ARTICLE IX. In case any of the provisions of the above regulations which relate to foreigners should be infringed, steps should be taken to put a stop to such acts by application to the consul of the party concerned, if committed at the open ports. If representations to the consul are of no effect, application should be made to the Japanese men-of-war stationed there to take the necessary steps. If a breach of these regulations be committed at a non-treaty port, the local authorities should inform the authorities at the nearest open port, and also the Japanese men-of-war. In the case of remote places, notice should be sent direct to the war and foreign offices.

The above regulations must be carefully attended to by the authorities of the open ports, and of the seaboard Fu, Han, and Ken.

DAJÓKWAN.

AUGUST, 1870.

NORTH GERMANY.

THE DEPARTMENT OF STATE TO THE UNITED STATES LEGATION AT BERLIN.

No. 132.

Mr. Davis to Mr. Bancroft.

No. 214.] DEPARTMENT OF STATE,
Washington, August 9, 1870.

SIR: With reference to your dispatch of the 16th ultimo, No. 112, which presents a very lucid statement of your view of the relative positions of North Germany and France in the pending war, and especially to that part of your communication which relates to the exemption of the North German mail steamships from capture by French cruisers, I have to inform you that on the 16th ultimo the Secretary of State addressed a cable dispatch on this subject to Mr. E. B. Washburne, a copy of which and of his reply is inclosed. From that reply you will perceive that in the exercise of its rights as a belligerent the French government declines to exempt those steamships from capture except those then at sea ignorant of war which may enter a French port. This decision is much regretted by this government, which would be glad to avail itself of any peaceable means of inducing a reversal of it.

While upon the subject of the policy as a belligerent to which France has committed herself, I inclose a copy of a telegraphic dispatch of the 25th of July from Minister Washburne, and of a note of the same date from Mr. Berthemy, the minister of France here, together with a copy of a note from the latter of the 3d instant, and of my reply thereto.

J. C. B. DAVIS.

[The several inclosures referred to in this dispatch will be found under the head "France," *ante.*]

No. 133.

Mr. Davis to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1870.

French government decides North Germans, with certain exceptions, quit France. Impossible for great numbers of poor to leave without

pecuniary aid. Washburne asks will Prussian government place a credit at his disposition to assist poor in leaving. It seems necessary in the interest of humanity. Inform him and this Department.

DAVIS.

No. 134.

Mr. Davis to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1870.

News of credit sent to Washburne. Gramont gave notice two weeks since of probable expulsion. Washburne protested at length.

DAVIS.

No. 135.

Mr. Davis to Mr. Bancroft.

No. 216.] DEPARTMENT OF STATE,
Washington, August 16, 1870.

SIR: On the 13th instant this Department received from Mr. Washburne a telegram relating to the proposed expulsion of Germans from France, and suggesting that Prussia should grant a credit to mitigate the great suffering that would inevitably result.

The same day the substance of this telegram was communicated to you by cable, and the text was read to Baron Gerolt. On the 14th instant the Department received your reply by cable, saying that a credit had been granted, and asking whether Mr. Washburne had protested. To this answer was made to you, on the same day, that Mr. Washburne had already protested. Before the Duke de Gramont left office he had notified Mr. Washburne that this step might become necessary, and Mr. Washburne, in an able paper, (of which a copy will be sent you by a future post,) had protested against the measure.

Mr. Washburne was also notified by cable, on the 14th, of the granting of the credit, and to-day he has, in like manner, been informed that his note to the Duke de Gramont has been fully approved, and he has been instructed to do all he can, consistently with our position as a neutral power, to mitigate the severities of the expulsion. Copies of these several telegrams are herewith inclosed.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[These several inclosures will be found under the title "France," *ante*, and in the North German correspondence as above.]

No. 136.

Mr. Davis to Mr. Bancroft.

No. 219.] DEPARTMENT OF STATE,
Washington, August 17, 1870.

SIR: Inclosed you will find a copy of Mr. Washburne's dispatch, No. 238, on the subject of the departure of North Germans from French territory.

* * * * * * * * *

Mr. Washburne's course in this correspondence has been approved. He advises the Department, in a dispatch received to-day, that he has received a reply to his note, which will be forwarded, he says, by the next post. As soon as it is received here, a copy will be sent you.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[For this inclôsure see Mr. Washburne's No. 238, dated July 29, under the title "France," *ante.*]

No. 137.

Mr. Davis to Mr. Bancroft.

No. 222.] DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I have to acknowledge the receipt of your No. 119 of the 28th ultimo, and to state in reply that Mr. Washburne has been authorized to employ, at the expense of this Government, such clerical force as is necessary to enable him to perform the duties which he has undertaken toward North Germans in France.

You are instructed to say that the offer of the Prussian government to bear this expense is respectfully declined.

I am, sir, your obedient servant,

J. C. B. DAVIS.

No. 138.

Mr. Davis to Mr. Bancroft.

No. 223.] DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I have to acknowledge the receipt of your dispatch of the 27th ultimo, No. 118, inclosing a copy of a convention between France and Prussia, alleged to have been proposed by M. Benedetti, the French ambassador, having for its object the union of Germany and the annexation of Belgium and Luxembourg to France.

You are instructed to ascertain, if possible, from the minister of foreign affairs, when the proposition for the convention was made, and why it was not sooner made known.

J. C. B. DAVIS,
Acting Secretary.

No. 139.

Mr. Davis to Mr. Bancroft.

No. 225.] DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I inclose herewith, for your information, a copy of a dispatch, No. 253, of the 12th instant, from Mr. Washburne, relative to the measures taken by him for the protection of North Germans in France.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[For this inclosure see, *ante*, "France," Mr. Washburne's dispatch No. 253, dated August 12, 1870.]

No. 140.

Mr. Davis to Mr. Bancroft.

No. 226.] DEPARTMENT OF STATE,
Washington, August 25, 1870.

SIR: I inclose herewith, for your information, a copy of a dispatch of the 11th instant, No. 251, and of its accompaniments, from Mr. Washburne, relative to a certificate of protection desired by German residents in France.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[For this inclosure see, *ante*, "France," Mr. Washburne's dispatch No. 251, dated August 11, 1870.]

No. 141.

Mr. Davis to Mr. Bancroft.

No. 228.] DEPARTMENT OF STATE,
Washington, August 30, 1870.

SIR: I transmit herewith a copy of a dispatch of this date to Mr. Washburne, in answer to a telegram received from him yesterday, which is embodied in the inclosure.

You are instructed to ask that proper measures may be taken by the government of North Germany for the protection of American property in Paris, in the event of the occupation of that city by the German forces.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[This inclosure is embodied in Mr. Davis's instructions to Mr. Washburne, No. 158, dated August 30, 1870. See, *ante*, "France."]

No. 142.

Mr. Fish to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE, *September* 9, 1870.

Washburne telegraphs that France requests United States to join other powers in effort for peace. Uniform policy and true interest of United States not to join European powers in interference in European questions. President strongly desires to see war arrested and blessings of peace restored. If Germany also desires to have good offices of United States interposed, President will be glad to contribute all aid in his power to secure restoration of peace between the two great powers now at war, and with whom United States has so many traditions of friendship. Ascertain if North Germany desires such offices, but without making the tender thereof unless assured they will be accepted.

FISH.

No. 143.

Mr. Fish to Mr. Bancroft.

No. 238.] DEPARTMENT OF STATE,
Washington, September 16, 1870.

SIR: I inclose, for your information, a copy of a dispatch of the 22d ultimo, No. 266, from Mr. Washburne, our minister at Paris, and of the papers which accompanied it, in relation to the expulsion of Germans from French territory.

I am, sir, your obedient servant,

HAMILTON FISH.

[For this inclosure see, *ante*, "France," Mr. Washburne's No. 266, dated August 22, 1870.]

No. 144.

Mr. Fish to Mr. Bancroft.

No. 242.] DEPARTMENT OF STATE,
Washington, September 22, 1870.

SIR: I inclose, for your information, a translation of a communication of the 16th instant, from M. Berthemy, in refutation of the accusations made by the government of North Germany that the French army had disregarded the rules of international law in the present war.

HAMILTON FISH.

[For this inclosure see Mr. Berthemy's note to Mr. Fish, dated September 16, *ante*, "France."]

No. 145.

Mr. Fish to Mr. Bancroft.

No. 244.] DEPARTMENT OF STATE,
Washington, September 23, 1870.

SIR: Your dispatch of the 6th instant, No. 131, has been received, and your proceedings in regard to the transmission of correspondence between Germany and France are approved.

This Government desires the American legations to render all facilities to communications (not military) between the belligerent powers.

* * * * * * *

I am, sir, your obedient servant,

HAMILTON FISH.

No. 146.

Mr. Fish to Mr. Bancroft.

No. 246.] DEPARTMENT OF STATE,
Washington, September 30, 1870.

SIR: Your dispatch No. 133, of the 12th instant, has been received.

The reasons which you present against an American intervention between France and Germany are substantially among the considerations which determined the President in the course and policy indicated to you in the cable dispatches from this office on the 9th instant, and in rejecting all idea of mediation unless upon the joint request of both of the warring powers.

It continues to be the hope of the President, as it is the interest of the people of this country, that the unhappy war in which France and North Germany are engaged should find an early end.

This Government will not express any opinion as to the terms or conditions upon which a peace may or should be established between two governments equally sharing its friendship, but it is hoped that the prolongation of the war may not find its cause either in extreme demands on the one side, or extreme sensitiveness on the other side.

So far as you can consistently and without my official interposition of advice or of counsel, it is hoped that you will lose no proper opportunity to indicate the wishes and hopes of the President and of the American people as above represented, and to contribute what you may to the presentation of such terms of peace as befit the greatness and the power which North Germany has manifested, and as shall not be humiliating or derogatory to the pride of the great people who were our earliest and fast ally.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 147.

Mr. Fish to Mr. Bancroft.

No. 257.] DEPARTMENT OF STATE,
Washington, October 28, 1870.

SIR: I have to acknowledge the receipt of your dispatch of the 5th instant, No. 147, in which, referring to my letter of the 22d of July last,

to Baron Gerolt, you state that Mr. Delbrück informs you that when the time shall come for negotiating a peace with France, one of the conditions to be proposed and insisted on will be the recognition of the principle of exempting private property on the high seas from seizure. You then inquire whether you will be authorized to propose, on your part, a recognition in the pending treaty relating to consulships and inheritances between the United States and the North German Union.

In reply, you are informed that you are authorized to obtain the recognition of the principle of the exemption of private property of citizens or subjects of either of the two parties from capture on the high seas by either privateers or public vessels of the other.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 148.

Mr. Fish to Mr. Bancroft.

No. 264.] DEPARTMENT OF STATE,
Washington, November 11, 1870.

SIR: The refusal of the German authorities at the investment of Paris to allow the United States minister there to send a messenger to London with a pouch, with dispatches from his legation, unless the contents of the pouch should be unsealed, must be regarded as an uncourteous proceeding, which cannot be acquiesced in by this Government. Blockade by both sea and land is a military measure for the reduction of an enemy's fortress, by preventing the access of relief from without, and by compelling the troops and inhabitants to surrender for want of supplies. When, however, the blockaded fortress happens to be the capital of the country where the diplomatic representative of a neutral state resides, has the blockading force a right to cut him off from all intercourse by letter with the outer world, and even with his own government? No such right is either expressly recognized by public law, or is even alluded to in any treatise on the subject. The right of legation, however, is fully acknowledged, and, as incident to that right, the privilege of sending and receiving messages. This privilege is acknowledged in unqualified terms. There is no exception or reservation looking to the possibility of blockade of a capital by a hostile force. Although such blockades are not of frequent occurrence, their liability to happen must have presented itself to the minds of the writers on public law, and, if they had supposed that the right of sending messengers was merged in or subordinate to the belligerent rights of the assailant, they certainly would have said so. Indeed, the rights of legation under such circumstances must be regarded as paramount to any belligerent right. They ought not to be questioned or curtailed, unless the attacking party has good reason to believe that they will be abused, or unless some military necessity, which upon proper statement must be regarded as obvious, shall require the curtailment.

The condition upon which the sending of messengers was offered was humiliating, and could not be accepted by any diplomatic agent with any self-respect. Correspondence between those officers and their governments is always more or less confidential, and it is unreasonable to suppose that its inspection by the blockading force should be permitted. Indeed, the requirement of such a condition must be regarded as tanta-

mount to an imputation both upon the integrity of the minister and the neutrality of his government.

You will consequently remonstrate against the exercise of authority adverted to as being contrary to that paramount right of legation which every independent nation ought to enjoy, and in which all are equally interested.

Prussia has heretofore been a leading champion of the rights of neutrals on the ocean. She has, even during the existing war, made acknowledged sacrifices to her faith and consistency in that respect. The course of her arms on land does not seem to warrant or require any enforcement of extreme belligerent claims in that quarter as against neutrals.

An analogous privilege of legation was upon several occasions successfully asserted by this Government, during the late war between Brazil and her allies on the one side, and Paraguay on the other. Mr. Washburn, the United States minister to Paraguay, applied for a permit to take him through the hostile lines to Asuncion, his destination. The applicaiion, though at first rejected, was ultimately granted. Application was subsequently made for leave for General McMahon, his successor, to pass the same lines, and for the vessel which carried him to bring back Mr. Washburne. This, also, though at first refused, was ultimately granted, There is reason to believe that the course taken by this Government on those occasions was approved by other governments. It is probable that other governments would also sanction the claim of the United States in this case.

HAMILTON FISH.

No. 149.

Mr. Fish to Mr. Bancroft.

No. 269.] DEPARTMENT OF STATE,
Washington, November 22, 1870.

SIR: I inclose, for your information, a copy of a note of yesterday to Baron Gerolt, respecting the question of intercourse between diplomatic representatives at Paris and their governments.

HAMILTON FISH.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, November 21, 1870.

