AUSTRIA.

No. 25.

Mr. Jay to Mr. Fish.

[Extract.]

No. 397.] AMERICAN LEGATION,
Vienna, December 29, 1871. (Received January 24.)

SIR: I attended this morning the formal opening of the Reichsrath by the Emperor in person, and I append a translation of His Majesty's speech from the throne to the members of the two houses. Its delivery was constantly interrupted by the applause, which seemed to me much more spontaneous and hearty than on the two similar occasions last year and the year preceding at which I have assisted.

Its suggestions seemed to indicate upon the points referred to a rather definite policy, and there was a tone of cordiality, reliance on the co-operation of the Reichsrath, and confidence of success, which made apparently a favorable impression.

Satisfaction was manifested at the declaration that the happy development of public schools was a condition the most essential to the prosperity and progress of society, and to the reference to a project of law rendered necessary by the abrogation of the Concordat to regulate the relations of the church to the schools.

Among the other projects of law alluded to, were those for the perfecting of the landwehr or militia, for raising the salaries of all civil employés of the governments, who have recently complained loudly that their salaries have remained unchanged, while the cost of living has enormously increased.

The Emperor expressed his deep regret that any part of his people should neglect to place themselves on the only ground where it was possible to come to an understanding, and this seemed to be the most distinct reference to the Bohemians, who have been so completely disappointed in the hopes created by the first imperial rescript under the ministry of Hohenwart. He appealed to the national spirit of Austria and fraternal feeling for the accomplishment of her great mission.

He declared that her peaceful relations with all foreign powers and the present state of Europe were favorable to the task of internal consolidation, and he closed with a peroration which, in the mouth of an Emperor of the house of Hapsburg, is not without significance in its declaration that the union of the people of Austria must be accomplished in accordance with the spirit of the age and on a popular basis.

* * * * * * *

The reception of the speech by the Viennese press is generally favorable, and its tone is regarded as calculated to soften the bitter animosities of the recent past by the idea that there is a real desire on the part of the ministry to act in a spirit of moderation and with a view to some reasonable compromise in the future.

I am, &c.,

JOHN JAY.

[Inclosure.—Translation.]

Speech of the Emperor before both houses of the Reichsrath upon the opening at the palace December 28, 1871.

HONORED GENTLEMEN OF BOTH HOUSES OF THE REICHSRATH: While I behold you, in conscientious obedience to my call and to your duty, assembled around my throne for the commencement of a new period of constitutional effective action, I bid you welcome and offer my imperial greeting.

Animated by the desire to bring all races of my empire to efficient co-operation in the general constitutional existence, I have repeatedly expressed my willingness to cheerfully examine the merit of every suitable demand. My disposition, with the approval of the Reichsrath, to allow the extreme concessions consistent with the unity of the state, has, however, not been capable of producing the desired internal harmony. While the crown indicated to the provinces that their demands were to be tendered in the way declared under the constitution, it preserved the right of the general empire, and at the same time the peculiar interests of the individual kingdoms and provinces.

My government, composed of men who possess my positive confidence, consider it as their first charge to strengthen the constitutional administration of justice, and to assure to the laws unqualified obedience in all departments of public life. In tranquil performance of duty, they will strive to effect that the constitution take firm root, and in constant development produce abundant fruits.

So far as the peculiar relations of the kingdom of Galicia may require an especial regard to its legislation and management, my government will cheerfully offer its aid, so as to fulfill (but within the limits requisite to the unity and power of the general empire) those wishes which shall be appropriately exhibited in the convention of the imperial representative body, and thus to bring this matter to an effectual conclusion.

Recent events have naturally proved that when an autonome position is accorded to the Diets, then full independence must thereby be assured to the Reichsrath, that the representation of the empire shall be formed in an independent manner. My government will zealously endeavor to facilitate the immediate embodying of the intentions and resolution cherished by the Austrian empire in order at the suitable period, and with preservation of all justifiable representative interests, to realize their operation. Meanwhile the draught of a law will be submitted to you, which is designed to effectually prevent a misuse of the constitutional electoral mandate.

I recommend to you particular attention as regards public education, the advance of which is one of the most essential conditions of the prosperity and progress of public economy.

The earnest and at the same time forbearing execution of the popular school laws, as well as the order of the university system, will form one of the most important tasks of my government. By the abolition of the convention made with the Holy Chair, breaches have been occasioned in the legislation concerning the relations between the Catholic Church and the state authority, for the redress of which my government will lay before you suitable propositions.

It will, moreover, be one of the most important tasks of my government to zealously continue and bring to an early conclusion the great works of legislation which concern civil and penal procedure, the law of criminal and police punishment, the administration of justice, and the regulation of the state attorneyship. My government will, however, also give attention that, during the time which shall be claimed for the introduction and finishing of the greater works of jurisprudence, the hand of reformation shall everywhere be used where defects or faults appear, such as may be relieved by distinct measures.

My government is occupied with the preparation of a draught of law upon the extent of jurisdiction and the creation of an administrative court of justice, whereby a regulation of the fundamental law of the state, in regard to the judicial power, shall be settled.

In addition to attention to the increase of military power, by means of a firm union of the moral and physical force, the improvement of the landwehr will especially interest my government, in order to bring the same to that stage of development at which it will be enabled to afford the most efficient assistance to the regular standing army.

My government will forthwith lay before you the state estimate for the year 1872, on the threshold of which we are standing, and will carefully attend to submit in due time the next state estimate, in order that you may be enabled to studiedly examine the same, that thereby uniformity may be introduced into the current of business life.

Various draughts of laws will be submitted to you, which have reference to the maintenance of public, economical, and commercial interests, to the prosperity of trade as well as to the protection and demands of labor.

The pecuniary condition of public officials forms a subject of the especial attention of my government. My government is occupied with the production of plans which

have the object of increasing the salaries of this class, so important in the existence of the state. Equally will my government give attention to the improvement of the pecuniary condition of the lower clergy, so far as this charge falls within the sphere of action of the state.

Great and comprehensive are the questions which you, honored gentlemen of both houses of the Reichsrath, are called to settle hand in hand with my government. Go to work with fresh courage and patriotic feelings. As a single individual, by steadily-applied labor, obtains for himself internal content, so in the common labor of the state lie the surest means for the leveling of all opposition and the reconciliation of all parties.

I must, therefore, doubly deplore that one portion of the population neglects to tread upon that ground whereon alone an harmonious understanding may be attained. To you, however, honored gentlemen assembled around me, I address the urgent request to consecrate your undivided ability to the proper treatment of practical questions—to the satisfactory settlement of the moral and material necessities of the state. The people of Austria are weary of political contention; they long for peace and order, that they may enjoy the rights which the constitution affords to all in ample measure, and for the purpose of fulfilling in fraternal co-operation the great mission of Austria.

