No. 411.

Mr. Frelinghuysen to Mr. Cramer.

No. 95.] DEPARTMENT OF STATE,
Washington, July 3, 1884.

SIR: Referring to your No. 137 of April 18 last, in which you allude to the requirements of Swiss law in cases of expatriation, I have to say that the existence of the difficulties which you point out in the matter of collection of their claims to property by our naturalized citizens of Swiss origin further shows the necessity of adjusting the whole question by a proper treaty of naturalization between the two countries.

Your attention is called in this connection to instruction No. 7, of October 19, 1882. The requirements of the Swiss law to which you allude have been communicated to the press.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

TURKEY.

No. 412.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 303.] LEGATION OF THE UNITED STATES,
Constantinople, December 15, 1883. (Received Jan. 10, 1884.)

SIR: Respectfully referring to my dispatch No. 298, dated the 15th of November last, I have the honor to transmit for the further information of the Department, regarding the complaint of Messrs. Knapp and Reynolds, a copy of a letter received recently from the former, describing his identification of Moussa Bey, their principal assailant, and of the latter's subsequent release. I send also a copy with translation of a note from the minister for foreign affairs, dated the 8th instant, in reply to mine of the 15th of November last, and of my answer to the same dated the 13th instant. * * *

I have informed the minister for foreign affairs that I should refer the matter to my Government.

The legation must now suspend further action in this case until it shall receive such instructions as it may please the Department to give.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 303.]

Mr. Knapp to Mr. Heap.

BITLIS, TURKEY, *November* 12, 1883.

MY DEAR SIR: * * * I have been requested by Mr. Eyres, of Van, to send him details of my identifying the Kurdish assassin who so severely wounded Dr. Reynolds, and beat and robbed both him and me on May 22. Thinking it might be due to justice and yourself to send you the same account, I will here give it. On the

29th of September last I made a call upon Arif Effendi, our Voli Pasha, and during the interview he took occasion to say that we had reported to the officials at Constantinople that one Moussa Bey was the man who attacked Dr. Reynolds last May. He said that, according to instructions received, he would summon him, and if I did not recognize him as the assailant he should let him go; otherwise he would detain him as a prisoner.

On October 4 it was rumored that Moussa Bey went to the mountains south of his village, and that word was brought back by the biubachi that the Bey was ill and could not come.

This officer was sent again with specific instructions to bring the Bey without fail.

On October 22, just five months to a day since the assault, I was summoned to appear before the Moodier Ocmoomy to identify the assailant.

Before going I called Hohannes Agh, our Protestant arzkevbet, and inquired if he thought it was necessary for me to go; could I not require that Moussa Bey be brought to my door, as were the four prisoners. I was told that these prisoners were subsequently released on their paying a bribe of two Turkish pounds each a few days after the tragedy. He told me that Moussa Bey would submit himself to be flayed alive rather than condescend to come. He furthermore told me that I was bound to answer but one question, "Do you recognize the assailant among those brought before you?"

I felt quite ill from a severe cold and should like to have been released from going. However, taking Baron Havatvoa as interpreter, and two servants, we mounted our horses and in twenty minutes reached the court-house.

On arriving I soon saw that I was to be questioned the same "Tadakhaz" or judge before whom I was summoned on this matter June 11. What I supposed would take only ten minutes proved to be an hour and a half. I will state a few questions asked me, from which it appeared to my interpreter and me they were befriending Moussa Bey.

First, the Tadakhaz said to me, "It is some five months since the assault; have you an opinion who committed it?"

I replied, "I do not know who did it."

"But you have telegraphed your ambassador that Moussa Bey, the son of Meza Bey, and two others named," giving the names.

I replied, "I have sent no such names; it is possible my associate has," meaning Dr. Reynolds.

Another question, "Do you know your assailants?"

I replied, "I might not recognize all of them, but I thought I should the one who used the sword."

After several more questions, he said: "We have summoned your assailants; do you wish me to bring them before you?" I replied in the affirmative. Four, I think, were ushered into the court-room attended by their guards and several spectators. I scanned the face of each very closely, and pointing my finger to one, said, "That is the man, for I recognize his face." He had come in with an affected unconcern, but when I pointed my finger at him his countenance suddenly blanched. He was of medium height; had a florid complexion; his mustache of a light sandy color, and the hair of his head a shade darker; of a full face, and apparently near thirty years of age. He had on a large, gay head-dress of many colors, a dark-colored broadcloth frock coat, and high-heeled shoes, but "I see that he has on a different kind of dress," said I. To which the "Tadakhaz" replied, "That is not possible, for the one he has now is his customary dress." I should have said, "that is the man who used the sword." The "Tadakhaz" wrote down his name as Moussa Bey, son of Meza Bey, as I was subsequently told by my interpreter. I was asked, "Did you not see this man at your stopping place the night before the attack?" I replied, "No." At this, the man left his companions and ascended the three or four steps, that took him to the platform, and stood by the side of the chair in which I was seated. I was then asked, "How was it that he should have come into the room where you were, and you not see him?" I replied, "The room was very dark; the light of the only tallow candle was dim. I was very much fatigued, and I did not pretend to notice any one, and on drinking the tea the doctor gave me, I immediately lay down to rest." Upon this moment my assailant interrupted me by saying, "That was strange, that you did not see me." Whereupon he was told to be silent.

I was repeatedly cautioned to see that I was not mistaken in the man, at which I told the court the particulars of the appearance of the three assailants as they walked in Indian file up the hill to meet us singing a weird song. How I then marked his features, and then said to myself I should carry the expression of that face to my grave, and that I thought I could not be mistaken.

Of the three others brought before me, I did not recognize any one as our other assailants, but I was afterward told that one was Moussa Bey's servant, and the other two were strangers brought in purposely to perplex me.

After the prisoners were taken out the "Tadakhaz" turned around and feeling that

he was going to trip me by a question, said, "On May 23, when your deposition was taken, you said that Moussa Bey called upon you the night of May 21. How is it that you now say you never saw him?" I replied, "I have never seen him to know him, and even now I do not know him by name. When the deposition you refer to was taken both Dr. Reynolds and I were present. He might have said that Moussa Bey called upon us, but I then made no such statement."

There was one Hagab Effendi, brother of Arides Effendi, present in court, of which he is a member. My assailant was his guest, of whom he stands in awe, and this Hagab plied me with questions with the view of puzzling me and so defending the assailant.

On returning home I inquired of Baron Havatova, my interpreter, what was the name of the man I pointed out as Dr. Reynolds's assailant. He replied, "Moussa Bey." Till then I was positive that it was he.

During this investigation there was a man in the ante-room who told my servant that he believed Moussa Bey was the assailant, and added, "he murdered my brother." I have been told that Moussa Bey, while a boy, murdered a Kurd. It is the prevailing opinion that he is the man who attacked the doctor.

He was not imprisoned while here, and after appearing in our streets a few days he was allowed to return to his home under the pretense, I am told, of producing the real assailant, he saying that I have mistaken the man.

Please express to General Wallace, when you write to him, my sincere thanks for his sympathizing letter; and I pray that he may meet with abundant success in his attempt to protect the American missionaries from the abuse of Turkish subjects.

I remain, &c.,

GEO. C. KNAPP,
Missionary of the A. B. C. F. M.

[Inclosure 2 in No. 303.—Translation.]

Aarifi Pasha to Mr. Heap.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 8, 1883.

MONSIEUR LE CHARGÉ D'AFFAIRES: I had the honor to receive the two notes you were pleased to address to me on the 7th and 12th of November last, No. 185, relating to the act of aggression of which Messrs. Reynolds and Knapp, American missionaries, were the subject, in the neighborhood of Ghuarié.

The governor-general of the vilayet of Bitlis, of whom explanations had been demanded on the subject, has just telegraphed to us that the judicial authorities of the province, far from giving evidence of the least negligence, are acting with the greatest celerity in the examination of the affair.

Moussa Bey, designated by the plaintiff as the leader of the aggressors, was immediately delivered into the hands of the authorities. As to Osmon and Hassan, accused of complicity, it has been impossible so far to arrest them, their domicile not having been discovered. Mr. Knapp, on being questioned on this subject, has declared that he did not know them and that he had no complaint against them. The tribunal before which the case was brought has, in consequence, been obliged to write to the attorney-general at Van to obtain the necessary information from Dr. Reynolds, who is at present in that town.

Finally, Arif Pasha gives the assurance that nothing will be neglected to hasten the course of justice.

In bringing these facts to your knowledge, I seize, &c.,

A. AARIFI.

[Inclosure 3 in No. 303.—Translation.]

Mr. Heap to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, December 13, 1883.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of the note that your highness was pleased to address to me on the 8th instant, No. 72953, 37, relative to the explanations which have reached the imperial ministry on the subject of the aggression against Messrs. Knapp and Reynolds, American missionaries, in May last, in the neighborhood of Ghuarié.

I greatly regret that my duty obliges me to inform your highness that the reports I have received on the subject do not agree with those that have been made to the imperial ministry.

Although it is true that Moussa Bey, the principal assailant of Messrs. Knapp and Reynolds, and who inflicted the nearly mortal wounds on the latter, from which he is not yet recovered, was requested to appear before the tribunal at Bitlis, to be confronted with Mr. Knapp, by whom he was identified as one of his assailants, it is not the less true that instead of being delivered up to justice, as stated by Arif Pasha, he was allowed to return to his country upon promising to send to Bitlis the person who, according to him, was the real culprit, for he naturally claimed to be entirely guiltless of the crime.

It is with pain that I must state that the proceedings of the vilayet of Bitlis in the course of this unfortunate affair have exhibited the most indescribable inertia and indifference. Moreover the unfortunate reputation of Arif Pasha gives us but little reason to hope that the assailants of Messrs. Knapp and Reynolds will be brought to justice as long as this functionary is maintained in the post of which he has shown himself so unworthy, the more so as nearly seven months have elapsed without any serious steps being taken to this end.

This legation having been unsuccessful, notwithstanding all its efforts, in obtaining any reparation for the outrages of which my fellow-citizens have been the victims, the only course remaining for me to take, your highness, is to protest energetically against the imperial authorities of the vilayet of Bitlis, who have so entirely neglected their duty, and to transmit to my Government a report on this deplorable affair, with all the accounts relating to it.

I beg, &c.,

G. H. HEAP.

No. 413.

Mr. Frelinghuysen to Mr. Wallace.

No. 148.] DEPARTMENT OF STATE,
Washington, January 17, 1884.

SIR: I have received Mr. Heap's dispatch, No. 303, of the 15th ultimo, relative to the complaint of Messrs. Knapp and Reynolds, who were assaulted by brigands in Armenia in May, 1883.