SIR: The undersigned, Secretary of State of the United States, duly received the note of the 4th instant, with the accompanying documents, addressed to him by Baron Gerolt, envoy extraordinary and minister plenipotentiary of the North German Union, relative to intercourse between the diplomatic representatives in Paris of the governments of neutral states and their respective governments. In that communication it is assumed that Paris being in a state of seige by the German forces, the latter have a belligerent right, under the public law, to cut off all intercourse between the diplomatic representatives of foreign powers there and their governments at home, or if such intercourse should be allowed at all, that the besieging force may prescribe the conditions upon which it shall be permitted. The right seems further to be claimed upon the alleged impropriety of diplomatic agents continuing to reside in a beleaguered city which contains persons in authority whose title thereto has not been recognized by the assailant.

The undersigned, after a careful consideration of the subject, and with every disposition to acknowledge the just and necessary belligerent rights of the blockading force, cannot acquiesce in the pretension set up on behalf of that force. It is true, that when

such a force invests a fortified place with a view to its reduction, one of the means usually relied upon for that purpose is the interruption of ordinary communication by messengers or by letters. This is acknowledged to be not only a belligerent right, but also one incident to the actual sovereignty over the enemy's territory occupied by the assailant adjacent to the blockaded place. Paris, however, is the capital of France. There the diplomatic representatives of neutral states had their official residence prior to the investment. If they think proper to stay there while it lasts, they must expect to put up with the inconveniences necessarily incident to their choice. Among these, however, the stopping of communication with their governments cannot be recognized. The right of embassy to a belligerent state is one which it is both the duty and the interest of its enemies to acknowledge, and to permit the exercise of, in every usual or proper way. If this right should be denied or unduly curtailed, wars might be indefinitely prolonged, and general peace would be impracticable.

The privilege of embassy necessarily carries with it that of employing messengers between the embassy and its government. This is a privilege universally recognized by publicists. There is no exception or reservation made for the case of an embassy having its abode in a blockaded place. Indeed, the denial of the right of correspondence between a diplomatic agent in such a place and his government seems tantamount to insisting that he cannot elect to be a neutral, but must be regarded as an adversary if he continues to stay there, especially when the legitimacy of the authority of those directing the resistance is denied by the other assailant.

The opposite course, which it has suited the convenience of some neutral government to adopt, is obviously liable to be construed, partly, at least, the occasion of withholding the privilege of correspondence. Should this be a correct view of the case, no independent state claiming to be a free agent in all things could in self-respect acquiesce in a proceeding actuated by such a motive. The undersigned does not charge the government of the North German Union with being so actuated, but deems himself warranted in thus referring to the point as it is adverted to by the representative of that government both at Berlin and before Paris.

The undersigned is consequently directed to claim that the right of correspondence between the representatives of neutral powers at Paris and their governments is a right sanctioned by public law which cannot justly be withheld without assigning other reasons therefor than those which have hitherto been advanced. The burden of a proof of the sufficiency of those reasons, in furtherance of the belligerent rights of the assailant, must be borne by him.

While, however, the undersigned is directed to claim the right as due to all neutrals, he will not omit to acknowledge the partial exception made in favor of the minister of the United States for the reasons assigned.

The undersigned avails himself of this occasion to renew to Baron Gerolt the assurance of his very high consideration.

HAMILTON FISH.

THE UNITED STATES LEGATION AT BERLIN TO THE DEPARTMENT OF STATE.

No. 150.

Mr. Bancroft to Mr. Fish.

No. 112.] AMERICAN LEGATION,
Berlin, July 16, 1870. (Received August 3.)

SIR: * * * * * * * *

War was yesterday declared against Prussia. The King did everything to avoid it that he could. It is evident that there was a wavering in the French cabinet, and the result is an evidence of a frivolity in the decision of a momentous question that scarcely has a parallel in history. At the present time nothing has occurred which furnishes any excuse whatever for the resort to arms, and the solution is to be found partly in the great difficulties which arise and increase in the interior administration of France, and partly in the passions which have rankled since 1866, and which can be no longer restrained. At that time Benedetti wrote home predicting ill success to the Prussian arms; and afterward, when at the peace he asked for compensation to France, the

refusal which he received deeply wounded his self-love. The Emperor, too, expected the ill success of the Prussians, and promised himself compensation, and was grievously disappointed. Every day that war was delayed consolidated the power and the union of Germany. The land was making progress in industry, wealth, freedom, and patriotic feeling. France was not intrinsically, but relatively, declining in political influence. It has chosen suddenly to take the risk of a desperate measure. And with what prospect of success? All the neutral nations of Europe have endeavored to avert the war, and in more or less urgent terms have made to the French government their representations against it. The French people are, by an enormous majority, opposed to the war. The republican party, the Orleanists, are opposed to it. The navy of France will give it the supremacy on the ocean. But wars between contiguous land powers are not decided by naval battles; and, in point of military preparations, the superiority within four weeks will be found on the side of Germany.

Our own interests are menaced by the interruption to which the system of German emigration to America will be exposed. It is to be hoped that our Government may succeed in making such representations to France as will permit the mail steamships, with their emigrants and with American goods and property, to pursue their voyages unmolested from one country to the other. On this subject I request full and particular instructions. The greatest interest is felt about it.

In one respect our country will be a great gainer. The harvest of France has been this year a failure, and the French will be thrown upon us very largely for their supplies of bread,

The enthusiasm in Germany is high; North and South are united. Frankfort-on-the-Main is as patriotic as the rest. The King of Bavaria has mobilized his army. The forty millions of Germans are as one man. As to courage, both nations are distinguished for it, alike officers and men; but the German officer is more laborious, more persevering in his attention to the wants and discipline of the soldiers of his command.

Moreover, the sentiment prevails that Germany is fighting the battle of public liberty and of independent nationalities. * * *

GEO. BANCROFT.

No. 151.

Mr. Bancroft to Mr. Fish.

No. 118.] AMERICAN LEGATION,
Berlin, July 27, 1870. (Received November 10.)

SIR: To-day I have to send you an authentic copy of one of the most remarkable documents ever framed by a European statesman. Some time ago (the exact date is uncertain) M. Benedetti, the French ambassador, proposed to Count Bismarck, at a time when France was in profound peace with England and with Belgium, to enter into an offensive and defensive alliance for the purpose of gaining the consent of France for the union of Germany on the one side, and the consent of Germany to the annexation of Belgium and Luxemburg to France on the other. You may rely implicitly on the authenticity of the document of which I inclose a copy, for I have seen the original, in the handwriting of Benedetti, which handwriting is very well known to me. As an expression of contempt for the restraints of international law, the document may rank with the late declaration of war by the Emperor

against Prussia; but it has, moreover, the character of a defiance of Great Britain.

From the best that I can learn, the Germans, although they were taken by surprise, have already a larger force on the Rhine than the French.

I have just received from an American lady at Paris five hundred thalers, to be devoted to the relief of suffering German soldiers. I shall hand it over to one of the many benevolent societies for wounded soldiers and for the widows and orphans of those that fall in battle.

I remain, sir, yours sincerely,

GEO. BANCROFT.

HAMILTON FISH, Esq.,
Secretary of State, &c., &c., &c.

[Translation.]

His Majesty the King of Prussia and his Majesty the Emperor of the French, deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighborhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behooves them to come to an understanding on questions which concern their future relations, have resolved to conclude a treaty to this effect, and named in consequence as their plenipotentiaries, that is to say:

His Majesty, &c., &c.

His Majesty, &c., &c.

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I. His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies, [*as also the arrangements adopted or to be adopted for constituting a confederation in North Germany, engaging at the same time to render his support for the maintenance of that work.*]

ARTICLE II. His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France. To that effect his aforesaid Majesty will enter into negotiations with his Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that duchy, in return for such compensation as shall be deemed sufficient or otherwise. ~~On his part, the Emperor of the French engages to bear the pecuniary charges which this engagement may involve.~~ [In order to facilitate this arrangement, the Emperor of the French engages, on his part, to bear accessorily the pecuniary charges which it may involve.]

ARTICLE III. His Majesty the Emperor of the French will not oppose a federal union of the confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common parliament, the sovereignty of the said states being duly respected.

ARTICLE IV. On his part his Majesty the King of Prussia, in case his Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the ~~succour~~ [*coöperation*] of his arms to France, and will sustain her with all his forces of land and sea against every power which, in that eventuality, should declare war upon her.

ARTICLE V. To insure the complete execution of the above arrangements, his Majesty the King of Prussia and his Majesty the Emperor of the French contract, by the present treaty, an alliance, offensive and defensive, which they solemnly engage to maintain. Their Majesties engage, moreover, and specifically, to observe it in every case in which their respective states, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

No. 152.

Mr. Bancroft to Mr. Fish.

No. 119.] AMERICAN LEGATION,
Berlin, July 28, 1870. (Received August 18.)

SIR: Yesterday at the foreign office I was requested to authorize Mr. Washburne at Paris to employ such assistants as he might need to meet the additional labor imposed upon him by the protection of the Germans in France. This government is ready and desirous to discharge the expense that may ensue, but I beg leave to suggest (what indeed I know beforehand to be your wish, and what I should not mention but for my being the channel of communication) that it may best suit our dignity to defray ourselves the trifling increase in expense in the French legation.

GEO. BANCROFT.

No. 153.

Mr. Bancroft to Mr. Fish.

No. 121.] AMERICAN LEGATION,
Berlin, August 2, 1870. (Received August 22.)

SIR: I inclose a copy of the circular letter of Count Bismarck relating to the Benedetti project of a treaty. It is in every respect one of the most important State papers of our time. * * *

The British government has undertaken in Berlin the protection of the French in Germany, and to keep matters even, would have very gladly undertaken the protection of the Germans in France, but Count Bismarck refused to allow this, and by turning over the office to our Government called the United States visibly into the circle of first-class powers. The act of yourself and the President in accepting this protection is, I will not say a new era in European politics, but a new incident, which has been received with acclamation. * * *

GEO. BANCROFT.

[Circular.]

BERLIN, *July* 29, 1870.

I have previously fulfilled, by a telegraphic dispatch to Count Bernstorff, on the 27th of this month, the expectation announced by Lord Granville and Mr. Gladstone in Parliament, that further particulars were to be expected from both the interested parties relative to the draught of a treaty by Count Benedetti.

The article published in the Times does not, by any means, contain the only offer which has been made us from the French side in this relation. Before the Danish war both official and unofficial French agents tried to effect through me a union of France and Prussia for the purpose of mutual enlargement.

It is hardly necessary for me to draw your excellency's attention to the fact that the belief of the French government in the possibility of such a transaction with a German minister, whose position is conditional upon his harmony with the national sentiment, finds its explanation only in the ignorance of French statesmen of the principal conditions of the existence of other nations. If the agents of the Paris cabinet had been fitted for the observation of German relations they, in Paris, would not have given themselves up to the illusion that Prussia could have consented to this. Your excellency is, indeed, as well informed of the ignorance of the French of Germany as I am.

The exertions of the French government to carry out, with the support of Prussia, its covetous designs upon Belgium and the borders of the Rhine, were already made known to me before 1862, therefore before my assumption of the duties of the office of foreign affairs. I cannot regard it as my duty to bring such communications, which

were of a purely personal nature, into the province of international law, and think that I should keep back the interesting contributions which I could make, by means of private conversation and private letters, for the explanation of this question.

The chosen tendencies of the French government made themselves recognizable by the outward influence on European politics of the position which France observed in our favor during the German-Danish struggle. The feeling in France against us, in regard to the following treaty of Gastein, agrees with the anxiety that a lasting foundation of the Prussian-Austrian union might be the result of the Paris cabinets sustaining its position. Already in 1865 France reckoned upon the breaking out of a war between us and Austria, and reapproached itself to us as soon as our relations to Vienna began to become troubled.

Before the breaking out of the Austrian war of 1866 proposals were made to us, partly through relatives of his Majesty the Emperor of the French, partly through trusted agents, which tended at that time to complete greater or less transactions for mutual enlargement; sometimes it was a question of Luxemburg, or of the boundary of 1814 with Landau and Saar-Louis, sometimes of still greater objects, from which French Switzerland and the question where the language boundary of Piedmont was to be drawn were not excluded.

In May 1866 these requests assumed the form of an offer of a defensive and offensive alliance, the following extract from the princial points of which remained in my possession:

1. In case of a congress, to pursue amicably the cession of Venice to Italy, and the annexation of the duchies to Prussia.
2. If the congress fails, alliance defensive and offensive.
3. The King of Prussia to commence hostilities ten days after the separation of the congress.
4. If the congress does not reconvene Prussia shall attack within thirty days after the signature of the present treaty.
5. The Emperor of the French shall declare war against Austria as soon as hostilities shall have commenced between Austria and Prussia. (In thirty days, 300,000.)
6. Neither shall make separate peace with Austria.
7. Peace shall be made under the following conditions: Venice to Italy; the undermentioned German territories to Prussia. (seven to eight million souls at a choice;) also the federal reform in the Prussian sense. For France, the territory between the Moselle and Rhine, except Coblentz and Mayence, comprising 500,000 souls of Prussia, Bavaria on the left bank of the Rhine. Birkenfeld, Homburg, Darmstadt, 213,000 souls.
8. Military and maritime convention between France and Prussia from the time of signature.
9. Adherency to the King of Italy. The strength of the army with which the Emperor wished to support us was given, according to Article 5, at 300,000 men in written explanations. The number of souls in the addition for which France exerted herself was 1,800,000, according to French calculation, which does not agree with reality.

