but also the laws of France, the United States, and Japan admit the sinking of neutral prizes.

But not stopping within the limits of various authorities it is necessary to examine the questions from the very root. All agree that the principle of international law relative to maritime prizes should be based upon established compromises between the interests of the belligerents on the one side and neutrals on the second part—compromises which should guarantee the rights of all. From this point of view the destruction of a captured vessel of neutral nationality should not be admitted excepting in case of absolute necessity to the interests of the hostile parties. These cases may, of course, occur much more seldom for the powers which luckily possess ports everywhere than for those which are in less favorable conditions, notwithstanding the most gross violation of neutrality by them and would likewise in some conditions entirely prevent the belligerents from putting obstacles in the way of ammunition being brought to the enemy, which it is evident would be irregular and on the part of the other belligerent party who would be in more favorable conditions, it would be an injustice.

In point of view of international law, based upon the above said compromises between the belligerents and neutrals, does not even present itself as very comprehensible, wherefore several writers declare the admittance of the sinking of neutral vessels on which the cargo belongs to neutral owners and even the refusal of compensation for this cargo; but do not admit the sinking of the vessels of neutral owners which carry contraband of war in destination of the enemy's or for an enterprise carried out by the enemy, while in principle the center of weight of the question leads to the point that the legal interests of the owners should not suffer if it should occur in the interest of the belligerents that the vessel should have to be destroyed. But, in the existing Naval Prize Regulations of Russia, the most stringent defend the legal interests of the owners, these interests can scarcely suffer, inasmuch as if the captured cargo was to be confiscated in favor of the crown, by destroying it, it is not the owners who suffer, but the crown, which not only is deprived of the possibility of using the cargo, the crown besides this having to pay compensation (art. 44) if, on the contrary, the prize destroyed turns out that it must be returned to the owners (arts. 28-30 and 32). Regarding in part the

objections made by the attorney of the shipowner that in allowing a naval authority to destroy a vessel amounts to giving him the right to decide the case in the place of a prize court—this objection presents itself more or less as a misunderstanding, as, according to the regulations relative to prizes, the instructions to naval authorities relating to the destruction of vessels has but the character of a practical measure called for in cases of necessity; but does not in any way lessen the instructions to prize courts relative to the right of the destruction of property. On the contrary articles 21 and 74 stipulate that the case should be referred to a prize court for confirmation or liberation. But once the prize court has decided its compensation, the right of capture must, of course, be considered as belonging to the crown from the time of its capture, and not from the time it was recognized as liable to confiscation, just the same as an inheritance belongs to the heirs from the time of the opening of the inheritance and not from the time the court probated it. In fact, the problem of prize courts consists in that they must recognize the prize—that is to say, if the capture was lawful or illegal; or in other words, to confirm the rights of capture or to refuse to confirm it. In general, prize courts do not create rights, but only confirm them.

The supreme prize court can not find just either the last objection made by the shipowners' attorney in that the Vladivostok prize court unjustly accused Captain Durant of concealing the port of destination of the cargo, as well as the bills of lading and the manifests. The circumstances of the case as shown in the decision of the prize court, the finding of the court that Captain Durant was insincere, is fully upheld. The circumstances are given in the decision of the court as taken from the statements of Captain Durant's press copy books, together with the statements made by Captain Durant before the court, namely, that Durant was aware of the destination of the bridge parts to Chemulpo, and at the court, not knowing that the press copy books were in the hands of the prize court, he declared that these parts of bridges were for port Kobe. Finally, one can not accept the objection raised in the appeal that in calculating the quantity of the relative portions of the contraband of war one should determine its relation to the whole cargo taken on board the vessel. This objection is absolutely rejected by the sense of article 11 of the prize regulations, clearly shown, that account is taken only in the quantity of cargo on the vessel when captured, whether the cargo discharged was contraband or not, is not taken into consideration.