In response to Mr. Heap's request for additional instructions, I have to say that this Government regards the case of those gentlemen as clearly made out and the identification of the principal assailant as complete. Under these circumstances it would be entirely incompatible with this Government's sense of dignity to attempt to support by argument what is so patent as to need no such support, or to make appeal to Turkish sense of equity and good-will when the aggrieved parties have the fullest *right* to justice. Consequently, no additional instructions will be given, but the case should, upon the facts as they are known and understood by your legation, be energetically renewed and pressed to a just and speedy conclusion.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 414.

Mr. Wallace to Mr. Frelinghuysen.

No. 315.] LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884. (Received February 20.)

SIR: I have the honor to report a correspondence with his highness, the minister of foreign affairs, relative to certain persons claiming

American citizenship by naturalization, but at present domiciled in Palestine, and to transmit for your consideration the notes upon the subject interchanged up to the present: a copy of the minister's communication, a translation of that, and my reply thereto.

I have reason to believe that the movement on the part of the Sublime Porte has application to the little colony of naturalized American Jews, which, when visiting Jerusalem, I found resident there, in number thirty-five or forty. They are mostly old men, and quite poor, who have betaken themselves to Palestine as the most sacred of places, thinking that if they behaved themselves and lived orderly lives they might be permitted to die and be quietly buried there. It is, in my opinion, more than probable that some of them were originally Russian subjects.

Permit me to hope that my reply will meet your approval.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 315.—Translation.]

Aarifi Pasha to Mr. Wallace.

NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 22, 1884.

According to reports received from the authorities of Jerusalem, a certain number of Russian subjects, who left their country about five years ago to live in Palestine, have been declared by the Russian consular authorities to have forfeited their nationality and have succeeded at a subsequent date to have themselves admitted as American citizens.

A naturalization obtained in such conditions could evidently not be recognized by the Imperial Government as legitimate and valid. The ordinary principles of right oppose themselves to its admission in European countries, and also, *a fortiori*, in the Ottoman Empire, where the capitulations assure to foreigners exceptional immunities, and where, consequently, the control to be exercised by the authorities on a change of nationality presents an indisputable question of order.

In principle and in strict right, any foreigner established in the Empire who should lose his rights to his original nationality must be considered as an Ottoman subject, and if he desires to embrace this or that other citizenship he is bound to go to the country whose naturalization he desires to acquire to live there the number of years fixed by the local laws and conform in all points required to obtain a change of nationality.

In calling the attention of the United States legation to the preceding considerations, the Sublime Porte likes to hope it will be good enough to acknowledge the justness, and transmit conformable instructions to its consul at Jerusalem.

[Inclosure 2 in No. 315.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884.

HIGHNESS: I have the honor to acknowledge receipt of your *note verbale*, No. 73375, 1, dated January 22, 1884, relative to certain persons in Palestine who were originally Russian subjects but have succeeded in having themselves admitted as American citizens.

It is greatly to be regretted that the communication is not as particular in its terms as the importance of the principles involved would seem to justify. There are three classes of persons, however, to which the application may be meant: First, a class

claiming American citizenship who have not even taken out the first paper required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper, renouncing their original allegiance, but there stopped; and third, a class who have in every point perfected their naturalization as citizens of the United States.

The instructions given to the American consul at Jerusalem for his government in the matter may be substantially stated for the satisfaction of your highness.

A copy of the note with which your highness has honored me has been transmitted to that official for his information; his attention is then particularly called to the description of the persons referred to therein, and he is directed to make diligent inquiry to ascertain if there are such persons in his consular jurisdiction. If he finds there are any fairly within the first of the classes above given, he is simply to inform them that they have no right to his protection; if he finds any who are properly of the second class he is to examine their papers, take copies of them, and report upon their authenticity; of this second class he is also to inquire when they left America, how long they have been aboard, how long in Palestine, why they came abroad, why they took up residence in Palestine, what business they are there engaged in, if any, whether they intended returning to America when they left its shores, and keep a record of their answers, together with all the evidence for and against such intention which he can procure, including why they have not returned, and when they now purpose doing so. When these inquiries are concluded, he is directed to transmit a full report of everything pertinent to the subject to this legation through the consulate-general in Constantinople, the object being to refer each of such cases to Washington for consideration there. I shall be happy to apprise your highness of the decisions arrived at, and the instructions I may receive concerning them, but until then I cannot admit the principles and rules stated in your note as applicable to persons of this second class.

As to persons whom he may find of the third class, he is told that if they are orderly and going about their lawful business, whatever it may be, and mindful of the laws of the Empire, they have a right to live there unmolested; that this right is derived from the ancient capitulations, of late days reaffirmed by the treaties existing between the two Governments; that for conveniency, rather than a yielding up of principle, the United States have, in instances, temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangement; that the United States have never admitted the right of a foreign government to decide upon and nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated in your highness' note, that if a person naturalized in the United States, but resident in Turkey, has lost his *original* nationality, he becomes an Ottoman subject, regardless of his American naturalization; that whatever ground in right this principle may have with respect to naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views the consul is instructed that if he finds in his jurisdiction many or few naturalized Americans of the third class they have a right to call upon him for protection, and it is his duty to protect them; and to that end he must exhaust the means usually of resort on such occasions; failing in them, he must close his consulate and come away, if possible bringing the threatened people with him; and that I have no doubt the Government of the United States will have a vessel ready to receive him and them. These are, in substance, the instructions given, and I leave them to derive additional force and meaning from your highness' great intelligence and long experience in international affairs.

I avail, &c.,

No. 415.

Mr. Wallace to Mr. Frelinghuysen.

No. 317.] LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1884. (Received February 20.)

SIR: I have the honor to transmit to the Department, for its consideration, a copy of a note which will be delivered to his highness, the minister of foreign affairs as soon as a translation of it can be prepared.

The subject is the murderous assault committed last year by Kurds upon Rev. Mr. Knapp and Dr. Reynolds, the particulars of which have been heretofore given you.

The decision to resort to demands for indemnity in these cases is the result of much careful reflection, and a firm belief that there is no other method of accomplishing redress. A reading of the course pursued in the matter by the Turkish authorities, high and low, will, it is believed, bring the Department to the same conclusion, and to an approval of the step I have assumed to take.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 317.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884.

The legation of the United States of America has the honor to invite the attention of his highness, the minister of foreign affairs, to the matters following:

By note No. 167, June 13, 1883, the legation informed his highness that two American citizens, traveling in the vilayet of Bitlis, had been set upon by Kurds, robbed, and left to die, and that the governor-general of the vilayet had manifested the most singular indifference about the affair, and might be fairly charged with responsibility for the escape of the malefactors. The suggestion was then made that his highness would serve the cause of humanity and justice by ordering the most energetic measures to be taken for the apprehension of the robbers.

By a communication, No. 71235, June 13, 1883, his highness was good enough to answer the note of the legation, and give the pleasing intelligence that the governor-general had succeeded in discovering the goods taken from the two gentlemen, and that the robbers had been arrested and delivered up to justice. This information his highness reported as derived from the governor-general.

This report the legation found it necessary to correct, and for that purpose it addressed a second note to his highness the minister of foreign affairs, No. 179, dated September 10, 1883, declaring that the robbers had not been arrested, and that the goods and money taken from Messrs. Knapp and Reynolds had been returned to them, but in small parts. Under impression that it was yet possible to obtain the powerful assistance of the Sublime Porte in bringing the thieves and assassins to justice, the legation in the same note proceeded to give the full particulars of the affair, both those connected with the assault and those descriptive of the action of the governor-general. Of the assault, it remarked that Messrs. Knapp and Reynolds, accepting the assurance of the governor-general that the roads were perfectly safe, set out on their journey without a guard of zaptiehs. They put up for a night at a house where there was present Moreoussa Bey, son of Meza Bey, an influential Kurdish chief. When they took their coffee they failed to send a cup of it to the said Moussa, who, feeling himself insulted by the inattention, took four assistants and next day waylaid the gentlemen, one of whom, Mr. Knapp, they beat with clubs until they supposed him dead. Moussa Bey, with his own hand, cut down Dr. Reynolds, giving him ten cuts with a sword. The two were then bound and dragged into the bushes and there left to die. That there might be no excuse, such as that the murderers were unknown, the legation gave his highness the names of the subordinate assassins and their places of abode, Sherif Oglon Osmon and Iskan Oglon Hassan, both of the villege of Movnok. A third one was pointed out as the servant of Moussa Bey, living in the village of Kabiaa. Of the action of the governor-general the legation said further that when the affair was reported to him he made a show of action by sending zaptiehs to arrest the robbers, but, singular to remark, he selected Meza Bey, the father of Moussa, to take charge of the party. Going to the village of Auzont, Meza Bey pointed out four Kurds of another tribe as the guilty men, took them into custody and carried them for indentification to Messrs. Knapp and Reynolds, who said they were not the assailants.

During the night, in Aozou, a bundle was thrown through a window into a room occupied by the police, which on examination proved to contain a portion of the stolen goods. With this the governor-general rested from his efforts and dispatched to

his highness the minister of foreign affairs, that the stolen goods were recovered and returned, and the felons captured and punished. This report the legation took the liberty of informing his highness was not true, also that the chief of the assassins, Moussa Bey, was still at large; and to emphasize its statement, the legation further said to his highness that the details it communicated were current through all the region of Bitlis, having been first given out by Moussa himself. The legation then, in the same note, exposed the maladministration of the governor-general in language plain as respect for his highness, the minister, and for the Sublime Porte would permit, and suggested as the only means of accomplishing anything like redress that a brave, impartial officer be sent to Bitlis to investigate the conduct of the governor and take the affair in his own hands. "Such a step," it was added, "might serve to save the lives of many Christians," and it was further represented that "could the assassins be brought to just sentence it would unquestionably lessen the demand for indemnity which otherwise it would be the duty of the legation to present against the Imperial Government in this connection."

On November 7, 1883, the legation of the United States, by a third note, No. 184, communicated to his highness, the minister of foreign affairs, that the governor-general of Bitlis had confronted four persons with Mr. Knapp for identification, and that that gentleman had recognized Moussa Bey as one of those who had robbed and wounded him. The legation of the United States then expressed a hope that the minister of foreign affairs would give proper orders for bringing Moussa Bey and his companions in crime before the tribunals for trial.

Still later, on November 12, 1883, the legation of the United States addressed a fourth note, No. 185, to his highness, the minister of foreign affairs, detailing again the circumstances of the attempted murder of Messrs. Knapp and Reynolds, and representing the untrustworthiness of the governor-general by charging that Moussa Bey had already obtained from him assurances of immunity in the event of a trial and conviction.

His highness, the minister, was then requested that, if it was decided to maintain the governor-general at his post, orders be given for the transfer of the criminals to Constantinople for trial.

The three notes last named of the legation of the United States have not been answered by his highness, the minister of foreign affairs, except in a note, dated December 8, 1883, in which he is pleased to renew assurances based upon telegrams from the governor-general, which are utterly unreliable.