Every one who is acquainted with the inner diplomatic and military history of the year 1866 will perceive, through these clauses, the policy which France followed at the same time with Italy, with whom she also treated in secret, and later with Prussia and Italy. After we had declined the above project of alliance in June 1866, in spite of several almost threatening requests to accept it, the French government counted still upon Austrian victory over us and upon our availing ourselves of French assistance after our final defeat, and French policy now busied itself in strengthening its diplomatic introduction. That the congress thought of in the foregoing project of alliance, and which was later proposed once again, would have had the effect to bring our union with Italy, which had been closed but three months, uselessly to an end, your excellency is well aware. The "patriotic anxiety" of Minister Rouher gives a commentary upon the further course of events.

From that time on France has not ceased to tempt us by offers at the expense of Germany and Belgium. I was never doubtful of the impossibility of consenting to any offer of the kind; nevertheless I held it to be of use in the interest of peace to leave the French statesmen to their peculiar illusions so long as this should be possible, without making any, even oral, promises. I thought that the destruction of this French hope would endanger peace, which it was for the interest of Germany and Europe to sustain. I did not agree with those politicians who advised us not to flinch from a war with France on account of our strength, because it was inevitable. None can understand the foresight of God in regard to future events, and I looked upon even a victorious war as in itself an evil which statesmanship should take pains to spare the people. I could not predict, without considering the possibility that in France changes in constitution and policy might take place which would have saved both these great neighboring nations from the necessity of a war; a hope which acted in favor of a delay of the rupture. For this reason I kept silent in respect to the requests made, and acted in a dilatory manner regarding them, without making any promise on my side.

After the transaction with his Majesty the King of the Netherlands about the purchase of Luxemburg was broken up, in a manner which is well known, the enlarged propositions of France were repeated to me, which comprehended Belgium and South Germany. In this conjunction falls the communication of the Benedetti manuscript. That the French ambassador should have formed these proposals with his own hands, should have given them to me, and gone over them with me, and, by modification of position in the text, prompted by me, should have acted without the assent of his sovereign, is as improbable as the assertion, at another time, that the Emperor Napoleon did not agree to the demand for the surrender of Mayence, which was officially made to me in August 1866, by the imperial ambassador, with a threat of war in case of refusal.

The different phases of French ill humor and desire for war which we experienced from 1866 to 1869, coincided pretty exactly with the inclination or disinclination to action of this kind which French agents thought to find in me.

At the time of the preparation of the sale of the Belgian railroads, in March 1868, a person in high position, who was not ignorant of the earlier transactions, pointed out to me, with respect to the latter, that in case of a French occupation of Belgium "we could well find our Belgium somewhere else." In the same way, on former occasions, I was given to understand that France, in the case of an opening of the eastern question, could take its share, not in the far east, but immediately on its border.

I have the impression that only the definite conviction that with us no enlargement of the boundaries of France was to be gained, led the Emperor to seek the same in spite of us. I have even reasons for believing that if the publication which is now in question had not taken place, that after the French and our equipments were finished that the proposal would have been made us by France to carry out together, at the head of a million equipped warriors, and against unarmed Europe, the proposals previously made us, *i. e.*, before or after the first battle to make peace upon the basis of the Benedetti proposition, at the cost of Belgium. Upon the text of these proposals, I have yet to remark that the draught in our hands is, from the beginning to the end, in the handwriting of Count Benedetti, and is written upon the paper of the imperial embassy, and that the ambassadors herein named, respectively, ministers of Austria, Great Britain, Russia, Baden, Bavaria, Belgium, Hesse, Italy, Saxony, Turkey, and Wurtemburg, who have seen the original, have recognized the handwriting.

At the first reading Count Benedetti renounced the closing passage in Article I, and immediately after I had remarked to him that the same presupposed an interference of France in the internal affairs of Germany, which I could not permit even in secret acts, he inclosed it in parentheses. From an impulse of his own, he, in my presence, made a correction of less importance on the margin in Article II.

I orally informed Lord Aug. Loftus, on the 24th, of the existence of the act, and upon his doubting it I invited him to view it personally. On the 27th he saw it, and convinced himself that it was from the hand of his former French colleague.

The aspect of the political situation is explained by the imperial cabinet's denial to-day of the designs for the accomplishment of which it has exerted itself without interruption since 1864, changing from threats to promises in order to win us.

Your, &c., will have the kindness to read this to ———, and to hand him a copy.

BISMARCK.

No. 154.

Mr. Bancroft to Mr. Davis.

[By cable telegram.]

BERLIN, *August* 14, 1870. (Received August 15.)

Prussia opens credit for Washburne. * * * * German army prepared to turn French army north and south to save themselves: French abandons Moselle line. Next defensible line the Marne.

BANCROFT.

No. 155.

Mr. Bancroft to Mr. Fish.

No. 124.] AMERICAN LEGATION,
Berlin, August 15, 1870. (Received August 31.)

Yesterday forenoon I received your telegram, as follows:

BANCROFT, *Minister, Berlin:*

French government decides North Germans, with certain exceptions, quit France. Impossible for great numbers of poor to leave without pecuniary aid. Washburne asks will Prussian government place a credit at his disposition to assist poor in leaving? It seems necessary in the interest of humanity. Inform him and this Department.

DAVIS,
Acting Secretary.

WASHINGTON, *August* 30.

I immediately waited upon Mr. Director Phillipsborn, and afterward met him and Mr. Secretary Von Thiele by appointment at 12 o'clock. It was promptly decided to afford the poor North Germans expelled from France the pecuniary aid they might need, and I forthwith telegraphed to Mr. Washburne, through Mr. Jones, as follows:

JONES, *American Minister, Brussels:*

Telegraph to Washburne immediately, in cipher if convenient, Prussia will place to your credit with Rothschild fifty thousand thalers to help very poor Germans expelled from France. Give only enough to reach the frontier. Take care whom you help. Persuade the French government not to expel Germans.

An hour later I received a letter in due form from Mr. Thiele, of which I annex a copy. I also wrote to Mr. Washburne, and of that letter I annex a copy. I trust that I have fulfilled your instructions to your satisfaction. * * * * * * * * * * *

GEO. BANCROFT.

Mr. Bancroft to Mr. Washburne.

BERLIN, *August* 14, 1870.

SIR: Can you not persuade the French government to recede from the expulsion of the Germans? It is against the law of nations, of civilization; all but unheard of.

To-day this government opens for you a credit with the Rothschilds to the amount of fifty thousand thalers for the assistance of Germans in poverty and expelled from France. They wish you to use the sum frugally, and only in cases of necessity, and only to give the means of reaching the frontier. But I hope and believe you will induce the French to recall the order.

Your letter of the 10th is received, and the subject has been referred to headquarters. I shall answer you by letter as soon as shall be possible.

Colonel Grammont lies in Reichshofen amputated.

Of Colonel Vassart I have as yet no tidings, though telegraphs have gone about him.

GEO. BANCROFT.

Copy annexed of Thile to G. B.
AUGUST 14, 1870.

No. 156.

Mr. Bancroft to Mr. Fish.

No. 126.] AMERICAN LEGATION.
Berlin, August 22, 1870. (Received September 7.)

SIR: The sum of fifty thousand thalers, placed by the royal government at the disposition of our minister at Paris, is designed for the re-

lief, not of Prussians only, but of the poor in France of every one of the States of the North German Union. Mr. Washburne is empowered to use it liberally, and has received the assurance that when the first credit is exhausted all further sums that may be necessary will be placed at his disposition. I have great satisfaction in reporting to you that the government is exceedingly well satisfied with the efficient and disinterested manner in which Mr. Washburne discharges his duties. I inclose to you a copy of a letter which I have received from the secretary of state on the subject. I have sent a translation of it to Mr. Washburne.

GEO. BANCROFT.

Mr. Von Thiele to Mr. Bancroft.

FOREIGN OFFICE OF THE NORTH GERMAN UNION,
Berlin, August 20, 1870.

SIR: The envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bancroft, has been pleased to transmit to the undersigned copies of two communications from the envoy of the United States in Paris, of the 12th and 15th of the present month, said communication referring at some length to the lamentable consequences of the expulsion of the Germans from France by the imperial French government.

The undersigned has thereby seen, with lively satisfaction, in what a self-sacrificing and kind manner Mr. Washburne has interested himself for the distressed Germans, and how he has, at the same time, taken the necessary measures to procure other superintendence, under the protection of the American flag, for the hotel of the legation of the North German Union, which was deprived of its proper guardians by the expulsion of the architect, steward, &c. The undersigned fulfills a pleasing duty in most respectfully requesting his excellency the envoy to express to Mr. Washburne the warmest thanks of the royal government for the successful efforts which have been made by him.

V. THIELE.

Mr. BANCROFT, &c.

No. 157.

Mr. Bancroft to Mr. Fish.

No. 130.] AMERICAN LEGATION,
Berlin, September 1, 1870. (Received September 20.)

SIR: By the inclosed letter from the consular agent at Königsberg, it would appear that the French blockade of the Prussian ports on the Baltic is not an effective one. So far as I know, no ship of our European fleet has appeared in the Baltic, or off the blockaded Prussian ports in the North Sea. It is to be hoped that the rapid events of the war will soon put an end to the blockade.

GEO. BANCROFT.

P. S.—*September* 5, 1870.—I learn that the United States ship Juniata, Commander Luce, has arrived off Helgoland. It is reported by telegraph that "an American corvette of twelve guns started, on the 2d, from Helgoland, with a pilot for the Elbe, but was turned back by the French fleet." Whether this has actually happened will be known from the report of the commander of the corvette.

G. B.

Extract of a letter from J. H. Brockmann, United States consular agent at Königsberg, to George Bancroft.

KÖNIGSBERG, *August* 31, 1870.

SIR: * * * * * * * * *

All North German harbors of the Baltic are declared blockaded, although no effective blockade has till now been executed by the French fleet. The newspapers, indeed, brought some time ago the intelligence that the whole German Baltic has been blockaded since the 18th instant, but neither our authorities here nor those of Pillau have published a legal notification of the blockade, and they could not do so because they themselves have not received such from the French vice-admiral. That a mere notification of the blockade at Swinemünde resp. Lübeck for the whole Baltic cannot be considered effective, when no ship is stationed in the neighborhood of the different other harbors, is an unquestionable matter. But it may be, upon the whole, doubted whether a blockade notification at only one port is legally sufficient to put a stop to all other ports.

All consuls of this place are of opinion that, under said circumstances, the Baltic is not yet blockaded; but, nevertheless, they cannot advise captains to leave the harbor from fear their ships may be captured on the open sea.

No. 158.

Mr. Bancroft to Mr. Davis.

[By cable.—Received 11.52 a. m., September 3.]

SEPTEMBER 3, 1870.

DAVIS, *Secretary, Washington, D. C.:*

MacMahon's army capitulated. Emperor Napoleon surrendered to King William without prejudice to Paris regency.

BANCROFT, *Berlin.*

No. 159.

Mr. Bancroft to Mr. Fish.

No. 131.] AMERICAN LEGATION,

Berlin, September 6, 1870. (Received September 20.)

SIR: The American minister at Paris having been accepted as the protector of Germans in France, much correspondence has passed through my hands, relating, for example, to the security of the North German embassy, and of North German property in Paris, and the condition of those left in charge of them. The French forward their letters to wounded and captive French officers through Mr. Washburne to me. Parents in Germany remit money through me to their children who are in want. Then there are letters asking of our minister his attention to the care of Germans imprisoned, of merchants interfered with, &c., &c. Every letter from the government to Mr. Washburne has hitherto passed through my hands. The principle that governed this interchange of good offices was that the communications should relate to other matters than those of war, and the result has been highly appreciated in France, especially by the families of the wounded and captive French officers. By the inclosed copy of a letter, you will see that Count Bismarck wished to send a communication destined for the French government through Mr. Washburne, and, to save time, transmitted it directly to the American minister at London. The direct mails being interrupted between Germany and France, my channel of communication has been the American minister-resident at Brussels, but now that the mails run less certainly between Brussels and Paris, correspondence may pass through the legation at London. * * * *

Mr. Washburne will always know how to make a proper disposition of any paper or letter he may receive. In short, the Department may trust Mr. Washburne and me, that we shall keep ourselves strictly within the line of duty as neutral, but as a neutral that with the consent of France has accepted a trust for North Germany. I am ever exceedingly anxious not to go beyond what I take to be the evident meaning and intent of my instructions, and Mr. Washburne is very considerate.

GEO. BANCROFT.

Mr. Von Thile to Mr. Bancroft.

BERLIN, *September* 5, 1870.

DEAR MR. BANCROFT: You are aware that the French have repeatedly disregarded not only the general law of nations by firing at a flag of truce, but also the convention of Geneva, to which they are a party, by attacking our ambulances and surgeons. Count Bismarck has addressed a remonstrance on this subject to the French government, and, in order to save time, has transmitted the dispatch to Count Bernstorff, with the injunction to request your colleague, Mr. Motley, to forward it to Mr. Washburne. But Mr. Motley, and not without apparent reason, doubts if in his position he would be justified in making himself the intermediary of such a communication. Count Bismarck, therefore, desires me to ask your opinion as to the best way of conducting a non-military correspondence, the urgent necessity of which may any day arise between us and the French government. Would you think it advisable for me to telegraph to Baron Gerolt to demand an authorization for Mr. Motley? Or what else would you propose? * * * * * * *

THILE.

Mr. Bancroft to Mr. Motley.

AMERICAN LEGATION,
Berlin, September 5, 1870.

SIR: I am the channel of communication between this government and Mr. Washburne at Paris. Hitherto I have sent my letters through Mr. Jones at Brussels; but that channel is now become uncertain, and I may be obliged to use your legation at London very often. I begin to-day: the dispatch which I wish to forward is in the hands of Count Bernstorff, the Prussin ambassador at London. Pray receive it of him, and forward it under your official seal by the very first opportunity to Washburne.

I hope not to give the London legation too much trouble; but I know you will do your part in forwarding letters with the same ready willingness which Mr. Jones has shown, and of which Mr. Washburne and I are not likely to grow weary.

GEO. BANCROFT.