The attitude of European relations is in a high degree favorable towards fortifying our internal condition of affairs upon the foundations of right and freedom. With satisfaction may I declare that my friendly relations towards foreign powers are calculated to strengthen the hope of the desired universal peace.

With courage and confidence, old Austrian fidelity and love of country in our hearts, our united, persevering endeavors will succeed in finishing, upon popular foundations, in accordance with the spirit of the age, the great work of unification of the peoples of Austria begun by my forefathers, and hereby in bringing to fulfillment a plan which at all times has been most sacred in my heart, and for the happy completion of which I invoke the aid of Heaven.

No. 26.

Mr. Jay to Mr. Fish.

No. 402.] AMERICAN LEGATION,

Vienna, January 13, 1872. (Received February 3.)

SIR: I advised you by my dispatch No. 398, of the 1st January, of a remark made to me by the Emperor, expressing his hope that the United States would be represented at the Grand Exposition at Vienna, to be opened in 1873, and of my reply, that I hoped Congress would make an appropriation for the purpose.

A reply, which I should have added, was induced by a statement in the Vienna papers, which appeared to come from an official source, that you had assured his excellency the Baron Lederer that you would recommend the exhibition to the favorable attention of Congress.

I have since received from the Count Andrassy a courteous note, expressing the great pleasure with which the imperial and royal government had learned from their legation at Washington how friendly an interest was cherished by the Government of the United States in the success of their great patriotic work, the Universal Exhibition at Vienna.

A translation of this note, with my reply, are hereto appended, (Appendices I and II.)

I am inclined to regard the project as one not only of importance to Austria-Hungary, in a political as well as an industrial point of view, but as one of no little interest to the United States in the opportunity it will afford, for the first time, of introducing American manufactures to the people of Eastern Europe and Western Asia, and of opening new markets which may prove of value.

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I have, &c.,

JOHN JAY.

[Inclosure 1.—Translation.]

The Count Andrassy to Mr. Jay.

VIENNA, *January* 7, 1872.

The minister for foreign affairs has, from a report of the Austro-Hungarian legation in Washington, observed with great pleasure how friendly an interest is cherished by the Government of the United States of America in the success of our great patriotic work, the Vienna World Exposition.

Inasmuch as it has not failed to impress me that these favorably-disposed feelings are chiefly to be ascribed to the active co-operation manifested by the envoy extraordinary and minister plenipotentiary, John Jay, in behalf of the enterprise, the undersigned, minister of the Imperial house and for foreign affairs, has the honor to express the most sincere thanks of the imperial and royal government, and solicits that his favorably-disposed support may continue.

The undersigned avails himself of this occasion to renew to the envoy the assurance of his distinguished consideration.

ANDRASSY.

[Inclosure 2.]

Mr. Jay to the minister of the imperial house and for foreign affairs.

AMERICAN LEGATION,
Vienna, January 9, 1872.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the most courteous note ($\frac{45}{\text{H. P.}}$, 7th January) of his excellency the Count Andrassy, minister of the imperial house and of foreign affairs.

In this note his excellency expresses the great pleasure with which the imperial royal ministry for foreign affairs has learned, from a report of the Austro-Hungarian legation at Washington, of the friendly interest cherished by the Government of the United States of America in the success of that great patriotic work, the Universal Exposition at Vienna.

His excellency kindly ascribing this favorable feeling on the part of the American Government in large measure to the co-operation of their envoy at Vienna, has done the undersigned the great honor of expressing to him the thanks of the imperial royal government, and of asking for his continued co-operation.

If the undersigned is unable to accept the credit so generally ascribed to him, a credit which properly belongs to the Austro-Hungarian envoy at Washington, he may say with truth that his excellency has rightly appreciated the interest with which he has watched the admirable organization of a work which promises so much for science and for art, for peaceful civilization, and popular progress, and whose beneficial influence will be shared not only by the people of Austria-Hungary, but by the world at large.

The undersigned begs leave to assure his excellency that it will always afford him the sincerest pleasure to do whatever lies in his power to accomplish, in this regard, the favoring wishes of the President, whose friendly interest in the success of the Exposition has been so cordially expressed to the envoy of the imperial and royal government.

The undersigned, &c.,

JOHN JAY.

No. 27.

Mr. Fish to Mr. Jay.

No. 199.] DEPARTMENT OF STATE,
Washington, February 5, 1872.

SIR: I have to acknowledge the receipt of your No. 402, of the 13th ultimo, in regard to the approaching Exposition at Vienna. In reply, I

have to state that the subject has been recommended to the consideration of Congress, by whom it is regarded with favor, but, as yet, no appropriation has been made by that body.

I am, &c.,

HAMILTON FISH.

No. 28.

Mr. Jay to Mr. Fish.

[Extract.]

No. 414.] AMERICAN LEGATION,
Vienna, February 29, 1872. (Received March 22.)

SIR: On calling to-day at the foreign office, this being Count Andrassy's day for receiving the diplomats, I found that his excellency had not yet returned from Pesth, and I had an interview with Mr. Von Hofmann.

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In speaking of the approaching exhibition, I remarked that I had heard from some American manufacturers complaints that the patent-law of Austria did not always afford to them sufficient protection, and that one provision, requiring the manufacture of the article patented to be commenced in the Austrian Empire within one year from the date of the patent, operated injuriously upon inventors from a distance. I alluded also to an article in the "Scientific American," (December 23, 1871,) upon the subject of the Vienna Exhibition, which intimated that the trouble and litigation to which this law had given rise would be likely to check the disposition of foreign inventors and manufacturers to bring their productions, unless the government proposed to award them greater security for the enjoyment of their patents.

Mr. Von Hofmann said the suggestion was one which was of great importance, and that Baron Schwartz, who was at the head of the Exposition, with the fullest power, would certainly appreciate it, and he begged me to write a note upon the subject.

I said that I was not sure that I should consider it my place to suggest a modification in their laws, upon which he said I might say that I wrote at his suggestion.

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I shall be glad of any instruction you may think proper to give me on this subject, as, without instructions, I shall hesitate to do more than to communicate to the Count Andrassy the fact that such complaints have been made to me, and to send him a copy of the article from the "Scientific American," a copy of which I hereto append.

I am, &c.,

JOHN JAY.

[Inclosure.]

[From the "Scientific American," dated December 23, 1871.]

THE GREAT EXHIBITION AT VIENNA, 1873.

We published, on October 28th, of the present year, the announcement of the appointment, by the Emperor of Austria, of a commission to arrange for holding an inter-

national exhibition at Vienna, in 1873; and on November 18th our readers were given some further information on the subject, and some suggestions for organizing a proper representation of American genius and industry, based on our experience gathered in Paris, London, and elsewhere. The Austrian scheme is gradually getting into shape, the form and dimensions of the building having been decided upon. A building 3,000 feet in length and 660 in width is to be erected; this structure will be crowned with a cupola, about 330 feet in diameter. This will be finished by October 1, 1872. A separate building will be provided for exhibiting machinery in motion, and another for the works of art. The novel features in the arrangements have been submitted by us to public approval, and it now remains for the manufacturers, inventors, and scientists of the United States to decide upon their course of action.