Wherefore, abandoning hope of justice through the governor-general of Bitlis, and the judicial tribunals of the empire, the legation of the United States finds itself compelled to change its form of application for redress, and demand of the Sublime Porte indemnity in behalf of Messrs. Knapp and Reynolds for the former £1,500, and for the latter, because of the more serious nature of his injuries, £2,000.

No. 416.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 318.] LEGATION OF THE UNITED STATES,
Constantinople, January 26, 1884. (Received February 20.)

SIR: The legation has been in receipt of several notes from his highness, the minister of foreign affairs, requesting to be furnished with lists of citizens of the United States resident in Constantinople and other parts of the Empire. Of these notes copies are transmitted as inclosures 1, 3, and 5, with translations numbered 2, 4, and 6. Understanding from other quarters that the movement for such lists will be extended to the whole country, dependent in a measure upon the nature of the replies received in response to these invitations, it occurred to me to draw a paper which might be taken as of general application, and a copy of it is accordingly forwarded for your information.

That the Sublime Porte has a design underlying the requests herewith inclosed, there is little doubt. The measure started against the colony of Jewish Americans in Palestine may be accepted as an indica-

tion of the nature of that design; and as in that measure the Sublime Porte appears disposed to take jurisdiction of questions concerning the validity of the naturalization of American citizens of foreign birth resident in its jurisdiction, it has seemed to me advisable to oppose such a claim in its inception.

Probably this is as good an opportunity as may present itself to remark upon the opposition which would appear the general rule to measures proposed by the Turks, not a few of which on their face, and, in fact, are reasonable and proper enough.

In the first place, it is to be always remembered that while the Christian powers have no hope of acquiring for their subjects in Turkey any new or additional privilege—political, social, religious, or commercial—the serious and persistent attempts to deprive those subjects of rights already conceded have driven the powers unitedly into a policy of defense, and that, simply speaking, is the meaning of these constant refusals of the overtures and assertions which come to them from the Sublime Porte. Secondly, confining observation to American interests exclusively, it will in most instances prove the case that we must resist measures set on foot by the Sublime Porte, not because the measures themselves are unjust, but because, if we consent to them and the other powers protest, it will follow necessarily that our people will be thrown into conditions of comparative disadvantage.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 318.—Translation.]

Aarifi Pasha to Mr. Wallace.

CIRCULAR NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, July 26, 1883.

It appears from a communication received from the Department of the Interior that foreigners living at Makrikeny refuse to allow themselves to be inscribed on the census register until their consulates invite them to submit themselves to the formality.

In bringing this fact before the legation of the United States of America, the ministry of foreign affairs begs it to be good enough to instruct whom it may concern so that the American citizens established in the locality above mentioned may no longer object to the census.

[Inclosure 2 in No. 318.—Translation.]

Aarifi Pasha to Mr. Heap.

CIRCULAR.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 16, 1883.

MONSIEUR LE CHARGÉ D'AFFAIRES:

To be able to answer with greater facility questions addressed to it by the different administrations concerning the nationality of foreign subjects who, to carry on their business, are obliged to establish their identity and their qualification, the bureau of nationality of my department asks to be put in possession of a list of foreign subjects living in Constantinople and the suburbs. I would therefore be much obliged if you would kindly have a list made containing the names of those under your jurisdiction and transmit it to the imperial ministry.

Accept, &c.,

A. AARIFI.

[Inclosure 3 in No. 318.—Translation.]

Aarifi Pasha to Mr. Wallace.

CIRCULAR NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 19, 1883.

It appears from a recent report of the governor-general of Adrianople that the American consul in that city refuses to assist the commission charged with the inscription of foreign subjects residing in the province, until he receives formal instructions from his superior authorities to that end.

The formality in question being in the interest of foreigners, and as it will facilitate the expedition of their affairs and put an end to contestations of nationality, the ministry of foreign affairs thinks necessary to refer to the former communications on this subject, and has the honor again to beg the legation of the United States of America to be good enough to have the necessary instructions transmitted to its agent at Adrianople so that he may no longer object to the inscription of American citizens by the above mentioned commission.

[Inclosure 4 in No. 318.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1884.

The legation of the United States of America has the honor to acknowledge the receipt of circular *notes verbales* from his highness the minister of foreign affairs relative to the inscription of American citizens resident in the empire.

The legation of the United States observes that his highness the minister of foreign affairs is pleased to remark that the inscriptions requested are formalities of interest to foreigners themselves, being essential to facilitate their business, and put an end to contests touching their nationality. The wisdom of the purpose stated is admitted by the legation of the United States, and to still further promote the very laudable object, I will be very happy to comply with the desire of his highness, the minister of foreign affairs, upon the conditions:

(1) That the Sublime Porte will consent that the persons whose names are inscribed in the lists as they may be returned to the legation by the several consuls of the United States of America for transmittal to his highness are in fact citizens of the United States of America, and that there shall be no contest about the citizenship of those inscribed on any of them by any official or before any tribunal of the Imperial Government after the lists are transmitted to his highness, the minister of foreign affairs.

(2) That a certificate of any consul or consular agent of the United States of America resident in the Empire, duly attested by his official seal, stating that the bearer of the certificate is a citizen of the said United States, shall be definitive proof of that fact and receivable as such for all intents and purposes by all officials of the Imperial Government of Turkey to whom they may at any time be presented.

The legation of the United States trusts that his highness the minister of foreign affairs will accept the conditions stated as equitable and just, inasmuch as they are designed the more certainly to promote the interest of every person inscribed, by referring the question of citizenship as a fact where it rightfully belongs—that is to the consuls and consular agents of the Government of the United States.

Upon receiving the assent of his highness the minister of foreign affairs to the conditions named, the legation of the United States will take pleasure in directing full lists of the kind requested to be immediately perfected, whereupon they will be at once transmitted to his highness, the minister of foreign affairs.

No. 417.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 322.] LEGATION OF THE UNITED STATES,
Constantinople, February 6, 1884. (Received February 25.)

SIR: I have the honor to forward a copy and translation of a communication from the Sublime Porte upon the subject of the attack upon Messrs. Knapp and Reynolds. It would seem to have been prepared before the reception of my note demanding indemnity, although it actually came to hand after that paper had been dispatched to his highness, the minister of foreign affairs.

It is in effect but a repetition of former notes, having no better foundation for its explanations and assurances than the reports of the governor of Bitlis.

His highness, the minister of foreign affairs, has not been to his office for more than two weeks. * * *

The last time I had the honor of an interview with his highness, the the minister of foreign affairs, he told me plainly that it had been resolved in the council of ministers to recall the governor of Bitlis. I pressed him to tell me when the order would be put in execution. He would give me no assurance or promise. From the note forwarded to you, it will be seen that the governor is still in office and that the Sublime Porte continues him in its confidence.

I have, &c.,

LEWIS WALLACE.

[Inclosure in No. 322.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 28, 1884.

Mr. ENVOY: I have received the note which Mr. Heap was good enough to address me the 13th December last, No. 190, relative to the attack of which Messrs. Knapp and Reynolds were the objects, in the vicinity of Ghuvrie.

I have not failed to communicate the matter to the minister of the interior, who has in response transmitted me the explanatory circumstances which the imperial authorities of the province of Bitlis have given him of the subject. As a result of the information which has been given them of the attack, the imperial authorities have shown the greatest zeal in investigating the affair. All the goods and effects stolen were immediately recovered and restored to their owners. At the same time the suspected persons found in the village where the said property was secreted have been arrested, but when confronted with Mr. Knapp, he having declared that he did not recognize them as his assailants, they were naturally turned loose. Later, upon the representation of the United States legation, Moussa Bey was arrested as the principal culprit; but upon being confronted in turn with Mr. Knapp, the latter declared that he had no grievance against him, and he was not recognizable by his associate, and that he had never made complaints against them. Nevertheless, orders have been sent to the imperial attorney at Van, that he ask of Mr. Reynolds, who is at present in that city, some explanations on the point. But as Moussa Bey could not be equitably committed on the deposition of Mr. Knapp, he was also turned loose under bail, conformably to the law.

The local authorities continue to exert all their efforts to accomplish the discovery and punishment of the guilty parties, who are sought for with all possible diligence.

In consequence of the explanations above given, I hope your excellency will be so good as to recognize in justice that the imperial authorities of the vilayet of Bitlis are exerting themselves all they can to fulfill their duties.

Kindly accept, &c.,

A. AARIFI.

No. 418.

Mr. Wallace to Mr. Frelinghuysen.

No. 327.] LEGATION OF THE UNITED STATES,
Constantinople, February 14, 1884. (Received March 5.)

SIR: I have the honor to transmit a copy of the instructions sent Mr. Merrill, United States consul at Jerusalem, for his government in the matter of American naturalized citizens resident in his consular jurisdiction whom the Imperial Government proposes to convert into Turkish subjects. See my dispatch No. 315, January 24 last.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 327.]

[Extract.]

Mr. Wallace to Mr. Heap.

LEGATION OF THE UNITED STATES,
Constantinople, January 4, 1884.

SIR: Your attention is respectfully called to the accompanying *note verbale* from the Sublime Porte, and you are requested to be so good as to send a copy of it to Mr. Merrill, the United States consul at Jerusalem, for his information. Touching the subject of the said note, you are also requested to instruct Mr. Merrill as follows:

There are three classes of persons to whom the note of the Sublime Porte may have application: First, a class claiming American citizenship who have not even taken out the first papers required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper renouncing their original allegiance, but there stopped; and a third class who have in every point perfected their naturalization as citizens of the United States.

If Consul Merrill finds within his jurisdiction persons claiming his protection who are fairly within the first of the classes given, he will inform them they have no claim upon him; if he finds any who are properly of the second class, he will examine their papers, take copies of them, and report upon their authenticity. Of this second class he will also inquire when they left the United States, how long they have been in Palestine, what business they are there engaged in, if any, why they came abroad, why they took up residence in Palestine, whether they intended to return to America when they left its shores, why they have not returned, and if they intend to return. He will keep record of their answers, together with all evidence of whatever kind he can procure for or against such intention. When his inquiries are concluded he will transmit a full report of everything pertinent to the subject to this legation through your consulate, the object being to refer each of such cases to Washington for consideration there. As to persons whom he may find of the third class, if they are orderly and going about their lawful business, whatever it be, they have a right to live there unmolested. This right is derived from the ancient capitulations, of late days reaffirmed by treaties existing between the two Governments; that for conveniency, rather than a yielding up of principle, the United States have in instances temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States, formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangements; that the United States have never admitted the right of a foreign Government to decide upon or nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated by the Sublime Porte—that if a person naturalized in the United States, but resident in Turkey, has lost his original nationality, it having been other than Turkish, he becomes an Ottoman subject regardless of his American naturalization; that whatever ground in right this principle may have as respects naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views, Consul Merrill will be informed that all naturalized citizens of the

United States within his jurisdiction have a right to call upon him for protection, and that it is his duty to protect them. To that end he must, if necessary, exhaust the means usually of resort on such occasions.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

No. 419.