* * * * * * * *

P. S.—To save time letters will sometimes reach you directly from some branch of the North German government. Pray forward them as if they came under my hand and seal to the legation at Paris.

His Excellency the MINISTER OF THE UNITED STATES OF AMERICA.

No. 160.

Mr. Bancroft to Mr. Fish.

[Cable telegram.]

BERLIN, *September* 11, 1870. (Received September 11.)

No time now for America to intervene. Germany rejects all foreign interference. Every other power holds back. America would stand alone and unable to accomplish anything. Our interest, dignity, require us for the present to stand aloof.

BANCROFT.

No. 161.

Mr. Bancroft to Mr. Fish.

No. 135.] AMERICAN LEGATION,
Berlin, September 16, 1870. (Received October 3.)

SIR: Having received a telegram from Commander Luce, of the Juniata, that the French blockade of the Elbe and Weser had been raised on the 11th, I telegraphed the news to you yesterday.

To-day I have to inform you that the French steamer Pereire, which on its voyage from New York touched at Brest, had on board for Havre a considerable number of Remington guns. This fact is also known to the government here. * * * * *

GEO. BANCROFT.

No. 162.

Mr. Bancroft to Mr. Fish.

No. 136.] AMERICAN LEGATION,
Berlin, September 21, 1870. (Received October 10.)

I am able to report to you, on the best authority, the views which are entertained by the allied German governments in relation to the conditions of the peace to be established between themselves and France.

The pledges for peace contained in the plebiscite so lately adopted in France have not been made good.

Events have shown the mutability of the disposition of the French nation. The majority of the French chamber, the senate, and the organs of public opinion through the press have demanded a war of conquest against Germany so loudly that the insulated friends of peace lost all courage to oppose, and the Emperor may have thought himself justified in asserting that he had been forced into the war by public opinion. In view of these facts the German allied governments cannot find a guarantee of peace in the disposition of the French people. They must not therefore deceive themselves into the belief that there is no reason to expect after this peace a speedy renewal of an attack, whatever may be the conditions which may be demanded from France. The French nation will never forgive the series of defeats which have attended their present war of aggression. Even though the Germans were to demand no cession of territory, no indemnity, no advantage, except the glory of their arms, there would remain the wounded self-love of the French people and their hereditary desire of conquest, and they would only wait for a day when they might hope to renew the war with success. The forbearance of the German government in 1867 was due to their desire not to conjure up an era of bitterness and angry passions, but by patience and the careful culture of friendly relations between the two nations to lay the foundations of an era of peace and reciprocal good will. As this moderation failed of its effect, and as the Germans, against all their efforts, have been compelled to encounter a war of aggression, they regard it henceforward as necessary to look for some securities against the next attack other than can be found in the good will of France. The guarantees which were established in 1815 against the same ambition of the French people have lost their effect, and Germany must now rely on its own strength and its own resources. The Germans ought not to be continually exposed to the necessity of again

making the same exertions which they have done at this time, and material securities are therefore needed for their own protection and for the preservation of the peace of Europe. These securities are to be demanded, not from any transient government of France, but from the French nation, which has shown itself ready, as the history of past centuries proves, to follow any government into war, and under any government to seek acquisitions of territory from Germany. In order, therefore, to establish peace, securities must be obtained against the next imminent attack from France, and these can be found only in the change of the present defenseless boundary of South Germany, so that the point from which future attack may emanate may be more remote, and the fortresses with which France has hitherto threatened Germany may so far be brought into the power of Germany as to constitute hereafter defensive bulwarks against invasion.

The views which I have detailed to you I know to be those which are entertained in the cabinets of the German princes. They also exist in all but irresistible strength in the minds of the German people. I will add but one remark of my own. A true guarantee for Germany against future attacks from France would be the political union of Germany itself; and the most earnest negotiations are now pending between North Germany on the one side and South Germany, especially Würtemberg and Bavaria on the other, for the accomplishment of that object; Germany, being united, will have nothing to fear from France on the one side or Prussia on the other.

GEORGE BANCROFT.

No. 163.

Mr. Bancroft to Mr. Fish.

No. 137.] AMERICAN LEGATION,
Berlin, September 22, 1870. (Received October 10.)

SIR: The French blockade of the Baltic ports has existed only on paper. Herewith I inclose a translation of a report which I obtained on the subject through the activity of our consular agent at Königsberg. From this it appears that French vessels of war had been seen off the harbor of Pillau. An answer was given corresponding to the certificate. The American ship accordingly sailed for Pillau, and arrived there on the 20th.

The affidavit of the American captain, of which I inclose a copy, confirms the certificate of the pilot commander. The injury done to American commerce by the proclamation of the pretended blockade in defiance of international law has been very great. Twenty American vessels destined for Pillau or a neighboring port were at the last date lying at Copenhagen, to the great loss of shippers and owners.

GEO. BANCROFT.

Annexed: I. Affidavit of Captain William Filts.
II. Report of Prussian pilot commander.

I.

On this 21st day of September, 1870, Captain William Filts, of Portland, United States of America, appeared at this consulate and declared on oath that, after having received

from Mr. Gustav Moeller, merchant of this place, the information that no blockade exists in the Prussian ports of the Baltic, he set [sic] the resolution to leave Helsinger for Pillau, but communicating that resolution to the American consul, Mr. Higat, at Copenhagen, the latter urged him not to do so, stating that he would not interfere in favor of the ship and her cargo if they should be captured by the French navy.

Captain William Filts started, notwithstanding that admonition, and meeting in the neighborhood of Falsterbo nine French men-of-war, left unmolested, and arrived safe with his cargo at Pillau yesterday (Gez.) William Filts.

{ Seal of the Consulate of the United States of America at Königsberg. }

J. H. BROCKMANN,
United States Con. Agent

II.

[Translation.]

PILLAU, *September* 17, 1870

Upon request it is hereby officially certified that the port of Pillau during the war with France, from the 18th of July up to to-day, the 17th of September, has been blockaded by no French vessel of war, and that no blockade here has been officially announced; the port of Pillau accordingly has been during the whole time free for the passage of vessels without hinderance, both in and out.

{ Royal Prussian pilot commander's official seal. }

CLAASSEN,
Pilot Commander.

No. 164.

Mr. Bancroft to Mr. Fish.

No. 139.] AMERICAN LEGATION,
Berlin, September 24, 1870. (Received October 10.)

SIR: Count Bismarck has published another circular, in which he expressly defines as the conditions of peace the cession to Germany of the fortresses of Strasburg and Metz. He describes every attempt of the French to obtain the intervention of neutral powers as only a delay in the negotiations for peace. On the part of neutrals themselves, he holds it to be an act of cruelty for them to prolong the war by nursing hopes of intervention which can never be fulfilled. He declines a truce, unless it shall be attended with the security of the adoption of the concerted conditions of peace. He justifies his demand for the possession of the fortresses by the fact, that in more than twenty wars against Germany the French have in every instance been the aggressors. His conditions of peace he describes as moderate, because they have no other object than the safe enjoyment of tranquillity in time to come. As to the internal government of France, he disavows every disposition to meddle with it. His words are: "It is perfectly indifferent to us what government the French nation may establish for itself." But he draws a distinction between the conditions of peace which Germany demands and the form of government which France may elect. The latter France alone must decide. Strasburg and Metz must pass from the possession of France into that of Germany, or the peace which is to be negotiated, whatever the government of France may be, will prove only a truce, that would last only till France could recover strength to take revenge for its defeats.

With regard to the progress of the war, I am assured by the best military authorities here that Strasburg can hold out but a few days longer. It will probably be in the hands of the Germans before this letter reaches you. On the other hand, little has been done at Metz, except to invest it, and await its surrender from want of food, of which, however, as yet

there appears to be no deficiency. Nevertheless, the bold, unequivocal manner in which Count Bismarck, supported by all the governments of Germany, publishes to the world his conditions of peace, implies a settled determination to be content with nothing less.

The circular of Count Bismarck defines the nature of any negotiations on the part of Jules Favre. He has communicated his conditions of peace to cabinets and peoples, and leaves to the French minister little more than to decide whether he can accept them. He begins and ends with an ultimatum which he propounds, not in secret, but aloud, so that Jules Favre, and everybody else in Europe and America, may know what it is.

The news of last night announced the capture of Toul, the fortress which interrupted the German line of communication by railroad with Paris. It now becomes possible to forward to the neighborhood of Paris the heavy guns which have already been sent forward into France as if they had been intended for the siege of Metz. The circulars of Count Bismarck, of which I inclose copies, of which I have given you an analysis, furnish solutions to every question but one—the conditions on which Germany will agree to a truce. On that subject I have now special information; Count Bismarck offered Jules Favre a truce on condition, first, a constituent assembly should be called; and second, for the convenience of supplying the German army, the Germans should hold the fortresses of Strasburg, Toul, and Verdun. Jules Favre took the offer to Paris, and yesterday sent a refusal, so that war continues to rage. Meantime Toul has surrendered at discretion, and the city of Strasburg may be taken within three days. Meantime measures are going forward for the reconstruction of government in France and in Germany. For France, it is agreed on all hands that it is not fit to restore the dynasty of Napoleon. In the present condition of the country it is not likely that many friends of the Orleans dynasty will be returned as members of the constituent assembly, which is soon to come together. And therefore there is room to hope that the republic will win a majority to its support; the more so, as the republic will be the second choice of the legitimists, and perhaps of other parties. But the republic will be seen with reluctance by Great Britain; and, in truth, of the great powers the United States alone will give it a hearty welcome.

In Germany negotiations are going forward for its reconstruction as a united kingdom or empire, with the King of Prussia as King or Emperor of Germany. Baden has for four years been ready for such a result. The possession of Hesse lying already partly in North Germany, partly in South, and exposed to invasion from France, it will need but a slight pressure to obtain the consent of its sovereign to the change which its people already desire. In Würtemberg and in Bavaria the stern and strict system of Prussian discipline, both civil and military, was not loved, but its results in this war have been so astounding as to convert that adverse feeling into a sentiment of admiration and gratitude. The opposition to a union in Würtemberg grew out of a junction between an extreme democratic party, a court party, and the ultra-montanes. The war has dissolved this coalition, and the national party is in the ascendant. Up to this time the spirit of independence has been strongest in Bavaria, from its greatness and wealth, the antiquity and imperial ancestry of its royal house, its geographical position on the Danube, and the attachment of its royal family and its people to the See of Rome. But the people of Bavaria have for their sovereign a patriot King, who loves Germany as well as Bavaria. The ultra-montane party, which, against his wishes, seemed likely to obtain

the ascendency in the parliament of the kingdom, has suffered severe blows from the decree of Papal infallibility and the fall of the temporal power of the Pope. The exposed situation of the Bavarian Palatinate creates a dependency on others for defense. The delight in victories achieved by the coöperation of Bavarian and Prussian troops has effaced the sullenness consequent in the hard reverses of 1866, and Mr. Delbrück, whose standing and ability are known to you, is now at Munich, on the invitation of the Bavarian government, to concert the basis of a constitution that shall include all Germany. A congress of the German ruling princes will then be held, and it is the general belief that success will attend the negotiations.

Such a result was, before this war, not aspired to by the Prussian King. He foresaw that the union of Germany must one day take place, but he never believed that it would take place during his lifetime.

* * * * * *

GEO. BANCROFT.

P. S.—The number of German troops now on French soil is about five hundred thousand. Other troops are still sent forward. To-day and to-morrow there will go twelve battalions of infantry, two of cavalry, and three batteries. Eight pieces of the heaviest artillery are on the way to Paris. The places in Alsace which are invested and not yet taken are Metz, Strasburg, Schlettstaedt, Bietsch, and Pfahlzburg; in the north, Paris and Mezieres. Thionville is watched by a small detachment. There has been fighting in the streets of Paris, with the use of guns and cannon. Who were the parties is unknown. On the 19th four divisions, one more than the Germans supposed, fled before the Germans, carrying the panic into the city.

One of the Würtemberg ministers, Mr. Mitnacht, has joined Mr. Delbrück in Bavaria, and the conferences on the general outline of a union are going forward jointly.

There are one hundred and fifty-five thousand French prisoners in Germany; the French loss by death and wounds is a hundred thousand, and a hundred thousand are shut up in the invested fortresses. Such is the end of the French army.

COUNT BISMARCK'S CIRCULAR.

GERMANY, *Berlin, September* 23.

The Staatsanzeiger publishes two dispatches to the North German representatives near several neutral governments, in which Count Bismarck gives the reasons which impose upon Germany the necessity of insisting upon cessions of territory as a condition of the prospective conclusion of peace with France. The first is as follows:

"RHEIMS, *September* 13, 1870.

"In consequence of the erroneous ideas concerning our relations with France, which reach us even from friendly quarters, I am induced to express myself in the following lines in relation to the views of his Majesty the King, which are shared by the allied German governments.

"We thought we saw in the plebiscitum and the succeeding apparently satisfactory condition of things in France, a guarantee of peace, and the expression of a friendly feeling on the part of the French nation. Events have taught us the contrary; at least they have shown us how easily this voice, among the French nation, is changed to its opposite. The almost unanimous majority of the representatives of the people, of the senate, and of the organs of public opinion among the press, demanded a war of conquest against us so loudly and emphatically that the isolated friends of peace were discouraged, and the Emperor Napoleon probably told his Majesty no untruth when he declared that the state of public opinion forced him to undertake the war.