Constructors and patentees who have introduced their inventions in European countries have suffered grievous ill-treatment at the hands of the Austrian authorities, whose regulations on the subject of patents are, to say the least, not formed for the protection and reward of foreign talent and ingenuity. One most vexatious rule is that which invalidates a patent unless the article be manufactured in the realm, within twelve months from the date of issue. Now, as patents are, in a measure, characterized by the locality in which they take rise, and are generally most economically worked in the country in which they originate, it is almost equivalent to prohibition to enact that the locomotive engines of Great Britain, the telegraph instruments of the United States, and the printed muslins of France shall be manufactured on Austrian soil within a year from securing the patent, and is a preposterous requirement, which ill comports with our liberal system of granting patents to their subjects.

But worse remains to be told. An American gentleman, having a manufactory at Vienna, was enabled to comply with this obnoxious rule; but he recently had a taste of Austrian legal administration. He had obtained a patent and commenced the manufacture of the article almost simultaneously, and two trustworthy and credible witnesses were produced to prove this fact, but the officials deemed their affidavits insufficient, and the manufacturer has been summoned before a court of justice to prove the introduction. Such hinderance of the rights of foreigners gives rise to an uncomfortable suspicion that the value of Austrian patents issued to Americans and other foreigners can be easily escheated to the benefit of the Austrian public. The inventor in question even goes further, and intimates that his production, being used by the Imperial Government, was specially and purposely hindered from its proper protection, that the authorities might more readily convey it to their own use, without reward to the patentee.

Under such laws, it would be well for the Austrians to consider whether their invitation to the nations is not likely to be met with a contumelious refusal. Here, as elsewhere, experience is valuable, and we remember that when we sent to Europe in 1851, 1855, 1862, and 1867, we took our inventions and processes to an open market. Neither in London nor in Paris was there any room for suspicion that our specimen machines and productions were there for Europeans to avail themselves of, the American being allowed a courteous protection of his invention while the exhibition lasted; but we do not learn that Austria proposes any such protection. The result of this most erroneous and destructive policy will easily be foreseen.

No. 29.

Mr. Jay to Mr. Fish.

[Extract.]

No. 418.] AMERICAN LEGATION,
Vienna, March 7, 1872. (Received March 28.)

SIR: * * * * * *

Count Andrassy returned to the subject of the exposition, from which he anticipates large advantages to this empire; and I remarked that my attention had been called to an article in the Scientific American, (of which I send you a copy, with my No. 414, dated February 29,) which suggested that the existing patent-laws of Austria did not afford to foreign inventors and manufacturers sufficient protection, and that this fact might tend to defer Americans from sharing largely in the

exhibition; and I added that one or two American manufacturers in Vienna had also spoken to me on the subject.

The Count said that he was not himself familiar with the Austrian law of patents, but that in Hungary he had had occasion to take the ground that it was all-important that the genius of inventors should be encouraged and protected, and that he had pointed to the example of the United States as showing the wisdom of such a course, and its bearing upon the national wealth; that the suggestion, as bearing upon the exposition, was of immediate importance, and that he was greatly obliged to me for mentioning it, and hoped I would be good enough to address him a note which would go to the proper channel, as any suggestion from an American source on this point would be very valuable.

I did not hesitate to say that I would cheerfully comply with his request in advising him of the suggestions which had been made to me in reference to the points on which the operations of the existing laws bear hardly upon American manufacturers; and he said that, in return, he would inform me whether they would be prepared to amend the law generally, or to make any exception in favor of Americans by a special convention.

I find that the matter is one in which some of our inventors and manufacturers are already a good deal interested, and in which their interest may become vastly increased, should they be largely represented at the exposition.

* * * * * * *

I am, &c.,

JOHN JAY.

No. 30.

Mr. Jay to Mr. Fish.

No. 422.] AMERICAN LEGATION,
Vienna, March 22, 1872. (Received April 11.)

SIR: I referred in my No. 418, dated March 9, to the request which the Count Andrassy had made to me, to advise him of the points in which the patent-laws of Austria were regarded as insufficient by American inventors; and I now append a copy of the informal note which I have since addressed to him on that subject.

I am, &c.,

JOHN JAY.

[Inclosure.]

Copy of Mr. Jay's note to the imperial and royal minister for foreign affairs.

AMERICAN LEGATION,
Vienna, March 17, 1872.

DEAR COUNT ANDRASSY: I was about writing to your excellency, in accordance with your request, to indicate some of the points in the practical application of the patent-laws of this empire, which have been alluded to as affording insufficient protection to American inventors, when I was favored by the Baron de Gagern with a copy of the dispatch on this subject, dated 11th March instant, addressed by you to the imperial and royal envoy at Washington, the Baron de Lederer.

I have read that dispatch with attention, and very highly appreciate the prompt desire which it exhibits on the part of the imperial and royal ministry of commerce to answer the objections which had been advanced by the Scientific American, and to

make known to American inventors and manufacturers, who might propose to assist at the World's Exposition, the disposition of the imperial and royal government to afford them every protection possible under its existing laws, or, perhaps, by a new statute to be ordained for the occasion.

If a difference of opinion shall still exist in regard to the sufficiency of that protection, it may perhaps naturally arise from the somewhat different policy which has been gradually adopted in the United States, in regard to patents, from that which seems to have inspired the legislation of Europe. The objection that the foreign patentee is required by the Austrian law to commence the manufacture of the patented article in Austria within one year, is frankly met in the note to the Baron Lederer, with an admission that such a limitation may often prove a hardship, and with the declaration that a request for a prolongation of the periods has never been refused. But the note lays stress on the importance of the provisions which requires the article to be manufactured in this country, as affording to domestic industry the earnings to be derived from the manufacture; and in support of this policy reference is made to a similar provision in the laws of Germany and of France, making the importation of patented objects manufactured abroad a ground for the extinguishment of the patent.

A somewhat different policy has been gradually adopted by the American Government, as may be seen from the copy of their latest act, which I have the honor herewith to inclose to your excellency, passed July 8, 1870, to revise, consolidate, and amend the former statutes, some twenty-five in number.

It has been suggested that the differences in the statutes of different countries, in regard to patents, may be generally traced to a difference in the general view taken of the character and position of the patentee; whether he is looked upon as a monopolist who owes all his rights to exceptional law, and who must be jealously watched and severely restricted; or whether he is regarded as a public benefactor, who is to be tenderly and kindly treated.

The legislation of Congress has inclined more and more to the latter view; and, while adopting, as the true principle, that the inventor and public are both to be treated nationally justly and impartially, its tendency has been to give more and more liberally encouragement and assistance to useful inventors.