Mr. Frelinghuysen to Mr. Wallace.

No. 153.] DEPARTMENT OF STATE,
Washington, February 23, 1884.

SIR: I have to acknowledge the receipt of your No. 317, of the 25th ultimo, relative to the case of the Rev. Mr. Knapp and Dr. Reynolds, murderously attacked by Kurds near Bitlis, and to say that, after a careful consideration of all the facts before the Department, the inaction of the governor of Bitlis and the failure of the supreme Government to force him to undertake such measures as the case evidently demanded, must be regarded as a denial of justice. While this Government is always averse to making money demands for indemnity in countries whose administration of justice may differ from our own, the Department feels compelled to resort to this remedy under circumstances which manifestly make the local officers and the Government of the Porte responsible for the failure to do justice in this case.

The action reported in your dispatch is, consequently, approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 420.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 337.] LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1884. (Received March 21.)

SIR: I have the honor to transmit, for your information, a copy and translation of a communication received last night from his highness, the minister of foreign affairs, in reply to the portion of my note to the grand vizier, No. 201, pertaining to the demand in the case of Dr. Maurice Pflaum.

With my previous dispatches upon this subject on the files of the Department, and of easy reference, it is hardly necessary to particularly notice the points the worthy minister is pleased to dwell upon in the communication now transmitted. To one sentence, however, I beg permission to call your attention. Referring to Dr. Pflaum's alleged battery of a sergeant and corporal, his highness says:

This act falling within the purview of the law, the judicial authorities have necessarily to take hold of it, all the more that the Imperial Government cannot abandon the position it has always maintained in affirmance of the competency of the Ottoman courts in criminal causes. The meaning is very plain. It is a declaration of the intent of the Sublime Porte to give effect to its pretension with respect to Article IV of the treaty of 1830. Thus understood it is for the President to decide whether our view of that article is to be maintained or not.

Another point put forward by his highness is equally worthy of consideration. It will be observed he defends the assumption of the court at Axos to hear and condemn Dr. Pflaum in a criminal prosecution, there being no consular delegate present. This is done at the expense of the plain meaning of paragraph 10 of the protocol of 1874, concerning the right of foreigners to own real estate in Turkey. The "nine hours" provision, as it there appears, gives jurisdiction to the native tribunals for the trial of foreigners without the assistance of a consular delegate within limitations: first, for for actions (civil) not exceeding 1,000 piasters; and, second, for offenses (criminal) entailing a maximum fine of 500 piasters. Unfortunately Dr. Pflaum's sentence was imprisonment. To make the usurpation of the authorities of Axos still more glaring, they executed the judgment in violation of paragraph 13 of the same protocol, which says:

"In all cases the forcible execution of the judgments, issued on the conditions determined heretofore (§ 10), shall not take place without the co-operation of the consul or of his delegate.

The authorities imprisoned Dr. Pflaum without such co-operation, in fact, against the protest of the American consul.

These two clauses as always heretofore interpreted have formed most important defenses for Christians remotely resident from their consuls, and I am sure you will agree with me that good policy requires their steady maintenance against the assumptions put forth by his highness, the minister of foreign affairs.

My reply to his highness is inclosed by copy.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 337.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, February 27, 1884.

MONSIEUR L'ENVOYÉ: With my note of the 30th of September last, No. 722, 62, 32, I had the honor to inform your excellency that the question of Dr. Pflaum, an American citizen, had been submitted to the appreciation of the ministry of justice.

The answer of that department has arrived at the Sublime Porte, which has thought necessary to make it the object of a new examination.

The facts as disclosed by the inquiry to which it had been proceeded on the spot have been confined in the note of my department dated the 14th of August, No. 717, 14, 27. They establish to the evidence the wrongs of Dr. Pflaum, who, not being satisfied by having insulted the director of the tithes, ill-treated and beat a sergeant and a corporal, wounding also the latter, while they were in the discharge of their duties. This act falling under the thumb of the law, the judicial authority had to take it up, so much the more that the Imperial Government cannot abandon the point of view to which it has always placed itself to affirm the competency of the Ottoman tribunals in penal matters.

If, however, the court of Axos has tried Dr. Pflaum in the absence of a consular delegate, the reason of this is that no consulate was to be found in the vicinity, that is to say, within a distance of nine hours from the place where the acts laid to his charge took place—a circumstance that, in conformity with the dispositions of the protocol annexed to the law of the 7th September, 1284, gives within some limits to the local authorities the right to have a foreigner tried without the assistance of the consular delegate. It is true also that the protocol appealed to does not grant the right of trial without any consular assistance except in cases where the committed contraventions would not carry but the condemnation to a fine of 500 piasters maximum.

With that the minister of justice is of opinion that the administrative authority having no quality to intervene in the action of the tribunals, the independence of which is solemnly consecrated by the laws of the country, Dr. Pflaum may on the

basis of the same protocol make an appeal before the court of the sandjak against the judgment given by the court of Axos and get himself attended by a delegate of the consulate to which he belongs.

On its side my department will renew its correspondence with the competent ministry in order to apply to the official who should be found in fault in this affair such measure of punishment as he shall have incurred by his conduct.

I hope the decision arrived at will satisfy your excellency.

As to according Dr. Pflaum a pecuniary indemnity, the Imperial Government cannot recognize such a claim, judicial redress being open to him, as I had the honor to state above. It is the duty of the judicial authorities to examine all the circumstances of the case and for them to give a final decision; besides, in penal causes, there is no legal provision giving a private individual, who feels himself injured, the right to claim pecuniary indemnity from the state.

I hope your excellency will kindly appreciate at their true value the preceding considerations.

Please accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 337.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, February 27, 1884.

HIGHNESS: In acknowledging receipt of your note of this date, No. 73708, 6, in reply to so much of the communication which I had the honor of delivering to his highness, the grand vizier, as pertained to my demands in behalf of Dr. Pflaum, I beg permission to state some objections to certain positions which it has pleased you to assume therein.

The declaration you indulge respecting "the competency of the Ottoman courts in criminal cases," while carefully noted, is sufficiently covered by former protests of my Government.

Your highness also defends the assumption of right to try and condemn Dr. Pflaum on a criminal charge in the absence of an American consul or delegate, resting the claim of right upon paragraph 10 of the protocol of 1874, regulative of the holding of real property by foreigners in Turkey. You will permit me to object to your interpretation of that paragraph. If it be true that Axos is nine hours distant from the nearest American consular agency, still Dr. Pflaum's case was not a civil action, nor was it an offense (criminal) entailing a maximum fine of 500 piasters. The court sentenced him to imprisonment, and in doing so was guilty, in my opinion, of a flagrant usurpation. Nor did the misconduct stop at that; in violation of paragraph 13 of the same protocol, the authorities proceeded to a forcible execution of the judgment against Dr. Pflaum "without the co-operation of a consul or of his delegate."

These, I beg to say, are the essential abuses complained of in the case by this legation.

I await, &c.,

LEWIS WALLACE.

No. 421.

Mr. Frelinghuysen to Mr. Wallace.

No. 157.] DEPARTMENT OF STATE,
Washington, February 29, 1884.

SIR: Your dispatch No. 318, of the 26th ultimo, reports the several requests addressed to you by the Porte looking to your intervention to secure an official census registry of citizens of the United States in certain parts of the Turkish dominions, and acquaints me with your reply of January 25, in the form of a *note verbale* sent to the imperial ministry for foreign affairs.

I readily comprehend the difficulties pointed out in your dispatch, which lie in the way of prompt accession to these apparently simple and

practical requests. In addition to these, however, most of which, as you rightly explain, concern only the peculiar relations with the Government of the Porte which spring from the capitulations and from the radical differences of administrative methods in the two countries, there is another consideration, general in its application, which this Government has found it necessary to insist upon in its dealings with certain of its neighbors, notably Mexico, and which might arise with Turkey, if it be admitted that we are under an obligation to cause a registry of our citizens abroad to be made. While such registry may be convenient in the relations of countries, it cannot be admitted as a determination of the question of citizenship. Failure to register should not exclude the party from opportunity to show his citizenship by competent proof; and a Government which has failed through any cause to procure the registry of one of its citizens in the consular list can under no circumstances be deemed to have thereby barred its citizen or estopped itself from the diplomatic resort in case of wrong being done to him.

Hence this Government abstains from any action which might imply an obligation on its part, or on the part of its officers, to furnish any foreign Government with lists of those whom it will, in a given emergency, protect as citizens. The laws of the foreign state may require some form of registration. In such a case, although it is no part of the duty of our officers abroad to execute the local police regulations with regard to their fellow-citizens, we place no obstacle in the way; on the contrary, where such local registry requires the production and filing of a consular certificate independent of or supplementary to a regular passport, our regulations permit the issuance of such a certificate. (Consular Regulations, 1881, paragraph 163.)

These being the views of this Department, I cannot entirely approve your proposition to the minister of foreign affairs. Your first condition prescribes the unquestioned recognition of the citizenship of any person borne on the consular lists as transmitted by the legation to the foreign office, which may imply a responsibility on our side to perfect such lists, and a disability on the part of any omitted citizen to prove his status or claim diplomatic redress.

Your second condition asks that a consular certificate shall be accepted by Turkish officers everywhere as conclusive proof of the fact of citizenship. It does not appear from the correspondence you transmit that the Turkish authorities request the issuance of such certificates, or that the exhibition of a regular passport is not entirely sufficient to comply with their police requirements. Statute and regulations are alike clear in inhibiting the granting or issuing of any instrument in the nature of a passport as a substitute therefor. As the issuance of the certificates you suggest does not appear to fall within the exception contemplated by section 163 of the Consular Regulations of 1881, and does not appear to be made dependent upon the possession of a passport, it is thought that it would prove an embarrassing irregularity to prescribe the issuance by the several consuls and consular agents in Turkish dominions of an independent certificate of citizenship for which it would seem that the same immediate respect is to be claimed as is usually paid to a formal passport.

The true principle would appear to be to regard local registration as a police requirement, which it is not our concern to perfect or in any way to make conclusive against any unregistered citizen. In the provinces our consuls may counsel their fellow countrymen to register as required; in Constantinople you may, for convenience sake, furnish a list of American residents there, so far as known to you. For all pur-

poses of protection a passport should suffice as *prima facie* evidence of citizenship and identity. If required, a consular officer's certificate in the Turkish language may supplement a passport, and be entitled to consideration.

With these explanations you will have no difficulty in remodeling your proposition to the minister of foreign affairs, especially if, as is not unlikely, an indisposition should be manifested to accept your proposition *in toto*.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 422.

Mr. Wallace to Mr. Frelinghuysen.

No. 340.] LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1884. (Received March 21.)