"In the face of this fact we must not seek our guarantees in French feelings. We must not shut our eyes to the fact that, in consequence of this war, we must be prepared for a speedy attack from France again, and not for a permanent peace, and that quite independently of any conditions which we may impose upon France. The French nation will never forgive us for the defeat in itself, nor for our victorious repulse of its wanton attack. If we should now withdraw from France, without any acquisition of territory, without any contribution, without any advantages save the glory won by our arms, the same hatred, the same desire for revenge on account of wounded pride and ambition, would remain among the French nation, and it would only await the day when it might hope successfully to indulge these feelings. It was not a doubt of the justice of our cause, nor was it an apprehension that we might not be strong enough, that restrained us in the year 1867 from the war which was then offered us, but the fear of exciting those passions by our victories and of inaugurating an era of mutual animosity and constantly renewed wars, while we hoped, by a longer continuance and attentive care of the peaceful relations of both nations, to gain a firm foundation for an era of peace and welfare. Now, after having been forced into the war which we desired to avoid, we must seek to obtain better guarantees for our defense against the next attack of the French than those of their good feeling.

"The guarantees which have been sought since the year 1815 against the same French desires and for the peace of Europe in the holy alliance and other arrangements made in the interest of Europe, have, in the course of time, lost their efficacy and significance; so that Germany has finally been obliged to defend herself against France, depending solely upon her own strength and her own resources. Such an effort as we are now making imposes such sacrifices upon the German nation that we are forced to seek material guarantees and the security of Germany against the future attacks of France, guarantees at the same time for the peace of Europe, which has nothing to fear from Germany.

"These guarantees we have to demand, not from a temporary government of France, but from the French nation, which has shown that it is ready to follow any government to war against us, as is indisputably manifested by the series of aggressive wars carried on for centuries by France against Germany.

"Our demands for peace can therefore only be designed to lay obstacles in the way of the next attack of France upon the German, and especially the hitherto defenseless South German frontier, by removing this frontier, and with it the point of departure of French attacks, further back, and by seeking to bring the fortresses with which France threatens us, as defensive bulwarks, into the power of Germany.

"You will express yourself in this sense, if any questions are asked of you.

"BISMARCK."

The second circular relates to the first circular of Mr. Jules Favre, and to the mission of Mr. Thiers, considers the question with what government peace would have to be made, and then returns more definitely to the subject of cessions of territory, expressly demanding the surrender of Strasburg and Metz. The document is as follows:

"MEAUX, *September* 16, 1870.

"You are aware of the contents of the document which Mr. Jules Favre has addressed to the representatives of France abroad, in the name of the present authorities in Paris, who style themselves the government of the national defense.

"It has, at the same time, come to my knowledge, that Mr. Thiers has undertaken a confidential mission to several foreign courts, and I presume that it will be his task, on the one hand to inspire confidence in the desire for peace of the present Paris government, and on the other to seek the intervention of neutral powers in favor of a peace designed to rob Germany of the fruits of her victory, and to prevent the establishment of any basis of peace which might lay obstacles in the way of the next French attack upon Germany.

"We cannot believe in the earnest intention of the present Paris government to put an end to the war, so long as it continues to excite the passions of the people by its language and its acts, to increase the hatred and the bitter feeling of the population, already excited by the sufferings caused by the war, and to condemn in advance as inadmissible for France, every basis of peace which can be accepted by Germany. It thereby renders peace impossible, for which it should prepare the people by mild language, duly considering the serious nature of the situation, if it would lead us to believe that it aims at honest negotiations for peace with us. It could only be seriously supposed that we would now conclude an armistice without every security for our conditions of peace, if we were thought to lack military and political sagacity, and to be indifferent to the interests of Germany.

"Another thing which prevents the French from clearly comprehending the necessity of peace with Germany, is the hope, which is encouraged by the present authorities, of a diplomatic or material intervention of neutral powers in favor of France. If the French nation becomes convinced, that, as it alone voluntarily inaugurated the

war, and as Germany has been obliged to carry on the contest alone, it will be compelled to settle the account with Germany alone, it will soon put an end to its now certainly useless resistance. It is cruelty on the part of neutral nations towards France if they permit the Paris government to encourage unrealizable hopes of intervention among the people and thereby to prolong the struggle.

"We are far from any desire to interfere in the internal affairs of France. It is a matter of indifference to us what sort of a government the French may choose for itself. The government of the Emperor Napoleon is the only one which has been formally recognized by us. Our terms of peace, with whatever government, authorized for the purpose, we may have to negotiate them, are entirely independent of the question, how and by whom the French nation is governed; they are dictated to us by the nature of the case, and by the law of self-defense against a turbulent and quarrelsome people on our frontier. The unanimous voice of the German governments and of the German people demands that Germany be protected by better boundaries than heretofore against the threats and outrages which have been committed against us for centuries by all French governments. As long as France remains in possession of Strasburg and Metz her offensive is strategically stronger than our defensive, throughout the entire south and that portion of the north of Germany which lies on the left bank of the Rhine. Strasburg is, in the possession of France, a constantly open sally-port against South Germany. In the possession of Germany, on the other hand, Strasburg and Metz acquire a defensive character. In more than twenty wars we have never been the aggressor against France, and we desire nothing from that country but our own safety, which has been so often jeopardized by it. France, on the contrary, will regard any peace which may now be concluded simply as a suspension of hostilities, and will again assail us, in order to be revenged for her present defeat, with just as little reason as she has done this year, as soon as she feels strong enough to do so, either through her own strength or through foreign alliances.

"In rendering it difficult for France (which has been the originator of every disturbance of the peace of Europe hitherto) to act on the offensive, we are acting, at the same time, in the interest of Europe, which is that of peace. No disturbance of the peace of Europe is to be feared from Germany. Since the war has been forced upon us, which we have shunned for four years with the utmost care and at a sacrifice of our national feeling, which has been incessantly hectored by France, we will demand security in future as the price of the gigantic efforts which we have been obliged to make in our defense. No one will be able to reproach us for want of moderation if we adhere to this just and reasonable demand.

"I desire you carefully to take cognizance of these ideas and present them for consideration in your interviews.

"BISMARCK."

No. 165.

Mr. Bancroft to Mr. Fish.

No. 143.] AMERICAN LEGATION,
Berlin, September 29, 1870. (Received October 14.)

SIR: In pursuance of your instruction of August 30 (No. 128) I addressed to the secretary for foreign affairs a request that measures might be taken for the protection of the large amount of American property in Paris upon its occupation by the German troops.

I append a translation of the reply of Mr. von Thiele conveying the desired assurances.

GEO. BANCROFT.

Mr. von Thile to Mr. Bancroft.

[Translation.]

BERLIN, *September* 28, 1870.

The envoy extraordinary and minister plenipotentiary of the United States of America was pleased in his communication of the 15th instant to draw attention to the fact that there is in Paris a large amount of American property. To this notification was added the suggestion that measures might be taken for the protection of this property during the occupation of the French capital by German troops. The undersigned

may be permitted to mention in reply hereto that German troops respect always private property so far as the necessities of war at all admit. Even under the difficult circumstances which may perhaps occur in Paris, all that is possible will willingly be done by the authorities of this government to guard from injury American property.

But it is desirable that the American citizens should themselves also take, on their part, those measures for the security of their property which other inhabitants of besieged towns take, *i. e.*, avoid as far as possible the risk of loss.

VON THIELE.

No. 166.

Mr. Bancroft to Mr. Fish.

No. 145.] AMERICAN LEGATION,
Berlin, September 29, 1870. (Received October 20.)

SIR: On the 24th of this month I sent you the following telegram:

FISH, *Secretary,*
Washington, District of Columbia:

Bismarck offered Favre truce conditions. Convention to be called. Germany to hold Strasburg, Verdun, Toul. Yesterday Favre rejected offer.

BANCROFT.

The account conveyed in the telegram is authentic. In the opinion of Europe the terms offered were moderate. The statement that the Germans demanded Mont Valerien is a misrepresentation. Now, the fall of Toul has been followed by the momentous event of the surrender of Strasburg, just one hundred and eighty-nine years after the day in which it was seized by Louis XIV. Seventy thousand troops are thus set free to invade southwestern France, the left wing to touch Lyons.

It seems very hard to understand the hopes and expectations of the present French government. The constituent convention has been postponed, and most men think, had a convention been held at this time it would not have confirmed the revolutionary ministers in power. The Orleanists see with pleasure the postponement of the convention, for they have as yet had no opportunity to organize their party in the nation, and under existing circumstances could be represented only by a small minority. Indeed, France is distracted by parties, and as yet manifests no unity of aspiration or action in the reconstruction of its civil government. * * * * * * *

GEO. BANCROFT.

P. S.—It is now said that the present government, feeling the want of the confirmation of the people and the chance of ending anarchical tendencies through a convention, has decided to hold elections for a convention on the 16th of the next month. The Orleanists, during their eighteen years' reign, were opposed to the extension of suffrage, which was confined to about 18,000 voters in all France.

Mr. Guizot even invented a term to distinguish the governing class of France, calling it the "pays legal." As a consequence, the Orleans dynasty was supported only by surface roots, and not having any hold on the people was overthrown by the first storm. It has now no popularity, but a large part of the industrial class and a large part of the cultivated class in France are in favor of restoring that family.

No. 167.

Mr. Bancroft to Mr. Fish.

No. 146.] AMERICAN LEGATION,
Berlin, October 3, 1870. (Received October 20.)

SIR: I have this moment received, a little in advance of the press, a lithographic copy of Count Bismarck's account of his interview with Jules Favre. Having no time to make a translation or abstract of it before the closing of the mail, I send you the document as I received it from the Foreign Office.

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GEO. BANCROFT.

[For a translation of this inclosure see Baron Gerolt's note to Mr. Fish of October 17, 1870, *post.*]

No. 168.

Mr. Bancroft to Mr. Fish.

No. 147.] AMERICAN LEGATION,
Berlin, October 5, 1870. (Received October 20.)

SIR: In your letter of July 22 to Baron Gerolt you express your hope that the Government and people of the United States may soon be gratified by seeing the principle of exempting private property on the high seas from seizure universally recognized.

Mr. Delbrück informs me that when the time shall come for negotiating a peace with France, one of the conditions to be proposed and insisted on will be the recognition of this principle.

The treaty relating to consulships and inheritances, which I am to close as soon as the incidents of war will admit, may contain references to the former treaties of the United States with Prussia, confirming them in part. Will you authorize me to propose on your part a recognition in the pending treaty of the principle which you affirm in the letter I have referred to? I am sure it will find acceptance here.

GEO. BANCROFT.

No. 169.

Mr. Bancroft to Mr. Fish.

No. 160.] LEGATION OF THE UNITED STATES,
Berlin, November 10, 1870. (Received November 25.)

SIR: Several causes have combined to delay operations against Paris far beyond the time that was at first assigned for them. The King is disinclined to damage the city. The officers of the army have been relying for success on the deficiency of food among the besieged; the heavy cost that transport from the termination of the railways have cut up the roads and made them almost bottomless; two hundred wagons have been used where two thousand are needed, and the construction of the batteries and collection of material have proceeded somewhat languidly. Meantime the besieged have used military skill and their great numbers to complete their defenses. The men have been organized and trained to the offices of war, and their courage and

temper have hardened, so that the attack on Paris is now attended with increased difficulty, except only that the food within the walls is constantly growing less. I am told by good authority that the bombardment, if it takes place at all, cannot begin before the 20th, and probably not so soon as that. In short, it is evident that the Germans wish to avoid a bombardment if possible, although they are preparing for it as for an eventual necessity. Mr. Thiers went on his mission to Count Bismarck without any plenipotentiary authority whatever. He was very much in earnest, and one of his interviews with the chancellor lasted seventeen hours uninterruptedly. After this he returned to Paris for powers, which were refused him. Jules Favre and Gambetta professed to have been in favor of a truce; Trochu, whose opinion prevailed, was most decidedly against it. The Germans are of opinion that Paris, under any circumstances, must fall. The French are of opinion that unless Trochu can make vigorous and successful sallies it must fall. Another month will hardly go by without manifestly approaching a solution of the question so far as Paris is concerned; but as yet I see nothing that promises a speedy establishment of peace.

The negotiations for receiving the southern states into the North German Union, which will then become the German Union, continue. It seems probable that at the approaching session of the Reichstag Baden, Würtemberg, and perhaps Hesse, will be at once received. Bavaria may hold out a little longer, but public opinion decided not to sacrifice the efficiency of the consolidated union to the scruples of a wayward recusant, and Bavaria may for a time, but not for a very long time, occupy the position of North Carolina after the organization of our Government in 1789.

Your dispatches, as far as No. 257, have been received, with the exception of No. 237, which appears to have been lost on the way.

GEO. BANCROFT.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE NORTH GERMAN LEGATION AT WASHINGTON.

No. 170.

Baron Gerolt to Mr. Fish.

By order of the King, the North German government begs the United States Government to allow that the United States legation at Paris may protect Germans in France during the war.

[The above was handed to me personally, by Baron Gerolt, at my residence, Monday, July 18, about 6½ p. m.

H. F.]

No. 171.

Baron Gerolt to Mr. Fish.

LEGATION OF NORTH GERMANY,
Washington, July 19, 1870. (Received July 19.)

SIR: I have the honor to communicate to you the following cable dispatch, received this morning from the chancellor of North Germany, Count Bismarck:

Baron GEROLT, *Washington:* BERLIN, *July* 19.

For your guidance, private property on high seas will be exempted from seizure by his Majesty's ships, without regard to reciprocity.

BISMARCK.

I will thank you for causing this communication to be officially published as early as convenient; and have the honor to be, with the highest consideration, your obedient servant,

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington.

No. 172.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington July 22, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, communicating to this Government the text of a dispatch from Count Bismarck, to the effect that private property on the high seas will be exempt from seizure by the ships of his Majesty the King of Prussia, without regard to reciprocity.

In compliance with the request further contained in your note, that communication has been officially made public from this Department.

It is now nearly a century since the United States, through Thomas Jefferson, Benjamin Franklin, and John Adams, their plenipotentiaries, and Prussia, under the guidance of the great Frederick, entered into a treaty of amity and commerce, to be in force for ten years from its date, whereby it was agreed that if war should unhappily arise between the two contracting parties, "all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general, should be allowed to pass free and unmolested; and that neither of the contracting powers should grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels, or interrupt such commerce."