Your excellency remarked, in our recent conversation, that you had had occasion, some time since, to refer to the example of America as exhibiting the wisdom of ample protection to inventors; and a brief reference to the statistics of the Patent-Office at Washington will exhibit the justness of your excellency's observation.

From 1840 to 1849 the average number of patents yearly issued was		550
During the next seven years the yearly average was		1,750
In 1858 the patents issued were		3,710
In 1859 the patents issued were		4,538
In 1869 the patents issued were		13,762
In 1870, new patents issued were	13,622	
patents extended	1,010	
		14,632

The Patent Office, which is a branch of the Interior Department, has thus become a most important institution, demanding the best skill in its various branches. The litigation occasioned by rival claims is giving birth to a series of decisions, which constitute a code of patent-law, and the most doubtful and difficult questions are being gradually defined with judicial exactness.

While the fees which may be found in section 68 of the accompanying law are moderate, the total revenue is large, and for the year 1869 was $686,000, being $213,000 in excess of the expenditures. Of the addition which has been made to the industrial wealth of the country through the medium of the Patent-Office, I have never seen an estimate, but it may be counted, as your excellency is aware, by hundreds of millions.

A glance at the American statute will show how carefully restrictions are avoided in regard to the time and place of manufacturing the article patented, which, in view of the condition of many of the inventors, would virtually deprive them of all protection. By the Patent Report for 1870, it appears that, in addition to the 14,000 patents issued, there were 1,089 patents allowed, but not issued by reason of the non-payment of the final fees, and it is not difficult to see that, in the case of workingmen in American factories—to whom some of the most valuable inventions have been due—they would frequently find it quite impossible to secure a patent in Austria-Hungary, if compelled within a certain time to manufacture the article within the empire. It may perhaps occur to the honorable ministry of commerce that if the United States, with a rate of wages far higher than is known in Europe, can safely dispense with such a condition, trusting to general causes and not to a particular restriction for the promotion of domestic industry, results equally happy might be reasonably expected where a lower rate of wages afforded a direct incentive to home manufactures.

Your excellency is aware from our conversation that I have no instructions from my

Government upon this subject, and that the few observations which I now venture to offer are simply in response to your excellency's remarks that you would be glad to be advised of the objections which had been made by American inventors to certain provisions in the patent-laws of the empire which might, perhaps, lessen their eagerness to bring their manufactures to the World's Exhibition at Vienna.

But a friendly interest is felt by the Government of the United States in that exhibition, an interest to which your excellency alluded in your note of the 7th of January, $\left(\frac{45}{\text{H. P.}}\right)$ as having been communicated through the Baron Lederer, and in regard to which, I am informed by the Honorable Mr. Secretary Fish, that the President has recommended the subject to the attention of Congress, and that it is favorably regarded by that body.

I have, therefore, no hesitation in frankly assuring your excellency that, if upon an examination of the patent-code of the United States, the imperial and royal government should feel disposed, as I understood your excellency to intimate might perhaps be the case, to modify in accordance with its policy some of the provisions of the existing imperial and royal code which are thought to bear hardly upon American inventors, and to base the protection of inventors in either country upon the same broad and simple principle of equal reciprocity which characterizes the convention on trade-marks, I will with pleasure recommend the subject to the favorable consideration of my Government, in the belief that the President will cordially embrace this opportunity of cementing the friendship of the two countries and of advancing their common interests by a generous and harmonious policy.

I pray you, sir, to accept the assurances, &c.,

JOHN JAY.

No. 31.

Mr. Jay to Mr. Fish.

No. 424.] AMERICAN LEGATION,
Vienna, March 26, 1872. (Received April 11.)

SIR: To my No. 422, of the 22d March, was appended a copy of a note which, at the suggestion of the Count Andrassy, I had addressed to his excellency, on the limited protection afforded by the Austrian patent-laws to American manufacturers.

I have to-day received a preliminary response from the foreign office, a translation of which is appended, advising me that my note had been submitted without delay to the minister of commerce, Dr. Banhans, and that that minister will soon be ready to present to the Reichsrath the project of a special law for the provisional protection of articles introduced at the Vienna Exposition.

I am, &c.,

JOHN JAY.

Appendix.

[Inclosure—Translation.]

The imperial royal minister for foreign affairs to Mr. Jay.

As a preliminary response due to the esteemed note of the 17th instant, the contents of which the undersigned minister of the imperial house and for foreign affairs communicated without delay to the imperial royal minister of commerce, the undersigned is glad to be enabled to inform Mr. John Jay, envoy extraordinary and minister plenipotentiary of the United States of America, that the undersigned has already been advised by that minister that he will soon be ready to present to the Reichsrath the project of a special law for the provisional protection of articles introduced at the Vienna Exposition.

The undersigned, &c., for the minister for foreign affairs.

ORCZY.

VIENNA, *March* 25, 1872.

No. 32.

Mr. Jay to Mr. Fish.

No. 429.] AMERICAN LEGATION,
Vienna, April 8, 1872. (Received April 25.)

SIR: It has occurred to me, in reference to the Centennial celebration at Philadelphia in 1876, that if it is proposed to invite the nations of the world to assist on that occasion, it is desirable that the United States should be properly represented at the Vienna World's Exposition of 1873.

I find that this idea is so fully shown by the Hon. John V. L. Pruyn, of Albany, the commissioner for the State of New York, appointed by the President, that I have the less hesitation in suggesting it for the consideration of the Department and of the President.

I to-day accompanied Mr. Pruyn, who arrived in Vienna last week, to the grounds appropriated to the exposition, where he viewed the works in progress designed by Mr. Scott Russell, of which I am advised by the Baron Orczy that plans have been furnished to the Department through the Austrian legation at Washington. A copy of some of them, obligingly presented by the general manager of the exposition, Baron Schwarz Senborn, I have forwarded, for the use of the national commission, to Mr. Charles H. Marshall, of New York, the alternate commissioner for the State.

The Vienna Exposition, as you are aware, is intended in magnitude of its scale, and the extent of its scientific character, to be superior to the expositions of London and Paris, and it will probably be the only affair of the sort in Europe prior to the American Centennial at Philadelphia. I am therefore inclined to think that a generous appropriation by the Government, to enable the manufacturers and the artists of America (a separate building at Vienna is appropriated to the fine arts since 1862) to be fairly represented at the approaching exposition, apart from the advantages which might naturally be expected from bringing the products of the United States to the knowledge of Eastern Europe and Western Asia, would be the surest method of insuring a reciprocal courtesy on the part of the governments of Europe with reference to our Centennial of 1876.

I have, &c.,

JOHN JAY.

No. 33.

Mr. Jay to Mr. Fish.

[Extract.]

No. 435.] AMERICAN LEGATION,
Vienna, April 19, 1872. (Received May 9.)