SIR: I have the honor to forward a copy and a translation of a note received from the minister of foreign affairs, declining the redress demanded of his Government in the cases of Messrs. Knapp and Reynolds.

You will please excuse a remark explanatory of a point in my telegram to you, dated yesterday. I say therein, "Indemnity and punishment refused in each case." In reading the inclosed reply of the minister you may possibly be attracted by his repeated references to the action of the judiciary tribunals of Bitlis. That, I beg to say, is nothing. The tribunals of that province cannot be relied upon to do justice. They have been already fully appealed to in these cases. To refer us to them is simply a refusal of redress. In that view I telegraphed you.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 340.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, February 27, 1884.

MONSIEUR L'ENVOYÉ: I have had the honor to receive the note your excellency kindly addressed to me on the 24th of January last, No. 198, relative to the aggression Messrs. Knapp and Reynolds have been subjected to in the vicinity of Ghuvrié.

Whichever may be the contradictions which exist between the information which has reached the legation of the United States and that furnished to us by the imperial authorities of the vilayet of Bitlis, your excellency will permit me, before knowing the result of the correspondence in which I have engaged upon this subject with the competent ministry, not to desist from the affirmations of the local authorities which have insisted over and over again that they have fulfilled their duties since the beginning, and if the culprits have not yet received their punishment it is not their fault, as they have given to this affair a continued attention and vigilance.

The justice being busy with the case, it is of necessity to let it have its regular course, and if there are some delays, evidently the fault should not be thrown upon the authorities.

In fact, your excellency will kindly admit that in all the countries of the earth, often the circumstances amidst which occurrences of such a kind take place, and the difficulties which are most of the time inherent, place the justice in the impossibility of deciding with all the promptitude and celerity desirable. It has never been disputed that its duty is to surround itself with the greatest precautions to bring the

light so as not to have later to reproach itself with the fatal consequences of a judicial error.

I can but beg your excellency to be kind enough to leave to the competent authorities the care of doing their duty. You may be assured that we will do all that is possible for us to do in order to put an end to the contradictions which subsist between the information furnished on both sides, and to accelerate the course of the affair, within the limits, however, which the independence of the judicial power imposes upon us.

For all these reasons the demand for indemnity presented by your excellency cannot be taken in consideration; the more so as the laws of the Empire in no case permit it.

I am in the firm hope that in your enlightened sentiment your excellency will recognize the justness of the preceding appreciations.

I avail, &c.,

A. AARIFI.

No. 423.

Mr. Wallace to Mr. Frelinghuysen.

No. 350.] LEGATION OF THE UNITED STATES,
Constantinople, March 12, 1884. (Received March 31.)

SIR: I have the honor to forward for your information a copy and translation of a communication received yesterday from the Sublime Porte relative to certain persons in Jerusalem claiming to be naturalized citizens of the United States, but whose claims the Sublime Porte could not recognize.

The subject is fully disclosed in my dispatch to the Department, No. 315, dated January 24, 1884.

The explanation given by the minister of foreign affairs in the present paper will doubtless be satisfactory, and serve to remove the idea that the Sublime Porte was contemplating assumption of a right to decide upon questions of Amercan naturalization.

To prevent possible complications between the imperial authorities of Jerusalem and Mr. Merrill, our consul there, and especially to reserve to the latter the decision of claims of right to his protection, I have thought it best to send him the additional instruction referred to in my reply to the minister of foreign affairs, a copy of which is also herewith inclosed.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 350.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, March 11, 1884.

MONSIEUR L'ENVOYÉ: I received the note your excellency did me the honor to address me on the 24th of January last, No. 196, in answer to the *note verbale* of my department, dated January 22, No. 73375, 1, relative to some individuals, formerly Russian subjects, who would seem to be trying to place themselves under the protection of the United States consulate at Jerusalem.

The observations your excellency makes in connection with this question renders it my duty to return to the import and the real meaning of my communication.

The imperial ministry had no intention of generally discussing the question of naturalization or foreign nationality. Its intention was neither to contest the validity of the naturalization obtained in the United States by persons who are not of Turkish origin nor to establish a control on the change of nationality effected in this way by them. Still less had it the idea of questioning the status of real American citizens residing in the territory of the Ottoman Empire.

The object of the above-mentioned note was simply to call the attention of the United States legation to the particular and altogether irregular case of some persons, formerly Russian subjects, who left their country to come and establish themselves at Jerusalem, and who, without ever having been in America, claim the privileges of American citizens. In disputing the right, these individuals have conferred upon themselves, the Sublime Porte rests on the incontestable principle everywhere recognized in matters concerning change of nationality.

Any individual who desires to renounce his original nationality and become the subject or citizen of another state, must have emigrated from his native country and have established himself in the country which in future is to become his adopted country.

This has not been the case with the former Russian subjects mentioned in the note of my department.

They have at no time made a sojourn in the United States, and the naturalization they claim to have obtained being but *fictitious* and *delusive* the Sublime Porte cannot recognize them. The Imperial Government considers any inhabitant of the Empire who does not belong to another country, or has ceased to have another nationality, as a Turkish subject, and must regard any foreign naturalization of such individuals, when obtained during their residence in the Ottoman Empire, as irregular and fictitious.

I am pleased to hope, Monsieur l'Envoyé, that the above explanations will suffice to clear away any misunderstanding which may have arisen from my preceding communication, and will give your excellency to understand the motives for which the Imperial Government must continue to consider as Turkish subjects the former Russian subjects mentioned in the preceding *note verbale* from my department.

Accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 350.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, March 12, 1884.

HIGHNESS: I have the honor to acknowledge receipt of the note No. 73820, 10, and dated March 11 instant, which you kindly addressed to me relative to certain persons, formerly Russian subjects, and at present in Jerusalem, claiming to be United States citizens, but whose naturalization you impeach on the ground that they have never been in the United States.

I hasten to thank your highness for the very clear explanation given in the present note, and to say that I will take pleasure in immediately forwarding it to the authorities of my Government.

I will also cause it to be communicated to the American consul at Jerusalem.

By reference to my note No. 196, January 24 last, your highness will observe the classification there given of persons who might be at present in Jerusalem claiming to be naturalized citizens of the United States of America.

The first class is of those who have no ground for such claim, not having taken out the first paper required of them by the law.

These the consul is instructed to inform that they have no right to protection by my Government; and following the present note of your highness it will be my duty to further instruct the American consul at Jerusalem to furnish his excellency the governor of Jerusalem with a copy of the list of persons whom, upon investigation, he discovers to be fairly within the definition of the said first class.

I avail, &c.,

LEWIS WALLACE.

No. 424.

Mr. Wallace to Mr. Frelinghuysen.

No. 353.] LEGATION OF THE UNITED STATES,
Constantinople, March 22, 1884. (Received April 8.)

SIR: I have the honor to inclose herewith a copy and translation of a communication from the imperial ministry of foreign affairs, No. 73964, 11, relative to Messrs. Knapp and Reynolds.

Availing myself of the first opportunity to see his highness, the minister, last Thursday, I directed his attention to the business and begged to know of him if the authorities were doing anything to accomplish the punishment of Moussa Bey. While the conversation was in progress he sent for the note, which is inclosed by copy, and delivered it to me. The communication will doubtless be read with interest. The impression it produced upon me was such that, speaking in moderation, I will be more than ever surprised if Moussa Bey is brought to trial. It would seem that he was discharged from custody, and that now the greatest exertion is being made to accomplish his rearrest.

The remark that I know the circumstances which prevented the detention of the Kurd, is a reference to the assertion of the governor of Bitlis, heretofore reported to you, that when Mr. Knapp was confronted with the man he failed to identify him, an assertion in which I have not the slightest faith.

Whatever my own views of the outcome of the new effort to secure Moussa Bey and punish him may be, I beg you to be assured that your instructions are received as definitive of my duty.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 353.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, March 20, 1884.

MONSIEUR L'ENVOYÉ: By my note of the 27th of last February, No. 73709, 7, I had the honor to assure your excellency that the imperial authorities would continue to make every effort to accelerate the progress of the Knapp-Reynolds affair.

Your excellency knows the circumstances which prevented our keeping Moussa Bey and the other prisoners under arrest.

A telegram received to-day from the governor-general of the vilayet of Bitlis, addressed to the ministry of the interior, says that in consequence of further orders given by the competent authorities agents have been dispatched to all parts of the province to pursue and arrest these individuals.

Your excellency will notice by the preceding that nothing bas been neglected in order that justice may take its natural course promptly. I shall, moreover, keep you informed of all communications we may receive on this subject from the authorities of Bitlis.

I seize, &c.,

A. AARIFI.

No. 425.

Mr. Frelinghuysen to Mr. Wallace.

No. 162.] DEPARTMENT OF STATE,
Washington, March 25, 1884.

SIR: Your No. 315 of January 24 last, inclosing the correspondence between your legation and the Turkish Government touching certain persons of Russian origin claiming to be American citizens domiciled in Palestine, has been received, as also your No. 327 of February 14.

It would appear that those persons have been declared by the Russian consular representatives to have lost Russian citizenship, and it is

understood to be the claim of the Turkish Government that by the fact of so ceasing to be Russians they, being within Ottoman jurisdiction, become subjects of the Porte, thus ignoring their claim to American citizenship.

Your note to the minister for foreign affairs as to the rights of fully-naturalized citizens is approved. The Department reserves to itself, however, the decision of ultimate measures of protection in such cases if ordinary steps are unavailingly exhausted, which is, of course, not to be anticipated.

A decision as to the second class of persons possibly claiming the protection of the United States, as set forth in your note, viz, those who may have declared their intention, is reserved until the consul's report called for by you shall be received, although it may be said now that so far as it may concern persons of an original allegiance other than Turkish the declaration of intention is not of itself a renunciation of original allegiance, but simply a record of declared intention to renounce such allegiance on becoming a citizen of the United States. While, as an abstract question, they continue, from one point of view, to be, for example, Russian subjects, they acquire by such declaration of intention, a quasi-right to protection as against the claim of a third power to their allegiance. This Government could not, in that case, admit that persons of the second class became Turkish subjects because they intended to throw off Russian allegiance at some future day. We would hold in case of dispute on this point that they retain a future right to perfect their naturalization in conformity with our laws.

As to the first class, your view is approved. No one can be lawfully naturalized outside of American jurisdiction.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 426.

Mr. Frelinghuysen to Mr. Wallace.

No. 168.] DEPARTMENT OF STATE,
Washington, March 26, 1884.

SIR: I have received your dispatch No. 340, of the 1st instant, stating that the Government of Turkey has refused the demands of your legation in the cases of Messrs. Knapp and Reynolds, and I have to say that our recent instruction shows the attitude this Government maintains with reference to those claims. As you have already been advised, the Turkish minister here has been informed that we do not admit that the court at Bitlis has done its duty. In renewing, as was done, demand for the arrest and trial of Moussa Bey, we sufficiently imply our inability to regard the proceedings at Bitlis, on which the Porte relies for justification, as other than a denial of justice, which, under international law and usage, is a legitimate subject of complaint and redress through diplomatic channels.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 427.