Passing on to the examination of the appeal of Mr. Bajenoff, the supreme court finds that the resolution of the Vladivostok prize court recognizes as subject to confiscation the cargo of the steamer *Knight Commander*, consisting of rails and railway material, machinery, telegraph wire, steel sheets, shovels, boiler tubes, parts of bridges, etc. Among these articles rails, parts of railway bridges, in conformity with section 9 of the imperial instructions of February 14, 1904, are recognized as contraband of war when they are being transported to a port of the enemy, consequently there can be no doubt as to the proper decision of the prize court in this respect, inasmuch as wire may be used for the construction of railway, telegraph, and telephone lines; and in the absence of all documents to show that this class of goods was not being transported for such a purpose, the court was fully justified in recognizing this material as contraband of war.

Referring to the petitions presented by Attorneys Berline and Sheftel in the names of the various owners of the cargo, in which they ask compensation for the value of the goods on the *Knight Commander* which were not contraband of war, the supreme prize court finds that all these petitions at the present time can not be examined by it; therefore, in conformity with articles 58 and 88 of the Naval Prize Regulations relative to compensation for losses in consequence of the destruction of trading vessels with their cargoes, these must be referred to prize courts, and may be addressed to the supreme prize court only for appeal against the decision of a prize court (art. 89).

In view of this, the above-named petitions of the cargo owners were presented directly to the supreme prize court, and those which were not presented to the Vladivostok prize court must be left without a hearing by the supreme court; at the same time the supreme court finds it necessary to state that the mention made in clause 2 of the Vladivostok prize court's decision of July 24, 1904, of various kinds of goods, excepting rails and parts of bridges, in case of appeals by the cargo owners to a prize court for compensation for losses caused by the destruction of the cargoes, will not be an obstacle to the decision

of the question whether these individually defined cargoes for which, on account of destruction, compensation is asked, pertain in the present case to articles which, in conformity with sections 7 and 9 of article 6 of the instructions of February 14, 1904, are not admitted to be contraband of war.

The supreme prize court can not leave without reply to the charge made by the party in appeal as to the violation of article 64 of the naval regulations by the Vladivostok prize court in examining Captain Durant in the capacity of witness, who in the present instance was considered as a party, in conformity with section 36 of the Admiralty Council Instructions, which recognize the lawfulness of the captain of the *Knight Commander* notwithstanding the fact that the protocol for its capture is not signed by the commander of the cruiser detachment.

These objections the supreme prize court can not recognize, first, because, although the captain of a captured vessel, according to article 60 of the prize regulations, may be considered, in the absence of the owners, a party in the matter of confiscation, nevertheless his examination as a member of the crew of the captured vessel is allowed, according to the judgment of the prize court, on the ground of article 64 of the same regulations. Apart from this objection, it can not have any importance, because Captain Durant did not refuse to be examined by the prize court. The objection raised as to the violation of article 36 of the instructions is not worthy of consideration, because this required that the protocol relative to the capture of the vessel should be legalized by the signature of the commander of the capturing vessel, and this manner of action was carefully carried out in the case of the *Knight Commander*, as this vessel was captured by the cruiser *Rossia*, whose commander signed the order for the capture of the vessel.

In view of all the above, the supreme prize court, after listening to the verbal explanations of the acting procurator, as well as of the attorneys, Sheftel and Berline, in behalf of the shipowners and cargo owners, decided:

1. To maintain the decision of the Vladivostok prize court and to leave the appeal made by Attorney Bajenoff, in behalf of the owner of the steamer *Knight Commander*, without consideration.

2. To leave the petitions of the attorneys, Sheftel and Berline, in behalf of the cargo owners of goods noncontraband of war, and for compensation for losses, with examination.

Original bears proper signatures.

True copy. Acting Secretary Sourine. This copy has been granted to Mr. Berline, sworn lawyer, upon his personal request made at the chancery of the ministry of marine.

January 4, 1906. Acting Secretary (signature). No. 10.

[Inclosure 2.]

Protest of Counsel Berline to the Supreme Prize Court.

(From Anatole M. Berline, sworn lawyer, residing Moika N. 55, attorney for the American Trading Company, Messrs. Wasserman & Healing, and the Missionary Methodist Association.)