SIR: I returned last evening from Pesth, where the diplomatic corps at this court had been informally invited to assist at the closing of the Hungarian diet by the King in person.

It was, I believe, the first occasion since the coronation of His Majesty in 1867, that the ambassadors and ministers, with their suites, had attended at the capital of Hungary, and we were received with marked cordiality by the court society and by the royal family.

The invitation is, I find, attributed, in part at least, to political motives

connected with the party struggle at Pesth, in which the opposition are aiming at the abrogation of the present union between Austria and Hungary, and the substitution of a simply personal and dynastic union, which would endow Hungary with an independent sovereignty, and entitle her to send and receive ambassadors. The national sympathies and characteristics of the Count Andrassy naturally incline him to gratify, as far as practicable, Hungarian pride; and the manner in which the diplomats were received at the Hungarian capital seemed to indicate a sincere gratification at their coming.

The Diet closed their sittings on Monday, the 15th, and the members of both houses belonging to the Deak (which is the government) party came in a body to pay their respects to their illustrious chief, Francis Deak, now in his sixty-ninth year, who lives at the same hotel where we chanced to be staying, "The Queen of England."

The speech made by Deak in response to their addresses seems characteristic of the frank, unselfish patriotism of the man, as he has been described to me by Andrassy and others, who know him well.

The next day—Tuesday—took place the formal prorogation of the Diet by the Emperor in person, in the throne-room of the palace. The Emperor's speech was well received, and the cheers with which the Emperor and the Empress were greeted on their separate entrance and departure, were more hearty and prolonged than at Vienna. I was, however, told in advance, that so bitter was the spirit between the government and the opposition, who had succeeded by their tactics in defeating the bill for quinquennial parliaments, that few, if any, from the opposition side would attend the prorogation, to listen to a speech from the throne, in which their course would probably be condemned. The royal message appears to be generally approved, and its language is suggestive of constitutional progress and national prosperity. It alludes to the reforms separating the judicial and executive departments, as increasing the public safety, to the organization of municipal and parochial establishments, based on the principle of self-government, as insuring a strict enforcement of the laws; to the increase of the public revenue, and its just appropriation for the improvement of justice, public instruction, a complete net-work of railways, and the establishment of the capital; to the ready vote for the development of the Honved institution; and the Emperor points to these measures, accomplished without an increase of taxes, as a proof of the increasing prosperity of the country. Alluding to the change in the military frontier provinces, he expressed the hope that there would soon be no fraction of the population of the monarchy not in the enjoyment of constitutional rights, and he concluded by referring to the friendly relations existing with foreign powers.

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I have, &c.,

JOHN JAY.

No. 34.

Mr. Fish to Mr. Jay.

No. 218.] DEPARTMENT OF STATE,
Washington, May 1, 1872.

SIR: Referring to your dispatch, No. 429, of the 8th ultimo, and to previous correspondence in regard to the World's Exposition to be held

at Vienna in 1873, I have now to state in reply that the subject has been presented to Congress, and now awaits the action of that body.

I am, &c.,

HAMILTON FISH.

No. 35.

Mr. Hale to Mr. Jay.

No. 226.] DEPARTMENT OF STATE,
Washington, July 10, 1872.

SIR: Referring to previous correspondence in regard to the Vienna Exposition of 1873, I have now to inclose herewith a copy of an act of Congress of 10th June last, relating to the same, and to inform you that Mr. Thomas B. Van Buren, of New York, has been appointed by the President, by and with the advice and consent of the Senate, to represent the United States at said exposition.

I am, &c.,

CHARLES HALE,
Acting Secretary.

No. 36.

Mr. Fish to Mr. Jay.

No. 228.] DEPARTMENT OF STATE,
Washington, July 22, 1872.

SIR: It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews, in the principalities of Moldavia and Wallachia, were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power, pursuant to the obligations of the treaty between certain European states. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering, directly or indirectly, in the public affairs of that quarter, the grievance adverted to is so enormous, as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested.

You will consequently communicate on this subject with the minister for foreign affairs of the Austro-Hungarian Empire, in such way as you may suppose might be most likely to compass the object in view.

I am, &c.,

HAMILTON FISH.

No. 37.

Mr. Jay to Mr. Hale.

[Extract.]

No. 451.] AMERICAN LEGATION,
Vienna, July 26, 1872. (Received August 13.)

SIR: * * * * *

Baron Schwarz said:

1. That he had reserved for the United States a space larger than

had been allotted to them in the Paris Exposition of 1867. That this space would be kept for them until the latest possible moment before the opening on the 1st May, 1873, although they hoped for as early a decision as possible from the commissioner of the United States, as to the amount which would be required, and also the names, &c., of the exhibitors.

2. That the rule requiring articles exhibited to be first approved by the commissioner representing the country of the exhibitor, applied not only to works of fine art, but to all; and the baron called my attention to the fourth of the "General Directions for the Foreign Exhibitors and Commissioners," printed paper No. 20, a copy of which I hereto append:

4. Foreign governments are invited to appoint commissions, with whom the chief manager will stand in direct communication upon all affairs concerning the exhibition. These commissions will have to represent the interests of their countrymen in all questions relating to the exhibition, and do their best duly to carry out its programme. Their task will be more particularly to issue invitations to take part in the exhibition, to receive application for space, *to decide on the admission of objects announced*, and to take charge of the forwarding, exhibiting, and returning of the objects of the exhibition, in accordance with the regulations laid down.

The baron said that he would send me to-morrow a plan of the building, showing the space which had been allotted to the United States, and also some memoranda, showing what is doing toward the exposition on the part of the governments of Europe, of Egypt, and in the East. He entertains the hope that the United States will be fitly represented, and expressed great pleasure at learning that the President had named a commission. At his request, I gave him Mr. Van Buren's address, and he said he would write immediately to the Austro-Hungarian consul at New York, to wait upon him and give him every information.

Baron Schwarz also expressed his earnest desire that the United States Government would present at the Vienna Exposition a perfect representation of the system of common school instruction adopted in the United States, a system, the results of which, he said, had been so wonderful.

He had read with singular interest the report upon American popular education, recently published in Paris, and which had attracted so much attention upon the Continent; and he prayed me to believe that an exposition of that system, illustrated by a school-house and its appurtenances, and its statistical results, would be a matter of profound interest and importance, not only to Austro-Hungary, but to the eastern peoples who adjoin this empire.

In view of the rapid progress recently made here in education, and the unusual interest now felt in the subject, I respectfully recommend that this suggestion of the Baron Schwarz be submitted to the Board of Education at Washington, as worthy of careful consideration.

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I have, &c.,

JOHN JAY.

No. 38.

Mr. Jay to Mr. Hale.

[Extract.]

No. 452.] AMERICAN LEGATION,
Vienna, July 30, 1872. (Received August 14.)