Mr. Frelinghuysen to Mr. Wallace.

No. 169.] DEPARTMENT OF STATE,
Washington, March 27, 1884.

SIR: I transmit herewith for your information the inclosed copies of dispaches No. 67, of January 18 last, and No. 323, of the 5th ultimo, from our consul at Beirut, Syria, and consul-general at Constantinople, in relation to the difficulties encountered by American citizens and graduates of the American college at Beirut in their endeavor to practice their profession in the Ottoman Dominions.

To some extent the onerous and unjust discriminations of the Turkish authorities in respect of this general subject are familiar to your legation, the case of the late Dr. Calhoun being a recent one in point.

In that case, where it was sought to impose unreasonable restrictions in regard to Dr. Calhoun's medical practice, the Department endeavored to secure for him only such treatment in respect to his examination as was enjoyed by medical practitioners, citizens or subjects of other countries, residing and practicing in Turkey. So, too, in the present instance, where the cases are practically the same, we ask only fair and impartial treatment for our citizens who desire to follow their profession in that country.

It is difficult to believe that the Turkish Government would knowingly permit its local authorities to so unjustly discriminate against American medical practitioners. This is the more singular and to be regretted when it is remembered that our citizens have been regularly graduated from the college at Beirut, a chartered and trustworthy institution, having authority to confer such diplomas, and in view of the undoubted statement that no such exactions as are sought to be imposed upon our citizens are attempted or enforced against medical practitioners of other nationalities, even when they have not followed any prescribed course of study. Yet this is precisely the situation as represented by Mr. Robeson, whose strenuous efforts have unfortunately been thus far unavailing to stop or prevent so unjust a discriminatory practice. Nor, I regret to add, so far as Mr. Heap's knowledge goes, have those which have been put forth by the legation or consulate-general for the relief of our citizens in such cases been hardly more satisfactory, notwithstanding the orders and promises of the Turkish Government. The faculty of the college at Beirut now hope for one of the following privileges:

First. A charter as an independent medical college, with power to grant legal degrees in medicine and surgery.

Second. The privilege of granting degrees in medicine and surgery, which, to be legalized, shall be forwarded to Constantinople through the American minister or consulate-general, to be signed and sealed by the Imperial College officials.

Third. Failing in either of these, the appointment of an examining board of Government physicians in Beirut or Damascus with power to grant a certificate to the graduates of the American college after they have passed a satisfactory examination before the said board, which certificate shall authorize the holder to practice medicine anywhere in the Ottoman Empire.

These propositions appear reasonable and just, and any one of them, if adopted, would doubtless afford a practical and satisfactory solution of the present difficulties surrounding American medical practitioners

in that country. In the opinion of this Government, therefore, the Government of Turkey should be willing to grant one or the other of these privileges and enforce a compliance with its orders by the local authorities throughout the Empire.

The inclosed correspondence will enable you to fully and carefully present this subject to the Government of the Porte. This you will accordingly do, and endeavor to obtain through the adoption of one of the courses suggested above, or some other equally satisfactory method, recognition of the competent diplomas issued by the American college at Beirut to its medical graduates.

This Government is disposed to admit that every country has the right to prescribe the mode of recognition of medical practitioners within its borders. While granting this, it is only reasonable to expect, therefore, that any regulations governing in such cases should be fair and impartial and not discriminate in favor of any one nationality. All that is demanded in the interest of our citizens is that the rule adopted shall be uniform and without any practical discrimination against duly graduated American practitioners. Common justice and international intercourse alike suggest that no other course should be recognized or permitted.

You will give this subject your earnest consideration, and, if possible, press it to an early and equitable conclusion.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 169.]

Mr. Robeson to Mr. Adee.

No. 67.] CONSULATE OF THE UNITED STATES,
Beirut, January 18, 1884. (Received February 23.)

SIR: I respectfully beg to submit for your kind consideration and such action as you may deem proper in the case a few statements regarding the difficulties under which the American Medical College in Beirut, the graduates, and Americans who wish to practice medicine in this part of Turkey labor, with the earnest hope of Americans in general, and the medical fraternity in Syria in particular, that the Department may use its best influence with the Sublime Porte to secure for them due consideration and fair treatment.

The medical department of the American Protestant College at Beirut was established in 1867, under the general law of the State of New York, the board of trustees consisting of the following distinguished and philanthropic gentlemen: William A. Booth, William E. Dodge, David Hoadley, Simeon B. Chittenden, of New York; Abner Kingman, and Joseph S. Ropes, of Boston, Mass. In 1870, before the first class was ready to graduate, application was made to the Sublime Porte, through the American minister, Mr. MacVeagh, for an authorization to the college by the Ottoman Government to confer medical diplomas which would be legal in Turkey. The Porte referred this question to the imperial faculty of medicine in Constantinople, which body declined to allow any school or examining body but its own to confer diplomas in medicine, but promised to recognize the Beirut school as a qualifying body, and to admit its students to examination without further preparation. The Porte promised further to defray the traveling expenses of the students, and to lodge and board them in the imperial school pending their examination. Our minister, Mr. MacVeagh, advised the college to accept this offer for the time being, assuming that it was made in good faith, and pointing out the difficulty and even impossibility of the Government's overriding the decision of its own medical faculty unless it were proved incapable or corrupt in carrying out its decision. In no case, however, although frequently applied to by indigent students, has the Government afforded the slightest aid to any student in going or returning nor given them board and lodging, as promised. Soon after the announcement of this decision the Ottoman Government began to send menacing communications to the college and stringent orders to the governments of Syria and Lebanon for the prevention of the unlicensed practice of medicine. During the last

two years there has been a disposition on the part of the Turkish authorities in Syria to enforce the regulations that require all persons to present their diplomas in person and undergo an examination before the Imperial Medical College at Constantinople before being permitted to practice medicine in Turkey.

No one will deny the right of the Turkish Government to pass such laws, but the strange part of the laws and regulations regarding this matter is that they have been only enforced against American citizens who hold diplomas from American colleges and natives who have graduated at the American college in Beirut. No German, French, English, Italian, Austrian, nor any other foreigner practicing medicine has in any instance been molested by the Turkish authorities in Syria, while American doctors have been harassed, insulted, prohibited from practicing, and forced to go to Constantinople to pass an examination before the board of the Imperial Medical College there.

At the request of Mr. Heap, United States consul-general at Constantinople, I collected and furnished him during July last, at considerable trouble and expense, with a list of the names and residences of four hundred and eighty-two doctors practicing medicine in my consular district. I find that over four hundred of the number have no diplomas from the Imperial Medical College at Constantinople, mostly natives, and over three hundred have no diplomas from any college, never having studied medicine. I have called the attention of the governor-general of Syria to these facts, but no notice has yet been taken of the subject, nor is it likely that any will be given by the Turkish authorities to the matter. Dr. Skandarani, the chief municipal and sanitary physician of Damascus, the second city in the Empire, has never studied in any medical school, nor has he a diploma from any educating body. It is impossible for these ignorant native practitioners to pass an examination before a medical board, but no one here believes that they will be prohibited from practicing or in any way molested by the Turkish authorities. They may get diplomas, however, by paying the required fee, 7 Turkish pounds. In 1877 Dr. Post, of the faculty of the medical college of Beirut, spent several months at Constantinople endeavoring to obtain more favorable conditions for the graduates of the college. He received promises, but these pledges have been entirely ignored by the Imperial College. I am informed that in every case the candidates from Beirut college proved themselves capable of passing the examination at Constantinople, and, though they have been subject to many annoyances, they finally received diplomas which made no mention, however, of their studies in the American school at Beirut, but their Beirut college certificates have been confiscated. Drs. Bliss, Van Dyck, Post, Dennis, and other Americans have devoted many years of their lives to establishing the Protestant Medical College in Beirut, while large sums of money have been spent in buying ground and erecting suitable buildings, which are second to none in the country; but all this will prove comparatively futile unless proper concessions be granted to the college by the Ottoman Government. The instructions have lately been changed from the Arabic language to English in the medical department. The college is in a flourishing condition, having two hundred students, a considerable number of whom are studying medicine. The faculty request and hope for one of the following privileges:

(1) A charter as an independent medical college, with power to grant legal degrees in medicine and surgery.

(2) The privilege of granting degrees in medicine and surgery which, to be legalized, shall be forwarded to Constantinople through the American minister or consul-general, to be signed and sealed by the Imperial College officials.

(3) Failing in either of these, the appointment of an examining board of Government physicians in Beirut or Damascus, with power to grant a certificate to the graduates of the American college after they have passed a satisfactory examination before the said board, which certificate will authorize the holder to practice medicine anywhere in the Ottoman Empire.

The course of instruction and standard of examinations in the college will be seen, from the inclosed catalogue, to be thorough, and the many graduates of the college now engaged in Government service or occupying high positions as private practitioners in the east have established its reputation on a firm basis.

Mr. Heap, our consul-general at Constantinople, has endeavored to get the Imperial Medical College to accept the diplomas of Americans who desire to practice medicine in Turkey (without having the parties appear in person to undergo an examination before the Imperial College), and after having their diplomas registered, to grant them permission or license to practice medicine in the Ottoman Empire, but in this he has not succeeded. It is in the interest of Americans in this part of Turkey and the American Medical College here that I have presumed to address you this dispatch, with the sincere hope that the Department of State may use its best influence with the Sublime Porte to have it grant one of the three privileges desired by the American Protestant Medical College in Beirut.

I am, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 2 in No. 169.]

Mr. Heap to Mr. Adee.

No. 323.] CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, February 5, 1884. (Received February 23.)

SIR: Referring to Mr Robeson's dispatch to the Department of State, No. 67, dated January 18, 1884, inclosed herewith, I beg to say that what he states in regard to the examination and licensing of the graduates from the American College of Medicine at Beirut deserves the earnest consideration of the Department. The efforts made here, whether by the legation or the consulate-general, to obtain some relaxation of the stringent rules of the faculty of medicine in their favor have been unsuccessful. It is true that no difficulty has been experienced in obtaining the license to practice when the candidate has presented himself for examination with a diploma duly certified to by the consul-general, whether it was granted by the college at Beirut or a medical college in the United States, and upon payment of the established fees to the Turkish faculty. The Porte appears to have taken stringent measures to prevent unauthorized persons from practicing in the provinces; but these measures do not seem to have been attended with success.

If a decree were obtained recognizing the validity of diplomas issued by the American college at Beirut, after registration here, without the presence of the candidate, and after the payment of the fees, which we have reason to believe is the principal concern of the College of Medicine of Constantinople, the ground of complaint would be lessened.

The examination or *colloquium* is a mere formality.