The Government of the United States receives with great pleasure the renewed adherence of a great and enlightened German government to the principle temporarily established by the treaty of 1785, and since then advocated by this Government whenever opportunity has offered. In 1854, President Pierce, in his annual message to Congress, said: "Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them on that broad ground." In 1856, this Government was invited to give its adhesion to the declaration of Paris. Mr. Marcy, the then Secretary of State, replied: "The President proposes to add to the first proposition in the declaration of the Congress at Paris the following words: 'And that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, unless it be contraband. Thus amended, the Government of the United States will adopt it, together with the other three principles contained in that

declaration.'" And again, in 1861, Mr. Seward renewed the offer to give the adhesion of the United States to the declaration of the congress of Paris, and expressed a preference that the same amendment should be retained.

Count Bismarck's dispatch, communicated in your letter of the 19th instant, shows that North Germany is willing to recognize this principle (even without reciprocity) in the war which has now unhappily broken out between that country and France. This gives reason to hope that the Government and the people of the United States may soon be gratified by seeing it universally recognized as another restraining and harmonizing influence imposed by modern civilization upon the art of war.

Accept, sir, the renewed assurance of my very high consideration,

HAMILTON FISH.

No. 173.

Mr. Davis to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, July 25, 1870.

MY DEAR BARON: For your information and use, I inclose a copy of a cable dispatch from Mr. Washburne of this date, stating the position of France as to the declaration of Paris.

Very truly yours,

J. C. B. DAVIS.

Mr. Washburne to Mr. Fish.

[Telegram.]

PARIS, *July* 25, 1870.

Official notice that France, in present war, adheres to the declaration of Paris, as well in regard to United States as other powers, especially Prussian property in American bottoms, respected unless contraband, and American property respected in Prussian bottoms.

WASHBURNE.

No. 174.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, July 25, 1870. (Received July 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, communicating to me the cable dispatch of the American minister at Paris, in relation to the refusal of the French government to exempt North German steamers from capture after the state of war was known to them when they sailed.

I have the honor to be, with the highest consideration, your obedient servant,

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington.

No. 175.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, August 11, 1870. (Received August 12.)

The undersigned, envoy extraordinary and minister plenipotentiary of the North German Union, has the honor, by order of his government, to present to the Hon. Hamilton Fish, Secretary of State of the United States, the documents hereunto annexed, which are calculated to throw a clearer light upon the causes and motives of the war that has broken out between Germany and France.

The first, No. 1, is a literally correct statement of the proceedings at Ems, made by order of the King, and with his immediate approbation.

The second, No. 2, contains the official report of his Majesty's aide-de-camp, on the execution of his order.

The inclosure No. 3 is the duplicate of the dispatch of Count Bismarck to the subscriber, dated July 19 of this year, containing the declaration of the same relative to the declaration of war by France against Prussia, presented to him by the French chargé d'affaires.

No. 4. Declaration of war by France.

The undersigned has the honor to avail himself of this opportunity to renew to the honorable Secretary of State the assurances of his distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH, *&c., &c., &c.*

No. 1.

STATEMENT OF THE PROCEEDINGS AT EMS.

Count Benedetti at Ems, on the 19th instant, asked an audience from the King, which was granted to him at once. At this interview he demanded that the King should give orders to the Prince of Hohenzollern to withdraw his acceptance of the Spanish crown. The King replied that as he had been addressed on this whole affair only as head of the family, and never as King of Prussia, and hence had given no order for the acceptance of the crown candidacy, he just as little could command the withdrawal of the same. On the 11th the French ambassador requested and was granted a second audience, in which he endeavored to exert a pressure upon the King, to the end that he urge the prince to renounce the crown. The King replied that the prince was perfectly at liberty as regarded his determination; moreover, he himself did not know where the prince, who intended to make a tour to the Alps, was at the present time. On the promenade at the springs, in the morning of the 13th, the King handed to the ambassador an extra sheet of the Cologne Gazette, which had just reached him, with a private telegram from Sigmaringen, relative to the renunciation of the prince, remarking at the same time, that he himself had not received as yet a letter from Sigmaringen, but might expect one this day. Count Benedetti observed that he had received the news of the renunciation already yesterday evening from Paris; and as the King by this considered the matter as settled, the ambassador now demanded, quite unexpectedly, from the King, that he should give definite assurance that he would never again give his assent, in case the said crown candidacy should be revived. The King definitely declined such a demand and adhered to this avowal, when Count Benedetti returned repeatedly and more urgently to his proposition. Nevertheless, Count Benedetti, after a few hours, demanded a third audience. Upon inquiry what subject was to be discussed, he replied that he wanted to renew the subject of that morning. The King for this reason declined a new audience, as he had no answer than the previous one to make, and besides, from this time all transactions were to be made through the departments. The King complied with the wish of Count Benedetti to take leave of him, and on the morning of the 14th granted him at the depot on his way to Coblenz. It is shown, then, that the ambassador had three interviews with the King, which bore the character of private conversations, as Count Benedetti never acted as negotiator or commissioner.

No. 2.

REPORT OF THE KING'S AIDE-DE-CAMP.

His Majesty the King, in consequence of a conversation had with Count Benedetti on the morning of the 13th of July, on the promenade of the springs, graciously sent me about 2 o'clock in the afternoon to the count with the following commission:

That his Majesty an hour ago had received in writing from the Prince of Hohenzollern, at Sigmaringen, the full confirmation of what the count had this morning communicated to him, as heard directly from Paris, relative to the renunciation of Prince Leopold to the Spanish crown candidacy. That hence his Majesty considered this affair settled.

Having delivered myself of my commission to Count Benedetti, he said that since his conversation with the King he had received a new dispatch of Monsieur de Gramont, in which he was charged to request an audience from his Majesty and again to lay before his Majesty the request of the French government, viz.:

1. To approve the renunciation of the Prince of Hohenzollern.
2. To give assurance that this candidacy should not be resumed in the future.

Whereupon his Majesty replied to the count, through me, that he approved of the renunciation of Prince Leopold in the same sense and to the same extent in which his Majesty had done this before, in regard to the acceptance of this candidacy. That his Majesty had received the written renunciation from Prince Anton of Hohenzollern, who had been authorized thereto by Prince Leopold. In regard to the second point, the assurance for the future, his Majesty could but refer to his own reply given to the count this morning; Count Benedetti received this reply of his Majesty thankfully, and said he would report the same to his government.

As regarded the second point, however, he should maintain his request for another interview with his Majesty, because he was expressly ordered to do so by the last dispatch of Monsieur de Gramont, and if it was only in order to hear the same words again from his Majesty, the more so as this last dispatch contained new arguments which he had to lay before his Majesty. Whereupon his Majesty replied, through me, to Count Benedetti for the third time, at about half past five o'clock, after dinner, that his Majesty must decline definitively relative to this last point (obligatory assurance for the future) to enter into further discussions. What he had said this morning was his last word in this matter, and he could do nothing but refer to it.

When assured that Count Bismarck's arrival at Ems could not be relied on, even for the next day, with certainty, Count Benedetti declared himself satisfied on his part with this declaration of his Majesty the King.

No. 3.

Count Bismarck to Baron Gerolt. [*Of July* 19, 1870.]

The French imperial government has caused its chargé d'affaires to present the annexed document containing its declaration of war. This is the first and only official communication which we have received from the French imperial government in this whole affair which has occupied the attention of the world for the last fourteen days.

As motives of the war in which the imperial government involves us, it adduces the following:

The refusal of his Majesty the King to give assurance that the elevation of a Prussian prince upon the Spanish throne should not be realized with his assent, and the alleged notification to the cabinets of the refusal to receive the French ambassador, and to transact further business with him.

We have briefly to reply as follows:

His Majesty the King, fully respecting the independence of the Spanish nation, and the freedom of the princes of the house of Hohenzollern to form their own resolutions, has never entertained the idea to elevate the hereditary prince upon the Spanish throne. The demands imposed upon his Majesty to give assurances for the future were uncalled for and arrogant. It is an arbitrary invention to ascribe to him a mental reservation or a hostile intention against France.

The alleged notification to the cabinets has never taken place, neither has a refusal to transact business with the ambassador of the Emperor of the French. On the contrary, the ambassador has never endeavored to transact official business with the royal government, but has discussed the questions only personally and privately at Ems with his Majesty the King.

It is apparent to the German nation, inside and outside of the North German Union, that the demands of the French government were intended as a humiliation which the nation will not bear, and that the war, never intended by Prussia, is forced upon us by France.

The whole civilized world will perceive that the causes which France adduces do not exist, but are pretexts invented.

The North German Union, and its confederate governments of South Germany, protest against the unprovoked surprise of the German Union, and shall ward off the same with all the means which God has granted them.

Your excellency is requested to present a copy of this dispatch, and its inclosures, to the government to which you are accredited.

V. BISMARCK.

His Excellency BARON GEROLT,
Washington, D. C.

Count Bismarck to Baron Gerolt.

After the news of the renunciation of the hereditary Prince of Hohenzollern had been officially communicated to the French imperial government by the royal Spanish government, the French ambassador at Ems demanded from his Majesty the King authorization to telegraph to Paris that his Majesty the King would bind himself for all future time not to give his assent in case the Hohenzollern should return to their candidacy. His Majesty the King thereupon declined again to receive the French ambassador, and replied to him, through his aide-de-camp, that he had no further communication to make to him.

No. 4.

M. Le Sourd to Count Bismarck.

DECLARATION OF WAR BY FRANCE.

The undersigned, chargé d'affaires of France, in carrying out the orders which he has received from his government, has the honor to bring to the notice of his excellency the minister of foreign affairs of his Majesty the King of Prussia the following communication:

The government of his Majesty the Emperor of France cannot regard the project to elevate a Prussian prince upon the Spanish throne otherwise than as an enterprise directed against the territorial security of France, and found itself under the necessity to ask from his Majesty the King of Prussia the assurance that such an event would not transpire with his assent. His Majesty the King of Prussia having refused to give this assurance, but, on the contrary, having informed the ambassador of his Majesty the French Emperor that he intended to reserve on this occasion, as on all others, freedom to consult the circumstances, the imperial government cannot but see in this declaration of the King a mental reservation, threatening to France as well as to the general balance of power in Europe. This declaration was aggravated still more by the notification made to the cabinets, of the refusal to receive the ambassador of the Emperor and to enter upon any new explanation with him.

Consequently the government of his Imperial Majesty feels itself under the necessity immediately to see to the defense of its honor and of its interests, and, having resolved for this purpose to take all measures necessary under the situation forced upon it, considers itself from this moment in a state of war with Prussia.

The undersigned has the honor to offer to his excellency, &c., &c., &c., the assurance of his high consideration.

LE SOURD.

BERLIN, *July* 19, 1870.

No. 176.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, August 26, 1870. (Received August 26.)

SIR: I have the honor to present to you the inclosed copy of a telegram just received from the secretary of state at Berlin, referring to a

former telegram, a copy of which is also inclosed, and which has been published in the American newspapers.

I have the honor to be, with the highest consideration, your obedient servant,

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

Mr. Von Thiele to Baron Gerolt.

[Telegram.—Received at Washington 1.40 p. m., August 26, 1870.]

MINISTER OF NORTH GERMAN UNION, *Washington, D. C.:*

The incident mentioned in telegram of 22d has recurred twice since. Captain Rochow, sent by General Alvensleben to Toul with a flag of truce, has been received with shots, and a trumpeter accompanying another flag of truce has been killed. You will lodge a protest with the United States Government against these repeated violations of international law, and declare that we shall be henceforth in the impossibility of sending flags of truce to a nation whose soldiers have lost in Africa, China, and Mexico all recollections of usages of civilized warfare.

VON THIELE.

Mr. Von Thiele to Baron Gerolt.

[Telegram.—Received at Washington August 22, 1870.]

NORTH GERMAN LEGATION AT WASHINGTON:

The bearer of a flag of truce, carrying a white flag, accompanied by a trumpeter sounding his trumpet, who, at a slow pace, approached the French outposts, to deliver messages from French surgeons in behalf of wounded Frenchmen, on the 19th of this month, has been fired at by all the French patrols he met, so that he was obliged to return after his trumpeter had been severely wounded. We solemnly protest against this breach of international law.

VON THIELE.

No. 177.

Baron Gerolt to Mr. Fish.

WASHINGTON, *August* 29, 1870.

The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor, by order of the chancellor of the Union, to deliver to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch of the 10th instant, received from said chancellor, together with the two dispatches therein mentioned, which documents give information concerning the alleged secret treaty between Count Bismarck and the French envoy, Count Benedetti, which was brought up for discussion by Earl Granville in the British House of Lords, in its session of the 28th of July last.

The undersigned has the honor, at the same time, to furnish to the Hon. Hamilton Fish a copy, sent to him by the chancellor of the Union, of the correspondence between his Holiness Pope Pius IX and his Majesty the King of Prussia.

Not doubting that these documents will be read with interest by the honorable Secretary of State, the undersigned avails himself of this occasion to renew to him the assurances of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States.

Mr. Von Thiele to Baron Gerolt.

BERLIN, *August* 10, 1870.

My telegram addressed to the envoy of the North German Union in London, (communicated by Earl Granville in the session of the House of Lords of the 28th ultimo,) in relation to the draught of a treaty published in the Times of the 25th, has led Count Benedetti to give an account of the origin of said draught, in the Journal Officiel de l'Empire of July 30; and after I had spoken more at length, in my written dispatch of the 29th of the same month, with regard to the draught and its connection with the policy of the empire, the circular dispatch of the Duke de Gramont, of the 3d instant, was published. While alluding to these two publications, I have no intention to make any reply thereto. The abundant material which they furnish for criticism has already been used by the press of all countries, France not excepted. The object of this most respectful communication is rather to furnish some additional evidence to your*

and to have the same brought to the knowledge of the high government to which you are accredited.