SIR: * * * * * *

His excellency the Baron Schwarz has to-day sent me a parcel of papers and plans, in accordance with the assurance he gave me yesterday. I append his note, together with a memorandum of the action already taken in regard to the exposition by the Governments of France, Italy, Belgium, Holland, Great Britain, Switzerland, Russia, Germany, Turkey, Egypt, and Persia, China, Japan, Siam, and the Brazils. Most of the governments have already sent special commissioners to Vienna.

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I have, &c.,

JOHN JAY.

[Inclosure 1.]

Baron Schwarz to Mr. Jay.

[Extract.]

UNIVERSAL EXHIBITION, 1873, IN VIENNA. GENERAL MANAGER No. 2,830.

42 PRATERSTRASSE II, *Vienna, July* 27, 1872.

SIR: With reference to our interview of yesterday, I have the honor to send you herewith—

1st. A note on the participation of foreign states at the Universal Exhibition of Vienna, in 1873.

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I have, &c.,

SCHWARZ SENBORN.

WELT-AUSSTELLUNG, 1873, IN WIEN. GENERAL DIRECTION No. 2,830.

42 PRATERSTRASSE II, *Wien, a. m.*, ———, 1872.

The participation of foreign states to the Universal Exhibition, 1873, in Vienna, Austria.

France.—The French government has appointed a commission some time since, and the National Assembly has granted a sum of 1,000,000 francs toward the expenses of its exhibitors. From the very numerous applications for space from the most important firms in France, a very brilliant representation of this state, so far advanced in industrial branches, will be secured.

Italy will be represented at this more brilliantly than at any previous exhibition. A central commission in Rome, which has 500,000 lines placed at its disposal by both houses of Parliament, and, in addition, is firmly supported by provincial commissions, is vigorously working to present a complete representation of Italian industry and powers of production.

Belgium joins in a dignified manner the aforementioned states, the royal commission having at its head the Count of Flanders, the brother of the King, and 250,000 francs from the Chamber of Representatives and the Senate at its disposal. It has already received nearly 1,000 applications to exhibit from the world of art.

Holland, Spain, Sweden, Norway, Greece, and Roumania have also appointed government commissioners. Spain has granted 1,200,000 reals and Sweden 30,000 rixdalers.

Great Britain.—In England a lively interest is showing itself in participating at the exhibition. A government commission has been appointed, with His Royal Highness

the Prince of Wales as president. The commission is manifesting great activity, and anticipates a corresponding return on the part of the colonies.

Switzerland.—The Federal Council of Switzerland has also appointed a commission, and the Federal Assembly has made a grant of 400,000 francs to defray the expenses of Swiss exhibitors.

Russia.—The Imperial Russian commission is no less active than any of the other commissions. They propose showing, in a dignified manner, the great progress made in every branch of industry by this great empire since the last Paris exhibition in 1867.

Germany.—The German federal government has appointed, at Berlin, a central commission, supported by special commissions of the several states, has granted a very considerable sum toward the expenses of exhibitors, and taken the most extensive measures for advancing the purposes of the exhibition, as a consequence of which, the list of applications, numbering nearly 8,000 on the 1st instant, is closed.

Turkey, Egypt, Persia.—The Orient will be most brilliantly represented. In Turkey, Egypt, and Persia, there are special government commissions, appointed for the purpose of bringing to the exhibition the most prominent and peculiar productions of these countries, and securing an attraction to the exhibition not enjoyed by any of its predecessors.

China, Japan, Siam.—Even China, Japan, Siam will be officially represented, and visitors to the exhibition will therefore have the opportunity to publicly admire the highly interesting productions of these parts of the world, instead of viewing them in private collections.

Brazils.—His Majesty the Emperor of the Brazils has appointed two commissions, one at Rio Janeiro, the other at Vienna, from whose activity we may anticipate the most brilliant results.

Most of the governments have sent already special commissions to Vienna, for the purpose of making themselves acquainted with the progress of the works of the exhibition, and all matters of detail.

No. 39.

Mr. Jay to Mr. Fish.

No. 458.] AMERICAN LEGATION,
Vienna, August 21, 1872. (Received September 10.)

SIR: I herewith append a translation of a law or order in council, recently promulgated by this government for the temporary protection of the rights of exhibitors at the Universal Exposition from the infringement of their inventions. The protection given is similar to that in the law of patents, and extends to the 31st December, 1873.

I append also a translation of a paper promulgated with the law, being an exposition of the motives which have led to its adoption, from which it would appear that a chief impelling motive was afforded by an article on the subject published in the Scientific American, a journal published at New York, on the 23d December, 1871.

It has been suggested to me that while the new order may afford protection to American exhibitors up to the 31st December, 1873, they will still be exposed to a loss of their future rights, unless they take out Austrian patents before that date, and that this, in the case of all American exhibitors who availed themselves of it, would involve time, trouble, and expense, and that, as in many cases the inventors and manufacturers would not themselves accompany their goods, it would be for some almost an impossibility.

It has been further suggested to me that the difficulties and expenses of securing Austrian patents by American inventors might be greatly lessened by mutual treaty stipulations, and that no more favorable moment could be found than the present for anticipating, on the part of the imperial and royal government, the favorable consideration of any plan for this purpose which might be presented by the Government at Washington.

I would therefore respectfully suggest, should it meet the approval of the Department, that the law and the accompanying paper be referred to the Commissioner of Patents for his opinion. I have understood that Mr. Commissioner Leggett has already given the matter of foreign patents to American inventors a good deal of attention, and has expressed the view that both congressional legislation and diplomatic conventions are essential to protect abroad the American interests.

If Mr. Leggett, with your approval, should draught a convention, the shorter and simpler the better for accomplishing this object, and I should be empowered to negotiate upon its basis, with such discretion as you might think proper to give, I am under the impression that the ministry would be inclined to listen favorably to any fair scheme based upon equal reciprocity, and that the strong and apparently universal desire now felt here that the United States shall be fitly represented at the Universal Exposition, will afford an additional and strong motive for expediting the conclusion of such a treaty.

I have, &c.,

JOHN JAY.

[Inclosure 1.]

Law upon the temporary protection of objects arriving at the Universal Exposition, of the year 1873, in Vienna, for the purpose of exhibition.

With the consent of both Houses of the Reichsrath, I find it expedient to order as follows:

ARTICLE I. Every native or foreigner who exhibits at the Universal Exposition of the year 1873, in Vienna, an object which, in accordance with the enactments of the law of the 15th August, 1852, (R. G. Bl., No. 184,) also of the two laws of the 7th December, 1858, (R. G. Bl., Nos. 230 and 237,) is appropriate for acquiring patent, mark, or pattern protection, can obtain from the director-general of the Universal Exposition a certificate of protection. The application in such case must be made to the director-general, at the latest before the time of the opening of the exposition, or before the subsequent introduction of the object into the exposition, and with a precise description of the object in question, to be made by the introducer, and as far as may be requisite to indicate it clearly, accompanied by suitable plans or designs in two identical duplicate copies, or two duplicates of the marks referred to or of the pattern or model, and in separate wrappers.