It may be well to state that no fee is charged at this consulate for the certification of diplomas.

I am, &c.,

G. H. HEAP,
Consul-General.

No. 428.

Mr. Wallace to Mr. Frelinghuysen.

No. 357.] LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1884. (Received April 14.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 157, of February 29, 1884, relative to my note to the Sublime Porte offering to accede to its request for lists of American citizens in Turkey upon conditions named.

The views you were pleased to present therein in support of objections to the concession as proposed, are certainly unanswerable, and while it is true that it was not in my mind to make a consular certificate of citizenship take the place of a formal passport, or leave the list furnished by the legation determinative of all who might be entitled to protection as citizens, the points you present have given me new light upon the subject. In fact my faith in the possibility of gaining the object aimed at—reservation to consuls of right to determine questions of citizenship to the exclusion of Turkish authorities—is so shaken by your paper that instead of remodeling my note, as you kindly suggest, I have taken the liberty of altogether withdrawing the proposals presented to the Sublime Porte. The note of withdrawal is herewith inclosed.

Being satisfied that this is at least the safest course, I venture to hope it will meet your approval.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 357.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, March 27, 1884.

THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS:

The legation of the United States of America had the honor to acknowledge the receipt from the imperial ministry of foreign affairs of a circular note relative to the inscription of American citizens resident in the Empire and to assure the said ministry of its willingness to comply with the desires expressed therein upon certain conditions.

The reply of the legation is contained in a *note verbale*, No. 199, bearing date January 25, 1884.

The legation begs to say now that further consideration of the subject has disclosed the great inconveniency, if not absolute impossibility, of such compliance, due regard being had to the laws of the United States, to regulations of long standing thereunder, and to a prudent conservatism with respect to rights of American citizens in the imperial dominions.

The legation of the United States therefore withdraws its offers contained in the said *note verbale*, No. 199, and defers conclusions on the subject.

The imperial ministry of foreign affairs not having as yet signified acceptance of the conditions proposed by the legation, it may be presumed that the deferment herein announced will not be provocative of any inconvenience.

No. 429.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 358.] LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1884. (Received April 14.)

SIR: Referring to your telegraphic instruction relative to compromising the petroleum concession dispute, it will be recalled that a compromise, if effected, was to be without special advantage to dealers in the Russian article.

Acting under the instruction and pursuing the line of conduct indicated in my dispatch to the Department, No. 351, I have the honor now to forward a copy of a note transmitted to the Sublime Porte day before yesterday, and to remark that it is identical with a note delivered at the same time by Mr. Nelidow, the Russian ambassador.

You will please observe that while the paper is quite energetic in tone, it nevertheless leaves a door open to compromise upon the basis to reduction of storage charges. That in fact is the end aimed at by the identic presentment. A proposition to settle without some new and decided turn given the affair would have been simple waste of time. Moreover, a compromise, if accomplished now, will be with the Russians conjointly, and upon terms of absolute equality. I could see no better mode of obtaining this latter point, and of putting an end to sales from the decks of small vessels, a practice so ruinous to our interests, than by square co-operation with my colleague in the manner here indicated.

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Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 358.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, March 24, 1884.

The legation of the United States had the honor to repeatedly declare most emphatically, by its notes and verbally, that it could not accept the views of the Sublime Porte relative to the right of monopoly granted to the depots of petroleum of Sami Bey, at Tchiboukei, and to the taxes levied on this account by the concessionary.

The United States legation in demonstrating that the taxes in question constituted an onerous charge on the commerce of petroleum and gave rise to just complaints on the part of American importers, requested amongst other things that the company of Sami Bey be required to reduce them to an equitable rate, failing in which the legation of the United States reserved to American importers to avail themselves of the right to establish their own depots in conformity with the exigencies of public security, without prejudice, however, to the question of indemnities to be claimed for the exhorbitant dues arbitrarily exacted of them.

Until now, notwithstanding the importance of this question as regards the commercial interests involved. no sufficient answer has been given by the Sublime Porte to the legitimate complaints of the legation, nor has it been informed of the result of the deliberations of the commission *ad hoc* appointed at the Sublime Porte, although it has made its report some time since.

The legation of the United States cannot insist too earnestly on the urgency of regulating, without further delay and in a satisfactory manner, this question whose international character is so clear; in fact, the régime to which the commerce in petoleum is now subjected is a direct violation of the stipulations of the treaties and the capitulations in vigor, in virtue of which articles of importation into Turkey are liable to a fixed customs duty only and cannot be subjected to any other imposition. The Sublime Porte will be pleased to acknowledge that the motive for the storage of petroleum, which is an inflamable matter, being altogether for considerations of public security, should not be made a source of revenue for the state, and still less for a private company. Therefore the tax levied on this account should be in strict proportion with the expenses of installation and the maintenance of the depots.

Any sum levied over and above the amount necessary for this purpose constitutes an absolutely illegal charge. Such is manifestly the case as regards the tax collected by Sami Bey, which, according to the data collected by the legation, amounts to nearly the treble of the sum to which he might claim to cover his expenses and have a reasonable profit.

As regards the article of the regulation of the port of Constantinople prescribing the storage of petroleum in a depot fitted up with a view to public security, it cannot be quoted in support of the pretension of Sami Bey, as it was only with the consideration in view that the representatives of the powers gave their assent to that article, and most assuredly it was not with the intention of creating a new source of taxes and an onerous monopoly for commerce.

Therefore, and considering the increasing importance of the commerce of petroleum for the United States, it is the duty of the United States legation to protest against the present state of things, which is unjust as it is injurious to the interests of its commerce, and to demand prompt redress for the losses it has sustained.

In case the Ottoman Government should not, without delay, cause the taxes collected by Sami Bey & Co. to be reduced to an equitable rate, to be established in concert with the powers interested, the American legation will find itself under the necessity of insisting upon the indisputable right of American merchants to establish depots of petroleum of their own under more favorable conditions, as well as to require an indemnity for what may be due them for the violation, as regards them, of the liberty of commerce.

No. 430.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 362.] LEGATION OF THE UNITED STATES,
Constantinople, April 4, 1884. (Received April 21.)

SIR: In the affair of Messrs. Knapp and Reynolds, I have the honor to report some advance toward an end.

The Sublime Porte has been induced at last to dismiss the governor

of Bitlis. That you may be able to form an opinion as to how far that is likely to forward the business, I take the liberty of inclosing a copy of a letter received yesterday from Mr. Knapp. For my part, I fear the step comes too late to give hopes of the punishment of Moussa Bey.

The new governor may have the best intentions, and may go out fully energized by orders, and yet fail.

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Very respectfully,

LEWIS WALLACE.

[Inclosure in No. 362.]

Mr. Knapp to Mr. Wallace.

BITLIS, TURKEY, *March* 10, 1884.

MY DEAR SIR: I received 7th instant your unexpected letter of 20th ultimo, in which you speak of having changed the demand from the Imperial Government, in relation to Moussa Bey, to one of money. Allow me to inquire whether this is an unconditional demand.

Suppose the officials here choose to deliver up Moussa Bey, shall you insist upon the payment of the indemnification notwithstanding?

On the day your letter arrived, I was told that several days previous our governor-general received two most inexorable orders from the minister of foreign affairs to attend to this matter at once; but that he laid by the papers, affecting no concern about it. I have received a letter from Dr. Reynolds, of Van, of February 26th, in which he states he was the day before cited by the officials to answer some questions with reference to this case, which were sent, they said, from Bitlis. He referred them to Mr. Eyres, Her Britanic Majesty's consul, as his representative.

* * * * * * *

I am now credibly informed that, on October 22, the day I identified Moussa Bey as the assailant, his father, Meza Bey, was in town, and that he paid the officials a bribe of £200 (T.), and the result was that his son was allowed to return home; that subsequently to this, on hearing that the affair was still being followed up, he resolved to take £400 (T.) in cash, and sixty botmans (1,000 pounds) of butter and bring here, with a few friends as mediators, present me in person the above, kiss my hand, and secure my forgiveness; but that, when he arrived here with his money, the voli and other officials, hearing of his intention, persuaded him to desist, which he did, they assuring him that nothing more would come of it.

I am furthermore informed—I cannot vouch for its accuracy—that on October 22, when Mussa Bey was brought before me, and I then stated, "That is the man," the scribe wrote, "This resembles the man." Be this as it may, it is certainly in keeping with what is really being done to thwart justice.

I sincerely hope that you will be able to secure the sum demanded, for I am sure the recovery of it will have a greater moral effect than the imprisonment of the assailants in comparison, for life is held of little account among the twenty or more Kurdish clans in this vilayet.

Meanwhile, what are we to do in regard to the future? I am informed that there were over a dozen murders, mostly for money, say nothing of the many wounded and robbed, in this vicinity last summer. If there shall continue the same degree of anarchy here as last summer, I fear we shall not be wholly without apprehension about our personal safety.

* * * * * * *

I send to-day a copy of your letter to Dr. Reynolds.

Thanking you for your noble efforts in our behalf,

I am, &c.,

GEO. C. KNAPP.

No. 431.

Mr. Frelinghuysen to Mr. Wallace.

No. 174.] DEPARTMENT OF STATE,
Washington, April 8, 1884.

SIR: Your No. 350, of the 12th ultimo, in further reference to the question of certain persons, of Russian origin, domiciled in Jerusalem, and claiming to be citizens of the United States, has been received.

My No. 162 to you, of the 25th ultimo, anticipated in some points a reply to your present dispatch.

It appears that the Turkish Government disclaims intention to interfere with any persons who may show that they have duly acquired the status of citizens of the United States, and that it merely seeks to call the attention of the legation to the irregular case of persons within Turkish jurisdiction, who, "without ever having been in America, claim the privileges of American citizens."

It seems unnecessary to discuss the broad contention on which the Sublime Porte rests its argument, that no change of allegiance can be made unless the person affected be actually an emigrant to and resident in the country of his allegiance. It is sufficient for the purposes of the present question that the laws of the United States contemplate such actual presence and residence within their jurisdiction, and it is the effect of naturalization under those laws that we must take as a starting point, and not a general theorem which may involve the right of the person to change his allegiance.

To make this point clearer, the Porte claims that the persons in question "have at no time made a sojourn in the United States, and the naturalization they claim to have obtained being but fictitious and delusive, the Sublime Porte cannot recognize them." Granting that the conclusion is correct, the fictitious and delusive character of the alleged naturalization would have to be determined with respect to the naturalization laws of the United States, and not in conformity with a theoretical declaration of the Turkish Government.

Inasmuch as this contention of the Porte coincides in fact with our naturalization laws as to those persons, natives of a third country, who may never have taken the lawful steps to become citizens of the United States, that is, as to persons of the "first class," described in your previous dispatch No. 315, of January 24, 1884, your reply to his excellency Aarifi, of March 12, and your instructions to the consul at Jerusalem are approved, so far as that class of persons is concerned.