PETITION.

Supplementary to the appeal already made by the present petitioners, I have the honor to declare that the decision of the Vladivostok prize court, which pronounced the sinking of the steamer *Knight Commander* legal and considered the cargo as being subject to confiscation, is irregular, and I claim subject to change on the following basis:

The main reason for the sinking of the steamer was the absence of cargo documents; in conformity with the instructions for the visitation and arrest of vessels (clause 2) the chief documents, obligatory for English vessels, called the manifest and bills of lading, which, for the cargo in destination of Kobe and Yokohama, were lacking. The absence of the "papers" of the charter party can not be brought as a charge against the captain, inasmuch as in accordance with the circumstances of the case it is visible that the steamer carried freight belonging to the firms of Wasserman, Healing, and the American Trading Company, as well as of the Methodist Missionary Society's churches and of other

firms, most of which are conducting regular trade with Japan; therefore one can not suppose that because the manifest was missing it was intended to conceal the ownership to the cargo; most certainly it can not be considered that the missionary society had the intention of transporting contraband goods. The nature of the goods do not change because of the fact that the steamer for this trip was chartered by the firm of "Howard, Hulder, Rowel & Co." The conclusion of the protocol that the vessel was arrested because it was chartered by the said firm "for the transportation of various railway and other material to Japan"—that is to say, that it was engaged in carrying military contraband—is not in any way confirmed; nothing in the case shows that Messrs. Howard, Hulder, Rowel & Co. went out of their business as ordinary steamship agents—that is to say, accepted various kind of goods without any ulterior object. Information as to the cargo was contained, however, in the captain's books Nos. 4 and 5. The court, however, in designating these books as private, did not recognize their existence as pertaining to the case, nor as worthy of confidence. It is incomprehensible, however, why the court considered the captain's press-letter copy book (without doubt it had the same character, which book, in the opinion of the court, is the main proof which throws insincerity on the part of the captain and demonstrates that the cargo was consigned to Chemulpo for the use of the Japanese Army). Furthermore, this book contains an entry which does away with this supposition, namely, "Until your letter of yesterday I was under the impression that we had to discharge at Chemulpo."

The supposition advanced by the court, claiming that the missing cargo documents were hidden by the captain, is not in any way supported; on the contrary, it is denied by the copies of the bills of lading I have herewith presented; the latter show the peaceful nature of the cargo and its real destination. In our belief they have special importance, especially in view of the superficial and insufficient search which was made by the officers. On the ground of this search, the commander of the cruiser detachment, and later on the Vladivostok prize court, found that a large portion of the cargo consisted of contraband of war. Referring to the protocol drawn up after the search, we remark the following: No. 1, Lieutenant Gavrishenko says: "The nature of the cargo, as far as I could see in the hatchways, was railway material," but he omits to state in what way he arrived at this conclusion. According to a list of articles which he submitted, as in his opinion consisting of railway material, it is seen that many of them (boiler tubes, cogwheels, coal, iron bars, telegraph wire, and barrels with cement) might have no relation at all with railways. He states: "In the center hatchway were many cases of various dimensions." It is clear that these cases were not opened, and, their contents not having been examined, the character of said contents could not be determined. "In the after hatchway the cargo was also mostly railway material, although there were bales, as I have had explained, of wrapping paper and cases." It is entirely incomprehensible to us how Lieutenant Gavrishenko could come to the conclusion that the larger part of the cargo was railway material, if he says there were bales, the contents of which were explained to him by the captain. At the same time he adds that most of the railway material consisted of machinery which he could not define, as it was stowed at the very bottom of the hold, but he supposes (without giving his reasons therefor) that these were pumps. In other holds there were carefully packed bales and cases, which were not examined, but which were taken for granted as being railway material. It is difficult to recognize oneself to consider such a search as carrying any weight. Referring to protocol No. 2, drawn up by Midshipman Aminoff, we see that it also bears a superficial and obscure character. Midshipman Aminoff, in three places of the protocol, declares that he saw several articles, some of which appeared to him as parts of trucks. He only "peeped" into the foreholds; the iron he saw appeared to him to be railway car springs; he did not open any of the cases in the holds. He, however, does not go as far as Gavrishenko (who declares that the total cargo was railway material), but simply states that "the cargo was exclusively of iron." (It must be remarked that a cargo of iron is not by any means contraband of war.)