I have not made use of this sooner because I did not wish, even in a state of war, to bring the person of the monarch into a discussion of official acts of his representatives and ministers, and because, during the existence of the system of government which, as is understood, existed in France previously to the 2d of January of the present year, I could not be prepared for the assertion that an act like the submitting of that draught of a treaty to me, and the other propositions mentioned in my dispatch of the 29th, had taken place without the previous knowledge of the Emperor Napoleon. The assurance of the French minister of foreign affairs that the Emperor Napoleon never proposed to Prussia a treaty to take possession of Belgium, and the statements of Count Benedetti that the proposition for the treaty came from me; that he, in order to obtain a clear idea of my combinations, consented to put them on paper in a manner under my dictation, and that the Emperor Napoleon did not receive information of this draught of a treaty until afterward; these assertions force me to make use of a means which is at my command in order still further to confirm my supposition concerning the business relations between the Emperor and his ministers, envoys, and agents, and my statement of the French policy. Among the papers of the Foreign Office is found the note (a copy of which is annexed) from Count Benedetti to me, dated August 5, 1866, (A, 4,867,) and a draught of a treaty sent with the same, (Ad. A, 4,867.) The originals, from the hand of Count Benedetti, I submit to the inspection of the representatives of neutral powers. I shall have the honor to send a photographic fac-simile of the same to your . I would remind you of the fact that, according to the statement of the Moniteur, the Emperor spent the days from July 28 to August 7, 1866, in Vichy. In the official interview which I had with Count Benedetti in consequence of his communication, he backed the demands therein contained by a threat of war in case of refusal. The refusal which I nevertheless expressed was followed by a demand for Luxemburg, and the failure to gain this was followed by the greater proposition, embracing Belgium, which is given in Count Benedetti's draught of a treaty, published by the Times.

I most respectfully request your to read this dispatch to the minister of foreign affairs and to hand him a copy or translation of it, together with a copy of the annexes; also to show him the fac-simile of the latter which will hereafter be sent.

For the chancellor of the Union,

THIELE.

(A, 4,867.—Private.)

MY DEAR PRESIDENT: In reply to the communications which I transmitted from Nikolsburg to Paris after our interview of the 26th ultimo, I receive from Vichy the plan of a secret convention, a copy of which you will find annexed. I hasten to inform you of this, in order that you may examine it at your leisure. I am, moreover, at your service, to confer with you whenever you may think that the proper time has arrived.

Truly yours,

BENEDETTI.

SUNDAY, *August* 5, 1866.

*Blank space left to be filled with the word Highness, or Excellency, or whatever the case may require.

(Ad. A, 4,867.)

H. M., &c., &c., and H. M., &c., &c.

ARTICLE I. The French empire reënters into possession of those portions of territory which, now belonging to Prussia, were comprised within the boundaries of France by the settlement thereof in 1814.*

ARTICLE II. Prussia agrees to obtain from the King of Bavaria and from the Grand Duke of Hesse, by making an indemnity to these princes if necessary, the cession of those portions of territory which they possess on the left bank of the Rhine, and to transfer the possession thereof to France.

ARTICLE III. All arrangements are annulled which attach to the Germanic Confederation the territories placed under the sovereignty of the King of the Netherlands, as well as those relative to the right of garrison in the fortress of Luxemburg.

The Pope to the King of Prussia.

YOUR MAJESTY: It will perhaps seem strange to your Majesty to receive a communication in my own handwriting at this important juncture, but as the vicar on earth of the God of peace, I cannot avoid offering my mediation, desirous of seeing the array of war disappear, and to prevent the evils which are its inevitable consequence. My mediation is that of a sovereign who cannot awaken jealousy in his quality of king by reason of the very limited extent of his territory, but it may well merit confidence by reason of its moral and religious character. May God grant my prayers, especially those which relate to your Majesty, with whom I desire to be united by the bonds of love and charity.

PIUS P. P. IX.

AT THE VATICAN, *July* 22, 1870.

P. S.—I have written at the same time to his Majesty the Emperor of the French.

(A, 3313.)

The King of Prussia to the Pope.

BERLIN, *July* 30, 1870.

MOST AUGUST PONTIFF: I was not surprised, but profoundly moved, on reading the touching words written by your hand in order to cause the voice of the God of peace to be heard. How could my heart avoid listening to so powerful an appeal? God is my witness that neither I nor my people have desired or provoked war. Obeying the sacred duties which God imposes on sovereigns and nations, we take up the sword in order to defend the honor and the independence of our country; and we shall be ready to lay it down as soon as these blessings can be secured. If your Holiness could offer me, on behalf of him who has so unexpectedly declared war, the assurance of sincerely pacific inclinations and guarantees against the repetition of such disturbance of the peace and tranquillity of Europe, I should certainly not refuse to receive them from the venerable hands of your Holiness, united as I am to you by the bonds of Christian charity and sincere friendship.

WILLIAM.

No. 178.

Mr. Davis to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, September 8, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 29th of August last, inclosing for the information of this Government a

*Or, which were comprised within the boundaries of France previously to the settlement thereof in 1814. Meaning seems ambiguous.

copy of a dispatch of that month from the chancellor of North Germany, with the accompanying papers, relating to the alleged secret treaty between Count Bismarck and the French envoy, Count Benedetti; and also a copy of the correspondence which has taken place between his Holiness Pope Pius IX and his Majesty the King of Prussia.

Thanking you for the opportunity thus presented of perusing these interesting papers, I avail myself of this occasion to renew to you the assurances of my very high consideration.

J. C. B. DAVIS.

No. 179.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, September 16, 1870.

SIR: I have the honor to inclose, for your information and that of your government, a copy of a dispatch of the 22d ultimo, No. 266, and of the papers which accompanied it, from E. B. Washburne, esq., the minister of the United States at Paris, and who is charged with the protection of subjects of North Germany in France, in relation to the expulsion of such subjects from that country.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

[This inclosure will be found in Mr. Washburne's No. 266, dated 22d August, 1870, *ante*, "France."]

No. 180.

Baron Alvensleben to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, September 16, 1870. (Received September 16.)

The undersigned has the honor very respectfully to express his most grateful acknowledgments to the Hon. Hamilton Fish for the copy of the dispatch of Mr. Washburne of the 22d ultimo, concerning the expulsion of the Germans from France, which copy was kindly sent with his esteemed note of the 13th instant. The undersigned has hastened to transmit this interesting communication to his most high government, which will certainly thereby gratefully see with what earnestness and zeal the representative of the United States interests himself in behalf of the distressed Germans.

The undersigned gladly avails himself of this occasion to reiterate to the honorable Secretary of State the assurances of his most distinguished consideration.

For the envoy.

H. v. ALVENSLEBEN.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

No. 181.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 12, 1870. (Received October 13.)

The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor in behalf of his government to transmit to the honorable Secretary of State of the United States a copy of a dispatch from the chancellor of the North German Union, in which a formal protest is made to the Government of the United States against the violation of international law by the French troops.

The undersigned avails himself of this occasion to renew to the Hon. Hamilton Fish the assurances of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

Chancellor Thile to Baron Gerolt.

[Translation.]

BERLIN, *September* 27, 1870.

By my telegrams of the 22d and 26th of last month your excellency was requested to protest to the government to which you are accredited against the violation of international law of which the French troops have been guilty, by attacking the bearers of our flags of truce. The constantly increasing remoteness of the theatre of war from Berlin, the slowness of communication, and the necessity under which the various divisions of troops are of limiting intercourse with headquarters only to the most urgent cases, these circumstances have hitherto rendered it impossible for me to procure with satisfactory completeness official information with regard to the occurrences in question. I shall, however, delay no longer to communicate to your excellency what has thus far been proved concerning these occurrences.

On the morning of the 19th of August Lieutenant Colonel von Verdi, and Captain von Winterfeld, both staff officers of his Majesty the King, were sent to Metz as bearers of flags of truce. Letters were to be delivered there from French physicians in high positions, who had remained on the field of battle, and arrangements were to be made to alleviate the sufferings of the wounded French soldiers, by procuring medical aid from that town.

As soon as aforesaid staff officers had passed our outposts, they rode, on a walk, a dragoon going before them waving a white flag, and likewise a trumpeter, who blew signals at short intervals.

A patrol of the enemy's hussars very soon approached from the left, and, moving along at some distance from our flag-bearers, kept watching them. When they (the hussars) were about one hundred paces distant they fired. The lieutenant colonel (Von Verdi) at once ordered a halt and ordered the white flag to be waved and signals to be sounded. The patrol then galloped away in the direction of Metz.

The flag-bearers again rode forward, on a walk, and strictly observing the formalities above indicated. A French infantry post on a farm near Longeau, on the road to Metz, had doubtless been informed of their appearance by the aforesaid cavalry patrol. This post, from which the approach of the Prussians could be seen for a long time before their arrival, could not have been in any doubt concerning the peaceable intentions of the slowly-advancing riders. On this side this post was only seen at a distance of eighty paces.

Lieutenant Colonel von Verdi at once ordered a halt, and ordered the proper signal to be sounded and the flag to be waved. The French answered these peaceable signs by several shots. When at length a division rushed out and commenced firing, the order was given to retreat. The Prussian trumpeter, Berlin first squadron, eleventh dragoon regiment, was wounded and fell from his horse, but finally escaped in safety from the fire of the enemy. In this manner it was rendered impossible to fulfill the mission, which was intended to benefit the wounded French soldiers.

The circumstances of this case are such that the plea of a misunderstanding cannot be raised, and only the presumption remains that the French military men in question

either intentionally violated the usages which exist among all civilized nations, and which now form a part of international law, or that they were entirely unacquainted with said usages. The first case would indicate a strange want of discipline, the second a singular neglect of duty on the part of the government. In either case, however, there is good reason to protest to all governments which recognize international law against so flagrant a violation of the same.

I reserve to myself the preparation of a detailed account of the cases mentioned in my telegram of the 26th ultimo, and most respectfully request your excellency to be pleased to transmit a copy of this dispatch to his excellency the minister of foreign affairs.

The chancellor of the North German Union, by his representative,

THIELE.

No. 182.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 15, 1870. (Received October 17.)

The undersigned, envoy extraordinary and minister plenipotentiary of the North German Union, has the honor most respectfully herewith to transmit to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch from his most high government, of the 27th ultimo, in which the two circulars read by the late minister of foreign affairs, the Prince de la Tour d'Auvergne, in the session of the 1st of September last, of the Corps Législatif, wherein the German troops are accused of various violations of the law of nations at large, as well as of treaties, are categorically contradicted, and in which also the manner is shown in which the Geneva convention has been observed by the French government.

The undersigned gladly avails himself of this occasion to reiterate to the Hon. Hamilton Fish the expression of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

Chancellor Thiele to Baron Gerolt.

[Translation.]

BERLIN, *September* 27, 1870.

In the session of the Corps Législatif of September 1, the then minister of foreign affairs, the Prince de la Tour d'Auvergne, read two circulars in which the German troops were accused of various violations of the law of nations in general as well as of that portion of it which is regulated by treaty. German troops are therein stated to have committed acts of hostility against French ambulances to have taken Baron de Bussiére prisoner in the midst of an ambulance corps organized by him, to have used explosive bullets, to have compelled peasants living in the vicinity of Strasburg to work in the trenches were they were exposed to the fire of the fortress, to have sought to cover trains conveying provisions and munitions of war, and also wagons containing money, with the distinctive sign provided for in the Geneva convention; finally, it is asserted that a French surgeon was killed by a Prussian soldier, while dressing the latter's wounds. Although I was perfectly well convinced *a priori* of the incorrectness of all these statements, I was not willing, in consideration of the name whose sanction they bore, to confine myself to assurances that such occurrences were impossible, but caused inquiry to be made whether anything had happened which could have been distorted by unreliable or malicious reporters to monstrous deeds of the kind mentioned. These inquiries were, it is true, attended with all the more difficulty

in view of the fact that the statements of the French minister are made in an unusually vague manner, for official declarations of so serious a nature, both in regard to particulars and to the mention of the authority on which they are made. Satisfactory statements of names, time, and manner are everywhere wanting. Notoriety is in most cases appealed to as proof, which is equivalent to a reference of the French journals, whose veracity I certainly do not need to characterize. In both cases, where reference is made to witnesses or testimony, with regard to explosive bullets or the compulsory employment of Alsatian peasants in the trenches, neither the purport of the testimony nor the names of the witnesses or informants are given. The inquiries which I have caused to be made have only shown a foundation for one of the accusations made against the German troops, and in this accusation the facts are shown to have been greatly distorted. It is true that the Baron de Bussiére was arrested, and that he had something to do with the care of the wounded; the arrest, however, did not take place in the midst of an ambulance corps; it was caused by the suspicion that said baron was in secret communication with the garrison of Strasburg, and it took place with all the respect due to his position and his honorable reputation, as did likewise his removal to his place of detention, which soon after followed. With regard to the duration of the detention, military considerations alone could decide. All the other statements of the two circulars I must characterize as entirely fictitious, and it remains to be seen whether the French government will endeavor to fulfill the obligation which rests upon it of proving the assertions in question, in a manner, which after the numerous evidences which we have had of the credibility of French official assurances, can have any claim to respect. Out of regard to the other powers who were parties to the Geneva convention, and the Petersburg declaration of November 24, (December 11,) 1868, I add the positive assurance that that convention has been observed in the most careful manner by the German troops, and that explosive balls for portable arms, or of less than 400 grams weight, are not to be found in the entire German army.