ARTICLE II. The certificate of protection will be gratuitously issued by the director-general of the Universal Exposition, with the co-operation and counter-signature of a person for that purpose designated by the minister of the provinces of the Hungarian crown, and insures to its acquirer from the therein indicated day of the entrance of the object in question, into the exhibition space; but in the event of the application being made after that time, then from the day of the bringing of the application, to be similarly indicated in the certificate of protection, up to 31st December, 1873, inclusive, the same rights which a regularly obtained patent or the regularly acquired registration of a mark, a pattern, or model would confer.

ARTICLE III. An appeal or complaint against the decision of the imperial royal director-general in regard to the issue or refusal of such a certificate of protection is inadmissible.

ARTICLE IV. In respect to applications of this nature, and the subsequent issue of protection certificates, a special register in two duplicates will be kept, of which, after the close of the exposition, one, with the respective applications and a duplicate of the accompanying description or marks, patterns, and models, is to be delivered to the imperial royal ministry of commerce, the other, with a duplicate of the accompaniments of the applications beforementioned, to the royal Hungarian ministry for agriculture, industry, and commerce.

ARTICLE V. The protection certificates issued will be published in the Austrian and Hungarian official journals. The examination of the register of protection certificates is open to all persons, while the accompanying descriptive plans, models, &c., will be kept secret, provided such be desired in the application.

ARTICLE VI. The minister of commerce is charged with the execution of this law.

[Inclosure 2.]

Report of the motives for the draught of the law for the temporary protection of objects arriving at the Universal Exposition of the year 1873 *in Vienna, for the purpose of exhibition.*

It is without doubt one of the chief aims, which are founded in creating a universal exposition, to bring to view to domestic industry, in the most complete and regular manner possible, the most recent productions, means of production, and manner of treatment, from all parts of the world, in order to excite the said industry, by careful and profound study, to further progress in the various branches of active trades.

On the side of the exhibitor anxiety exists in regard to possible imitations of their new inventions coming to the exposition, which weakens this important motive, and this anxiety in regard to the approaching Universal Exposition at Vienna has already appeared in the foreign press, and especially in an article of the New York journal, Scientific American, of the 23d December, 1871, which is of great circulation in industrial circles, wherein was expressed, in a marked manner, the want of a proper means of protection in the matter, and the danger arising thereby to foreign exhibitors. In fact, also, in the previous universal expositions, the governments connected therewith have provided by special laws in the matter, and, lastly, the French government by the law of the 3d of April, 1867. Therefore, the director-general of the Universal Exposition of the year 1873 has claimed the co-operation of the government, in order to preserve to exhibitors the intellectual property of their objects arriving for exhibition, so that the rightful advantages of the existing laws, and especially of the patent, marks, and pattern protection laws, may be possessed during the duration of the exposition.

Should the important above-mentioned aim of the Universal Exposition not appear to be in danger by the said not unfounded anxiety, nevertheless, in order to remove the same, an exceptional rule appears absolutely necessary, whereby every exhibitor, whether native or foreigner, may be assured of the requisite lawful protection, during the duration of the exposition, for the object exhibited by him, so far as may be embraced by the enactments of the laws for patent, for mark, for pattern protection, and, without further consideration, whether the exhibitor possesses a trading establishment in this empire, whether or not a reciprocity provided in the law of 15th June, 1865, (R. G. Bl., No. 45,) is shown by the state to which he belongs in regard to the admission of protection of trade-marks, and, indeed, generally whether or not a convention shall exist between the state referred to and the Austro-Hungarian monarchy in regard to mutual maintenance of the protection of marks and patterns.

According to the manifest example of France, shown in the above-mentioned French law, the exhibitors, in order to obtain the requisite rights of protection apart from the competence thereto contained in the patent, in the mark, and pattern protection law, must apply exclusively to the director-general of the Universal Exposition with whom they are besides in correspondence; further, these protection rights should be conferred gratuitously in consideration of the short duration and the before-mentioned design of the Universal Exposition, which every exhibitor assists in promoting, as well as in consideration of the considerable expenses to which he is subjected by the transportation of the objects which he exhibits.

Inasmuch as such an exceptional rule, although only for a short time, involves an existing change in the patent, mark, and pattern protection laws, and can only be effected according to the enactments of articles 16 and 17 of the Austro-Hungarian customs and commercial union by mutual consent of the ministries of both countries, and in accordance with the legislation of both, therefore consultation upon the present draught of law, expressed and based upon the above principles, has been held with the royal Hungarian minister of commerce, and the latter has promised to introduce into the Hungarian Diet an analogous draught of the law.

To the several enactments of the present draught of law it is further to be remarked:

ARTICLE I. With a certificate of protection can manifestly in every case only one kind of lawful protection be acquired, namely, either the patent, or the mark or pattern protection, according as the respective object is adapted to the one or the other species of protection. Whether this material adaptation exists, must be decided according to the enactments of the several protection laws here cited, and for objects which are lawfully adapted for none of the mentioned kinds of protection, no certificate shall be granted; with this view a careful examination of the object for which a protection certificate is claimed, shall take place; in regard to which the executive instructions will contain the special provision. The allowance of a delay for bringing in the requisite applications is founded upon the nature of the circumstances shown, as well as on the short duration of the rights of protection. The necessity of two duplicates of the description or of the mark or of the pattern, is derived from the various designs as seen in Article IV.

ARTICLE II. Inasmuch as the articles of the Austro-Hungarian customs and Com-

mercial Union, in the matter of patent, mark, and pattern protection, so far as relates to the introduction, extends over both countries, therefore a co-operation and counter-signature of an organ of the Hungarian government appears requisite in issuing protection certificates. The respective rights of protection to the objects acknowledged as adapted thereto, provided applied in due season, should be enjoyed during the whole duration of their being in the exposition buildings, and inasmuch as the duration of protection mentioned in every certificate is a limited one, therefore from the day of introduction into the exposition buildings; but in the event of the application being made after that time, then from the day of bringing in the application until the 31st December, 1873, inclusive, after which day, in accordance with the rules of the exposition, the whole of the objects of exhibition must be removed from the exposition buildings. Should the exhibitors wish to obtain for a longer duration the patent, mark, or pattern protection, then they must comply with the enactments of the laws relative thereto. There is no ground for any further exceptional treatment.

ARTICLE III. By the short duration of the protection referred to here, the admission of complaints against the determination of the director-general, in regard to the period of time that it should be permitted to exist, appears inexpedient; besides, so far as the protection certificates cannot confer more right than a regularly-obtained patent or the regularly-acquired registration of a mark or a pattern, therefore the authenticity of the protection certificate can always be contested by those who consider themselves prejudiced in their previously-acquired rights, in which respect the competency of the authorities referred to in the several protection laws remain unaffected.