From the foregoing it is evident that these protocols can not be given serious consideration. The deduction, that the cargo was railway material, was arrived at by the officers in question at a great distance from the cargo, no proper inspection having been made; a large portion of the cargo, in bales and cases, were not even opened nor examined and was unknown to them; thus, that the

cargo was mostly railway material or even iron can not be in any way considered in the light on which they make their declarations. The data to hand brings one to the conclusion that the captain had no need whatever to conceal the cargo documents, if he had them. This supposition of the court can not consequently have any weight on which to base the decision.

Regarding the deposition of the captain we must remark that his examination, although not under oath, was illegal, inasmuch as the captain is the representative of the cargo owners and of the parties in this case, and can not therefore be examined in the capacity of a witness.

The captain's deposition can not serve as convictory evidence, for the following reasons:

(1) Captain Durant was examined under circumstances which precludes the possibility of making his deposition of any legal weight.

(2) His deposition that he did not know the exact quantity of cargo, by various categories is explained by his deposition that he never signed any bills of lading, but only saw some of them at Shanghai (protocol No. 5).

Furthermore the court allowed a most irregular infringement as to article 71 of the instructions relative to prizes, namely, that the owners of goods were not summoned through publication and were thereby prevented from giving explanations and presenting their documents proving the true character and destination of the cargo.

Finally, in considering the decision of the Vladivostok prize court, we find the following inaccuracies:

In its decision the prize court (par. 2) found that the cargo carried by the vessel (a list thereof follows) is subject to confiscation as forming contraband of war. Whereas among the goods in the list were steel sheets intended to be used in making tin cases for conserves; in the railway material were included steel and tubes intended for an electric railway, neither of which could be contraband of war. In paragraph 3 the decision finds that the said cargo at the time of seizure formed more than half of the vessel's total cargo, a fact which is "not proven," while on the contrary it appears doubtful when examining the bills of lading herewith presented. In the decision of the Vladivostok prize court we find the following considerations: "From this data one may conclude that the cargo on the said vessel at the time of its seizure consisted of the following articles: Rails, various parts of railway bridges, steel, steel sheets, nails, wire, tubes, wheel grease, acids, shovels, and a small quantity of mixed goods. (List of goods follows, which in no way can be classed as contraband of war.) Thus it may be considered fully proved that the vessel *Knight Commander* was arrested by Russian cruisers while transporting contraband of war to the enemy's ports.

One can not agree with such a conclusion if one but considers separately the list of goods given as "various railway material" and in view of its indefiniteness we will not look into it; steel sheets intended for the manufacture of conserve cans, tubes intended for electric railroad, tar, acids, nails, and shovels can not be recognized as contraband of war, as they are not mentioned in the declaration. There only remain rails and parts of bridges which form conditional contraband in case they are intended for the enemy.

In view of the facts laid forth, that the examination of the vessel by the officers of the Russian cruiser gave no exact facts for establishing the contraband character of the cargo, and in view of this that the sinking of the steamer was illegal and an injustice to my clients, as well as opposed to all the rules of civilized warfare, I consider them subject to compensation, and have the honor to ask—

(1) That the cargo on the steamer *Knight Commander*, belonging to the companies "Wasserman" Healing, American Trading Company, and the Methodist Missionary Society, be considered neutral and not subject to confiscation.

(2) That the decision of the Vladivostok prize court be reversed in this respect; and

(3) That my clients be compensated for the value of the lost cargo and that damages for losses be allowed them.

ALLEGED VIOLATION OF THE GENEVA AND THE HAGUE
CONVENTIONS.

Ambassador Meyer to the Secretary of State.

No. 467.]