On the other hand, abundantly authenticated facts of the most astonishing character exist to show how the French government has fulfilled, or rather not fulfilled the Geneva agreement, for the conclusion of which it exerted itself, as the Prince de la Tour d'Auvergne correctly says, with extraordinary zeal: The German surgeons who had to attend to wounded French soldiers after the battle of Wissembourg, in the hospitals under the charge of Surgeons General Bägor and Wilms, became convinced that said soldiers, with few exceptions, were entirely unaware of the meaning of the white band with the red cross. The French military surgeons in high position, who soon after visited the same hospitals for the purpose of looking after their countrymen, were forced to make the protective badge as best they could from the first material that they could find, and positively assured Prince Putbus, delegate of the Knights of St. John, that the French ministry of war had neither furnished the Geneva band to the surgeons nor directed them to wear it. Captured French officers have since unanimously asserted that the Geneva convention and the precepts of the same, with regard to the treatment of ambulances, surgeons, and wounded men, are entirely unknown in the French army. And how desirable would peculiarly careful instructions be for this very army, since the French government has found it compatible with the humanity which the circular of the 30th of August mentions, as the reason of its zeal for the observance of the Geneva convention, to bring the Turcos unto the field against us, men enlisted from the offscourings of the population of the cities of North Africa.

I intend to show by official documents what have been the consequences of the failure to issue such instructions.

In the two circulars of August 30, nothing can therefore be seen, save an attempt momentarily to blunt, by counter-accusations taken from the newspapers, the edge of our protest of August 26, made on account of flagrant violation of the privileges of the flag of truce, and of the further protest which there was good reason to expect.

I most respectfully request your excellency to be pleased to furnish the minister of foreign affairs with a copy or translation of this dispatch.

The Chancellor of the North German Union, by his representative,

THIELE.

No. 183.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 17, 1870. (Received October 18.)

SIR: The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor, in accordance with instructions

received, most respectfully herewith to transmit to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch from the chancellor of the North German Union, of the 27th of last month, in which Count von Bismarck gives a *résumé* of the negotiations which took place between him and Mr. Favre.

The undersigned gladly avails himself of this fresh occasion to renew to the Hon. Hamilton Fish the assurances of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington.

Count Bismarck to Baron Gerolt.

FERRIÈRES, *September* 27, 1870.

SIR: The report made by Mr. Jules Favre to his colleagues of his conversation with me on the 21st instant, induces me to send your excellency a communication in reference to the negotiations which took place between us, which will enable you to form a correct idea of the same. It cannot be denied that Mr. J. Favre has taken pains to give a generally true statement of the matter. If he has not everywhere succeeded in doing so, this is probably due to the length of our interviews and the circumstances under which they took place. I must, however, point to the fact, in opposition to the general purport of his statement, that the question of the conclusion of peace did not occupy the foreground in our conversation, but that of a truce, which was to precede the conclusion of a peace. With regard to our demands for the subsequent conclusion of a peace I expressly stated to Mr. J. Favre that I would not express myself in relation to the boundary claimed by us until the general principle of the cession of territory should be recognized by France. In connection with this the formation of a new department of the Moselle was mentioned by me, as an organization according with our views, with the arrondissements of Saarburg, Château Salins, Saargemund, Metz, and Thionville. In no wise, however, did I state that no further conditions would be demanded by us, should such seem to be necessary in consequence of the sacrifices imposed upon us by the continuation of the war.

Strasburg, which Mr. Favre makes me describe as the key of *the* house, thus leaving it uncertain whether France is thereby meant, was expressly designated by me as the key of *our* house, the possession of which we were therefore unwilling to leave in foreign hands.

Our first conference in the castle of Haute-Maison was generally kept within the limits of an academical review of the past and present, the real pith of which was confined to the declaration of Mr. J. Favre that any sum of money possible (*tout l'argent que nous avons*) would be paid, but that no cession of territory could be made. After I had declared the latter to be indispensable, he said that no negotiations for peace were possible, his view being that cessions of territory would be degrading, nay, even disgraceful to France. I did not succeed in convincing him that conditions whose fulfillment France had obtained from Italy, and had demanded of Germany, without having been at war with either of the two countries—conditions which France, without the slightest doubt, would have imposed upon us if we had been conquered, and which had been the result of almost every war, even of modernt imes—could be in no wise disgraceful to a country conquered after a brave resistance, and that the honor of France was not of a character different from that of other countries. Nor could I bring Mr. Favre to see that the restoration of Strasburg, so far as the point of honor was concerned, could be of any more consequence than that of Landau or Saarlouis, or that the violent conquests of Louis XIV were no more closely bound up with the honor of France than those of the first republic or of the first empire.

It was not until we met in Ferrières that our conversations took a more practical turn, when they were on the subject of a truce, and the fact of this having been their exclusive subject, refutes the assertion that I declared that I desired a truce under no circumstances. The manner in which Mr. Favre does me the honor, in respect to this and other questions, to introduce me as saying, "*Il faudrait un armistice, et je n'en veux à aucun prix*," together with other things of the same import, forces me to make this correction, viz: That in such conversations I never have expressed, and never do express myself, to the effect that *I*, personally, desire, refuse, or grant anything, but always speak only of the views and requirements of the governments whose business I have to transact. As a preliminary to the conclusion of a truce, the necessity was

admitted in this conversation, on both sides, of granting the French nation time to choose representatives who should alone be able to establish the legitimacy of the present government so far that the conclusion of a peace with it, in accordance with the law of nations, might become possible. I pointed to the fact that a truce is always attended with military disadvantages for a victoriously advancing army, but in this case would afford an excellent opportunity for the defense of France and for the reorganization of its army, and that we, therefore, could not grant a truce without a military equivalent. I designated, as such, the surrender of the fortresses which hampered our communication with Germany, because, in view of the prolongation of the period for which we should have to subsist our troops, in consequence of an intervening truce, a facilitation of this subsistence must be made a preliminary condition. The fortresses alluded to were Strasburg, Toul, and a few smaller places. In relation to Strasburg, I remarked that its capture must soon take place, since the crowning of the glacis was complete, and we, therefore, thought the surrender of the garrison required by the military situation, while those of the other fortresses would be at liberty to march out unmolested. Another difficult question was with regard to Paris. Since we had completely shut in this city, we could only permit its communications to be reopened if the reprovisioning of the place, which would thus be rendered possible, would not weaken our own military position, and lengthen the time required for the reduction of the place by hunger. After a consultation with the military authorities, I finally presented the following alternative, by the most high command of his Majesty the King, with regard to the city of Paris:

Either the position of Paris is to be given up to us by the surrender of a controlling part of the fortifications; at this price, we are ready to allow communication with Paris to be carried on without hinderance, and to allow any provisioning of the city.

Or the position of Paris is not to be given up to us. In this case we cannot consent to the raising of the blockade, but must let the *maintenance of the military status quo* be the basis of a truce, since otherwise the consequence of the latter would only be that, after the expiration of the truce, Paris, newly provisioned and equipped, would be all the better prepared to oppose us.

Mr. Favre rejected the first alternative, containing the surrender of a part of the fortifications, as positively as the condition that the garrison of Strasburg should be prisoners of war. He promised, however, to ask the opinion of his colleagues with regard to the second alternative, which was to maintain the military *status quo* before Paris. The programme which Mr. Favre took to Paris as the result of our conversations, and which was there rejected, contained, therefore, nothing at all with regard to future terms of peace, but did contain an assent to a truce of from fourteen days to three weeks, in order to allow the election of a national assembly, on the following conditions:

1st. At and before Paris the maintenance of the military *status quo*.

2d. At and before Metz, continuation of hostilities within a circle around Metz, to be more particularly defined.

3d. Surrender of Strasburg, together with the garrison as prisoners of war; of Toul and Bitsch, their garrisons to be allowed to depart unmolested. I think that our opinion that we made a very favorable offer will be shared by all neutral cabinets. The French government, by its unwillingness to take advantage of the opportunity offered it for the choice of a national assembly, even within the portions of France occupied by us, proclaims its determination to keep up the difficulties in which it now is, with regard to the conclusion of a peace, in accordance with the law of nations, and not to listen to the voice of the French people. That general and free elections would have resulted in favor of peace is an impression which forces itself upon us here, and which has, in all probability, been felt by the authorities in Paris.

I very respectfully request your excellency to be pleased to bring the present dispatch to the notice of the government to which you are accredited.

BISMARCK.

No. 184.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 19, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the communication of the 12th instant, addressed to him by the envoy extraordinary and minister plen-

ipotentiary of the North German Union, relating to violations of international law alleged to have been perpetrated by French troops.

The undersigned avails himself of the occasion to renew to Baron Gerolt the assurance of his highest consideration.

HAMILTON FISH.

No. 185.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 22, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the communication addressed to him on the 15th instant by Baron Gerolt, the envoy extraordinary and minister plenipotentiary of the North German Union, relating to the complaints made by the governments of North Germany and France as to alleged violations of international law in their respective military operations.

The undersigned avails himself of this opportunity to renew to Baron Gerolt the assurance of his highest consideration.

HAMILTON FISH.

No. 186.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 22, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 17th instant addressed to him by the Baron Gerolt, the envoy extraordinary and minister plenipotentiary of the North German Union, inclosing a copy of a dispatch from the chancellor of his government of the 27th ultimo, giving a statement of the negotiations which took place between himself and Mr. Jules Favre.

The undersigned begs the Baron Gerolt to accept a renewed assurance of his highest consideration.

HAMILTON FISH.

No. 187.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 29, 1870. (Received October 29.)

SIR: In obedience to a dispatch from Count Bismarck, of the 4th instant, received yesterday, I have the honor to submit to you the inclosed copy, with translation, of a memorial in regard to the fatal consequences which unavoidably must follow if the inhabitants of Paris, or rather those who exercise the power in that city, should continue in their re-

sistance to the moment when the want of provisions will compel them to surrender.

Count Bismarck expresses the deep regret of the belligerent German governments that these consequences cannot be avoided by them, feeling obliged to declare that they are not responsible for the unavoidable misery to come, and that they must leave such responsibility to those who, by continual instigation and false reports, excite the population of Paris to a useless resistance, when a moment of cool reflection could save them.

FR. V. GEROLT.

[Translation.]

The conditions of an armistice offered to M. Jules Favre, intended as the basis for the reëstablishment of order in France, have been rejected by him and his colleagues. They thereby decree the continuation of a struggle which, according to the course of late events, appears without any chance of success for the French people. Since then the prospects of France in this war, so full of sacrifices, have still further declined. Toul and Strasburg have fallen; Paris is closely surrounded, and German troops are advancing along the Loire. The large forces before engaged near the above fortresses are now at the free disposal of the German commanders.

The country has to bear the consequences of a war, "à outrance," decreed by the French authorities in Paris. Its sacrifices will be unnecessarily increased, and its social condition suffer a more and more dangerous decomposition.

The command of the German armies does not find itself in a situation to counteract this, but it perceives clearly the consequences of the resistance chosen by the powers in France, and feels compelled to call general attention to one point, namely, the special condition of Paris.

The heaviest attacks heretofore made from this capital, (on the 19th and 30th of last month,) in which the elite of the armies collected in that city have not been able to throw back the first line of the besieging force, lead to the conviction that the capital will fall sooner or later. If the time of surrender is postponed by the "provisional government for the national defense" until the threatening want of provisions necessitates a capitulation, the most terrible results must follow.

The unwise destruction of railways, bridges, and canals at a certain distance around Paris by the French has not been able to stop for one moment the advance of the German armies. All communications by land or water needed for military operations have been reëstablished in a very short time. These repairs naturally regard military interests exclusively, while the other destructions, even after a capitulation, will prevent for a long time the communication of the capital with the provinces.

It will be an absolute impossibility for the German commanders, when that case occurs, to provide one single day's rations for a population of nearly two millions. The environs of Paris, to the distance of several days' journey, since all stores there are necessarily required for the use of the German troops, will then offer no resources, and will not permit the inhabitants of Paris to evacuate by the roads into the country. The inevitable result would be the starvation of hundreds of thousands. The persons in power in France cannot fail to discern these consequences as clearly as the German commanders, and since to the latter nothing is left but to carry on the war proffered, the rulers of France are responsible for forcing such extremes.

No. 188.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, November 1, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, submitting, in compliance with instructions from Count Bismarck, a copy and translation of a memorial in regard to the consequences which are anticipated in the event of continued resistance of

the siege of Paris, and disclaiming, on behalf of the belligerent German governments, responsibility therefor.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

PERU.

No. 189.

Mr. Brent to Mr. Fish.

No. 241.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 27, 1870. (Received November 28, 1870.)

SIR: I have the honor to inform you that on the 24th instant his excellency President Balta issued a proclamation declaring the neutrality of Peru in the existing war between France and Prussia.

RUSSIA.

No. 190.

Mr. Schuyler to Mr. Fish.

No. 64.] LEGATION OF THE UNITED STATES,
St. Petersburg, August 17, 1870. (Received September 7.)

SIR: Great exertions are being made here to induce the government to abandon its neutrality and to declare itself on one side or the other. It seems to be the general opinion that if the country were prepared for war it would declare it, and try to draw from it certain political advantages, such as a revision of the treaty of Paris, and territorial extensions on the Black or Baltic Seas. The feeling in favor of France is perhaps stronger since the recent successes of Prussia, and the leading journals have every day articles showing how unfortunate for Europe and for free government would be the increase and consolidation of a great military power like North Germany. Only one paper, the Novoe Vremya, (New Time,) the organ of the old conservative party, with a very limited circulation, demands that Russia take up arms, and that to assist the French. The Legal Messenger regards it as certain that Russia will eventually fight, but on the Prussian side. This seems to be the fear of everybody, judging from the numerous articles which condemn such a course. The officers of the army are said to be nearly unanimous in favor of France and of a war with Prussia, and I know of several occasions when toasts have been drunk to the ruin of the Germans and of "Fritz."

It is difficult to see how Russia would gain any advantage by taking part in a war of this kind, even if Austria were engaged. Meanwhile the government is using every effort to prepare for eventualities. It is impossible not to notice that the vicinities of all the barracks show a great stir. Hospital wagons and camp equipage are being repaired and