ARTICLE IV. This regulation is grounded upon the absolutely necessary evidence of the protection certificates issued, and, on the other side, upon the respective relation existing between both territories of the Austro-Hungarian monarchy.

ARTICLE V. The exclusive rights acquired with the protection certificates can become operative against third persons only from the day of their publication, the necessity of which is thereby shown. The further enactment is in accordance with the enactments contained in the patent, mark, and pattern protection law.

ARTICLE VI. Contains simply the usual executory clause.

No. 40.

Mr. Jay to Mr. Fish.

[Extract.]

No. 460.] AMERICAN LEGATION,
Vienna, August 27, 1872. (Received September 12.)

SIR: I herewith transmit to the Department (by the same post with this dispatch) the official list of foreign commissioners to the Vienna Exposition.

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I have no hesitation in saying that I think it extremely desirable that our republic should be properly represented on this occasion.

While the increasing military preparations in every part of Europe seem to indicate, if not a warlike policy, at least a belief in the necessity and inevitable recurrence of war, with its terrific burdens in times of peace, as a chronic symptom of the European system, the Vienna Exposition, as its programmes significantly show, is a movement on a scale of unexampled magnitude in the direction of a higher civilization, looking to the elevation and happiness of the masses, and the encouragement of good-will between rival nationalities. In this view, despite the historic fact that former international expositions have been followed by wars, the Vienna Exposition is regarded as coming at a timely moment, to encourage the hope created by the Tribunal at Geneva, that some mode is attainable, consistently with the honor of governments and nations, for the peaceful settlement of international disputes.

While the Vienna Exposition thus accords with American principles, policy, and interests, a due regard to international courtesy and to our own prestige would seem to require that, on such an occasion, when all

the powers of the world are to assist, we should appear neither reluctantly nor parsimoniously, but with ready cordiality, and in a manner to give a just idea of our actual progress in science, art, education, and industry.

This view is enforced in no small degree by the importance attributed, it may be, for differing reasons, by the governments and the people of the Old World, to the example of our republic, its popular basis, its stability, and power, its material prosperity, its educational system, its enlarging political and moral influence; but at the present moment it is invested with a special force, by the fact that we propose presently to inaugurate a similar exposition at Philadelphia and to ask the powers of the world to assist in celebrating our centennial birth-year.

I presume nothing would more tend to insure a compliance with our wishes in 1876 than our appearance at Vienna in 1873, with an exposition conveying a just idea of our national progress.

Of the advantages to accrue to our inventors and manufacturers from their representation at Vienna, they require only the facts to enable them to form an intelligent appreciation. A glance at the latest maps of Eastern Europe, and especially of Austria, Hungary, and Russia, (copies of which I send,) showing that Vienna is the center of a fast extending network of railways, and the last commercial depot of Europe from which goods are distributed to the East. This exposition, the first of its kind in Eastern Europe, will not only attract visitors from Western Europe and from all parts of this Empire, but from Russia, the Principalities, Turkey, Egypt, and the farther East.

The extraordinary preparations for the exposition which are being made in Germany and other parts of the continent, and the earnest activity on the subject that is beginning to be shown in England, which has hitherto shown little interest in the matter, seem to indicate that the manufacturers of Europe attach to it a great importance. International commissioners are beginning to assemble at Vienna, to facilitate their arrangements, and the German commissioners as early as April engaged for their personal accommodation an apartment with nearly thirty rooms.

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In one branch of the exposition, that of education, Baron Schwarz-Senborn relies confidently upon the assistance of the United States, and a similar hope has been expressed to me by Count Andrassy, and the Barons Von Hoffmann and Orczy of the foreign office.

I have, &c.,

JOHN JAY.

No. 41.

Mr. Jay to Mr. Fish.

No. 463.] AMERICAN LEGATION,
Vienna, August 31, 1872. (Received October 23.)

SIR: I have delayed my reply to your dispatch No. 228, dated 22d July, in reference to the Israelites in Roumania, on account of the absence of his excellency the Count Andrassy at his estates in Hungary.

The count returned a few days since, and on the 29th instant I had a conversation with him on the subject. I advised his excellency that it had been suggested to the department, and that the suggestion was

concurred in, that it was proper that the sympathy entertained in America for the inhumanly-persecuted Jews in the principalities of Moldavia and Wallachia should be made known to the imperial and royal government, as one of the protecting powers who were authorized to act in the matter under the treaty between certain European States. That while the United States were not a party to that instrument, and as a rule scrupulously abstain from interfering directly or indirectly in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested, and that I would be glad to be able to advise you what was the present position of the question, and what steps, if any, were being taken for the protection of the Israelites.

His excellency said that a joint note was addressed some time since to the Roumanian government on the subject of the treatment of the Jews, in which Austria had united with the other powers.

The English government had recently proposed a further demand for the extension of their rights; but the construction upon which it was based was regarded as somewhat doubtful.

The question was attended with difficulties. To the general expression by the powers of the world that the ill-treatment of the Israelites in Roumania was unworthy of a civilized people, and that its continuance would lower the power by which it was tolerated, and assign it a position among the less civilized and enlightened nations, there could be no objection. Such an expression of opinion, whether on the part of Europe or America, would be proper and would undoubtedly have an influence. But in view of the actual state of the government of Roumania, of the attitude of the opposing parties, and of the prejudices of the people, which neutralized in such cases the power of the government by the right of trial by jury, the question of foreign intervention was one of extreme delicacy; and so far from accomplishing the desired object, an intervention might result in diminishing the ability of the government and in subjecting the Israelites to increased prejudice and further persecution.

The Prince of Roumania was known to be in favor of securing to them protection, and every effort of his government in this direction would be rather hampered than assisted by foreign intervention, for the reason that such intervention would give new strength to the opposition, and enable them to raise the cry that the government was administered by foreign influence, and had ceased to deserve the confidence of the people; and while the government was thus thwarted in its efforts to protect the Israelites, they would be more than ever exposed to insult and abuse, as the indirect cause of foreign interference in the affairs of the nation.

Such was the prejudice against them in parts of the country, that, as a ral thing, juries would not convict the perpetrators of outrages against them, however clear the evidence; and when the crimes were thus ignored by juries, the government was powerless to punish.

At the present time, with the disposition of the government to deal justly by the Israelites as far as they could accomplish it, and with the idea now beginning to prevail that the attention of the civilized world was aroused, and that any recurrence of the ill-treatment of the Israelites would be viewed with displeasure, and might result in foreign difficulties, there was reason to hope that they would not be repeated, and that there would be a gradual amelioration of their condition.

I have, &c.,

JOHN JAY.