AMERICAN EMBASSY,
St. Petersburg, March 17, 1906.

SIR: The department's dispatches Nos. 57 and 62,^a dated July 24 and August 1, 1905, respectively, inclosing papers from the Japanese legation at Washington bringing to the attention of the Russian Government certain violations of the Geneva convention alleged to have been committed by members of the Russian army, were at once referred to the ministry for foreign affairs.

I am now in receipt of a note replying to both of the Japanese letters, and beg leave to inclose a copy of the ministerial note, dated March 1/14, together with a copy of the inclosure transmitted therein and a translation of the same.

I have, etc.,

G. VON L. MEYER.

[Inclosure.—Translation.]

Copy of a communication of the general staff dated February 16, 1906; No. 98.

With regard to the question of the violation of the rules of the Geneva convention by a detachment of Adjutant-General Mistchenko and by Colonel Müller, temporary commander of the First Brigade of the Thirty-first Infantry division, communicated by the minister of foreign affairs to the minister of war, under date of August 12, 1905, sub No. 4468, the chief administration of the general staff communicates as follows:

(1) In accordance with the report of the commander of the Fourth Ural Cossack Regiment, it is seen that on May 5, 1905, the advance guard of the sixth company (hundredth) of the said regiment was fired upon from a village (name unknown); upon the approach of the main forces a squadron of the enemy's cavalry galloped away from the village; the firing continued, and a military movement was observed; supposing that this was a forward movement, the Cossacks made an attack, and upon advancing they saw commissary wagons in the village; some of the armed men who accompanied the wagons defended themselves, others tried to escape; a large number were made prisoners and disarmed.

A number of the two-wheeled wagons tried to make their escape and were pursued; the Japanese attendants of the two-wheeled wagons defended themselves with their arms, wounding two Cossacks (Terentia Budarnikoff and Samuel Tianoukhin), and this caused the Cossacks to follow up the attack, during which they killed 4 Japanese and wounded 2 others.

In this affair a Japanese surgeon who defended himself with his sword against the Cossacks was taken prisoner. This surgeon, by orders from Adjutant-General Mistchenko, was released on May 7, together with 15 hospital nurses, at the village of Tsinsiantao, in order to attend to 49 wounded Japanese belonging to the reserve infantry regiment, the hospital detachment having been equipped with ample supplies.

During the skirmish the sign of the Red Cross was not displayed; that the wagons belonged to the hospital staff was only discovered after they were captured.

Besides the hospital wagons there were also commissary depots in the same village, which were destroyed.

According to the report of the adjutant-general, Mistchenko, among the prisoners made during this skirmish of May 5 there were 7 men belonging to the infantry division.

^a Printed in Foreign Relations, 1905, p. 755.

Every possible attention was afforded the prisoners and women during their transportation to the divisional headquarters in small carts; before sending the prisoners to the staff of the army they were questioned as to any claims or declarations they had to make; these claims amounted to 25 roubles, which sum was paid to them.

In view of the fact that the raid of the cavalry detachment of Adjutant-General Mistchenko was undertaken specially with a view to the destruction of all kinds of military stores belonging to the enemy, the action of the Fourth Ural Cossack Regiment against the enemy's wagons, which displayed no signs of belonging to the hospital service, and besides this, the attendants of which replied to the attack with rifle fire, must be recognized as absolutely correct, and no violation of the regulations of the Geneva convention occurred.

(2) It has been impossible to ascertain on what basis the order contained in the above-named letter was issued by the temporary commander of the First Brigade of the Thirty-first Infantry division, inasmuch as the headquarters papers of the brigade and of the staff of the Thirty-first Infantry division were lost during the battle of Mukden, and Major-General Müller does not recollect issuing any such orders or any reason for so doing.

Correct copy. (Signature illegible.)

RESUMPTION OF DIPLOMATIC RELATIONS BETWEEN RUSSIA AND JAPAN.

(See correspondence with Japan, p. 1087.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

(Mr. Meyer reports, in reference to the department's cable of February 6, that the Government of Russia will certainly recognize Mr. Motono as the Japanese minister when he arrives at St. Petersburg, and is willing to make it easy for him to exercise his functions before his official letters of credence arrive.)

EXCHANGE OF PRISONERS OF WAR.

(Continued from Foreign Relations 1905, p. 800.)

Ambassador Meyer to the Secretary of State.

No. 435.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

SIR: I have the honor to confirm my two cipher cablegrams sent on January 30^a and February 2,^a respectively, regarding the exchange of Japanese prisoners of war in the Far East. True readings of the cablegrams will be found inclosed.

In this connection I beg leave to inclose copy of a note, dated January 25, February 5, from the ministry for foreign affairs, bearing upon the matter.

I have, etc.,

G. VON L. MEYER.

^a See correspondence with Japan, p. 1086.

[Inclosure.—Translation.]

The Russian Minister of Foreign Affairs to Ambassador Meyer.

MINISTRY OF FOREIGN AFFAIRS, FIRST DEPARTMENT,
St. Petersburg, January 24, 1906.

Mr. AMBASSADOR: Referring to your excellency's note dated October 26—November 8 last—I have the honor to inform you that, according to a communication of the ministry of war, 4 officers and 100 soldiers, on December 2 last, and on the 16th of the same month 30 Japanese soldiers, prisoners of war, were sent to Gunjulin, there to be delivered to the Japanese military authorities. There are still in the hospitals in the rear of the army 40 prisoners who, after recovery, will be brought together at Kharbine, whence they will be forwarded by echelons to Gunjulin.

Accept, etc.,

OBOLENSKY.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 2, 1906.

(Mr. Meyer states that the report of the general staff is that the Japanese prisoners of war who were in the rear have been sent forward, for exchange, to Gunjulin; on December 22, Russian style, there were 4 superior officers and 100 men, and on the 16th of December, Russian style, 34 men. There are still about 40 more Japanese prisoners in the hospitals in the rear, who will be brought, as soon as their health permits, to Harbkra and from there sent in parties to the south of Gunjulin.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

(Mr. Meyer states that he has just been informed by the minister for foreign affairs that General Linevitch had notified Marshal Oyama, by a direct official communication on the 15th (28th) December, of the number and arrangements of the mines placed in the waters of Sakhalin by the imperial fleet and in Korea.)

RESIGNATION OF COUNT WITTE.

Ambassador Meyer to the Secretary of State.

No. 511.]

AMERICAN EMBASSY,
St. Petersburg, May 15, 1906.

SIR: I beg leave to report that on May 2 Count Witte's resignation was accepted and the Czar named Goremykin to succeed him.

Since then all the ministers have resigned, and the cabinet is now made up as follows:

Stolypin, late governor-general of Saratoff, a conservative bureaucrat with a good past. The Liberals in the Douma are said not to object to him as minister of the interior.

Schwanebach, imperial controller. Formerly had a controversy with Witte by espousing the cause of a silver standard. Has been minister of agriculture.

Major-General Schaufuss, minister of ways and communications, late chief of administration of railways.

Stishinsky, minister of agriculture, late political secretary to the Czar, son-in-law of Plehve. Considered a strong man, something like Trepoff.

Izvolsky, minister for foreign affairs. Former minister at Copenhagen. This appointment has been foreshadowed for some time.

Kokovtzeff, minister of finance. Held same position previous to Witte being named premier. Well known, and has been instrumental in placing the last loan.

Kaufmann, minister of education. Served in the imperial chancery, a senator, and during the war was representative of the Red Cross. His father a well-known general.

Scheglovitoff, minister of justice, known as an able lawyer and eloquent speaker, said to be liberal.

Prince Shirinsky-Shikmatoff, Holy Synod, master of the court, senator, connected with many societies.

Admiral Birileff continues to be minister of marine, as does General Rediger minister of war, and Baron Fredericks remains minister of the imperial court.

I have, etc.,

G. VON L. MEYER.

SECOND PEACE CONFERENCE.

(See International Conferences at the end of the volume.)