As to the "third class" you describe, those fully naturalized, there can be no doubt of their rights, and of the Porte's entire willingness to recognize those rights.

The "second class" embracing persons who, having taken out their first papers conformably to our law, may be found thereafter in Turkish jurisdiction, does not appear to be touched by the minister's reply, unless his delaration that "the Imperial Government must continue to consider as Turkish subjects the former Russian subjects mentioned" is to be construed as applying to such persons. My No. 162, of the 25th ultimo, will have shown you that I take some pains to reserve any partial rights which an alien may acquire by declaring his intention to become a citizen of the United States. It is not thought likely that any specific case will present this issue, and you may not now need to do more than generally reserve it. But if a case should arise, you will claim that the

person affected shall not be deemed to have become a subject of the Porte until after he shall have had full option to avail himself of his previous declaration of intention and to complete his naturalization conformably to our laws.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 432.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 374.] LEGATION OF THE UNITED STATES,
Constantinople, April 16, 1884. (Received May 6.)

SIR: Referring to your dispatch No. 169, touching rights of American practitioners of medicine in Turkey, and the concessions considered desirable in behalf of graduates of the American Medical College at Beirut, I beg to say that I have read your comments upon the subject, and the papers of Consul Robeson and Consul-General Heap, with great interest. It will of course give me pleasure to *renew* my efforts to obtain one or other of the three points stated as satisfactory to the college authorities.

It would not be just to me to leave you under inference that I have not already tried to do this service for that very creditable institution. I have made the attempt repeatedly, though informally, and always with reference to the correspondence on the subject had between the Porte and my predecessors.

It may be useful also to inform you of the difficulties in the way, a branch of the subject upon which the consular papers are silent.

The Porte holds, in the first place, that the college is not a Turkish institution.

* * * * * * *

In the next place, the imperial college is jealous of its rights and reputation. In its department of science, it is of great influence with the authorities at the Porte. It even forms a kind of quasi bureau. Things pertinent to surgery and medicine that come before the Porte are referred to its faculty for opinion and report.

With this in mind, you can readily see that any one of the three points submitted as agreeable to the Beirut administration will have to be carried over the heads of their imperial brethren of Constantinople.

* * * * * * *

In the third place, the Porte looks with unfriendly eyes at the proposal to confer special privileges upon the American college, because it has an appearance of interference with the internal affairs of the Empire. In reading your dispatch I was struck with the fact that you seem to regard the Beirut graduates as Americans. They are natives of the country and Ottoman subjects.

The parental regard the Sublime Porte believes it has for its own people is tacitly impeached by requests for favors presented by foreigners on the ground of solicitude for the welfare of those people.

In the last place, the most insuperable objection lies in the unwillingness of the Porte to do anything to sustain a foreign college of whatever kind in Turkey. Within six weeks past a permit was refused authorizing the founding of a medical college at Beirut under the auspices of the Jesuits, although the application was pressed zealously by the Marquis de Noailles, my colleague of France.

Doubtless you inferred from Consul Robeson's dispatch that there were other foreign medical colleges in Turkey, and that the Porte was discriminating in their favor. It is but just to say that there are but two medical colleges proper in this country, the Imperial College at Constantinople and the American at Beirut. There may be a medical department in the American college at Harpoot.

So that altogether the prospect of success in the business by direct application to the Porte is not encouraging. Not impossibly I may do better by trying to interest the Sultan in it. I shall watch an opportunity to present it to him.

Very respectfully, &c.,

LEWIS WALLACE.

No. 433.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 378.] LEGATION OF THE UNITED STATES,
Constantinople, April 21, 1884. (Received May 6.)

SIR: Referring to my dispatch to the Department, No. 358, and to the note (a copy of which was therein inclosed) forwarded to the Sublime Porte after agreement with my colleague, the Russian ambassador, I have now the honor to transmit for your information a copy and a translation of the reply received thereto. * * *

The reservation contained in the next to last clause of the paper, of a right to review the work of the commission with a view to lessening the storage charges at present collected under the concession, means, when literally interpreted, that the council of ministers will now undertake a reduction in the way of compromise. Accordingly, among the last acts of the late minister of foreign affairs, Aarifi Pasha, was a reference of the identic note to the council, with an earnest recommendation that the charge be reduced to 70 paras the case.

When I heard of the return to office of Assim Pasha, I paid the new official a congratulatory visit. This was done yesterday. I found his excellency friendly to the compromise; he even volunteered to exert himself to have the council take the matter up at its next meeting. That meeting was held yesterday.

From the office of the minister of foreign affairs I went next to that of the minister of the interior. The latter official made no concealment of his position. He was most pronounced in advocacy of a compromise, and agreed to join his excellency Assim Pasha in pushing the affair at the next council.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 378.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 12, 1884.

The ministry of foreign affairs has received the *note verbale* the United States legation did it the honor to address it the 24th of last March, No. 208, relative to the petroleum depots of Tchiboukei.

The Sublime Porte regrets not to be able to regard this question from the same point of view as the United States legation. In its eyes the establishment of the depots presents no international character and does not attack commercial liberty.

It concerns a measure of internal order and public security that the territorial Government evidently has the right to settle for itself by observing the interests of everybody.

It could not therefore recognize the right of importers either to establish depots or to claim indemnification.

However, while maintaining the standpoint it has already developed concerning the the point of right, the Sublime Porte did not omit examining the objections to which the tariff in force might give rise. The question was referred to a special commission, which has recorded in a report the result of its deliberations. The Sublime Porte reserves to itself the examinations of this work to ascertain if it be necessary or not to lower the dues at present collected.

The United States legation may be sure that the Imperial Government has given this affair the most serious attention, and that its greatest desire is to conciliate all interests engaged.

No. 434.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 381.] LEGATION OF THE UNITED STATES,
Constantinople, April 25, 1884. (Received May 13.)

SIR: I have the honor to transmit copies of papers touching the affair of Messrs. Knapp and Reynolds; one, from the minister of foreign affairs, conveying the idea that the authorities of Bitlis have been making extraordinary exertions to bring Moussa Bey to justice, and that they are now making such exertions and mean to continue them; the other is a copy of an official report from Her Britannic Majesty's vice-counsel at Van, which states that the zaptiehs sent to arrest Moussa found him, but let him go. For the latter I am indebted to Lord Dufferin.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 381.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 21, 1884.

MONSIEUR L'ENVOYÉ: To follow the note from my department dated the 20th of last March, No. 73964, 11, relative to the affair of Messrs. Knapp and Reynolds, I have the honor to inform your excellency that the judicial authorities of Bitlis, to whom the Minister of Justice had addressed by telegraph most urgent recommendations, have just answered him that, notwithstanding all their efforts the inquiries and investigations made by them had not yet obtained the desired result, but that they would be

continued with the greatest energy. In presence of this situation the department of justice has thought proper to ask to have the papers concerning this affair sent to Constantinople to have them submitted to the minute examination, and to satisfy itself of the manner in which the inquest had been conducted. Meanwhile it has not failed to renew to the competent authorities categorical orders to exert the greatest activity to obtain the solution justice has in view.

In reserving to make known to your excellency future information I may receive concerning this affair, I beg you to be persuaded that the Imperial Government will not lose sight of this affair.

Accept, &c.,

M. ASSIM.

[Inclosure 2 in No. 381.]

Mr. Eyres to Lieutenant-Colonel W. Everett.

VAN, *March* 31, 1884.

SIR: I have received news from Bitlis to the effect that Meza Bey, father of Moussa Bey, has been dismissed from his post of Caimma kam, of Modkan. The defterdar of Bitlis, Husseim Bey, has also been dismissed.

The governor-general, Arif Pasha, lately sent a summons to Moussa Bey to appear before the criminal court and stand his trial for the attack on the American missionaries. No attention was paid to this summons, and zaptiehs were sent to arrest him, but Moussa Bey refused to accompany them, and the zaptichs returned without effecting their purpose.

I have &c.,

H. C. A. EYRES.

No. 435.

Mr. Heap to Mr. Frelinghuysen.

No. 388.] LEGATION OF THE UNITED STATES,
Constantinople, May 14, 1884. (Received June 2.)

SIR: I have the honor to transmit a copy and translation of a note from the Sublime Porte, received recently at the legation, which I think may be accepted as an ultimatum respecting the case of Dr. Pflaum. Further action on our part, if any is taken, now rests with the Department.

I am, &c.,

G. H. HEAP.

[Inclosure in No. 388.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 30, 1884.

MONSIEUR L'ENVOYÉ: The imperial ministry has had the honor to receive the note your excellency was good enough to address it the 27th of last February (No. 204), relative to the affair of Dr. Pflaum.

This communication presents no new considerations in the discussion which would justify a modification of the views exposed by my Department in its verbal note No. 73708, 6.

Your excellency will permit me, therefore, to wait for the result of the measures we have taken in relation to this affair with the ministry of justice and of the interior.

Accept, &c.,

M. ASSIM.

No. 436.

Mr. Frelinghuysen to Mr. Wallace.

No. 192.] DEPARTMENT OF STATE,
Washington, May 20, 1884.

SIR: Your No. 381, of the 25th ultimo, has been received. It is difficult to see what further steps can be presently taken to press the case of Messrs. Knapp and Reynolds. No more positive assurances could be asked or given than those furnished to you by the minister for foreign affairs that every effort is in progress to procure the arrest of Moussa Bey, and that the delinquent officials concerned in the previous failure of justice in this regard have been removed.

The statement of Mr. Eyres, British vice-consul at Van, that "zaptiehs were sent to arrest him, but Moussa Bey refused to accompany them, and the zaptiehs returned without effecting their purpose" is not inconsistent with a possibility that the arresting party may not have been strong enough to attempt the seizure of Moussa by force at his own residence.

Further events can only determine whether any fresh proofs of delinquency in the proceedings against Moussa are to be added to those of which we already think we have such good cause to complain. It is very desirable that you should continue to receive, in a friendly way, such information touching events at Bitlis as the British vice-consul may chance to report, and I have no doubt that Lord Dufferin will, in this respect, continue to extend to you his marked courtesy, which this Government highly appreciates.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 437.

Mr. Frelinghuysen to Mr. Wallace.

No. 196.] DEPARTMENT OF STATE,
Washington, May 28, 1884.

SIR: I have to inclose herewith for your information a copy of a communication* from Edward W. Gilman, secretary of the American Bible Society of New York, in relation to the restrictions imposed upon the sale of the Holy Scriptures in Turkey.

If the law allows the sale of the Holy Scriptures in Turkey, the rights of American vendors must be protected.

You should leave nothing undone to protect the lawful rights of American citizens engaged in such occupations, and have extended to them whatever privileges the citizens of other nations have.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

* For inclosure see inclosure to document No. 192 *ante*, page 262.

No. 438.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 396.] LEGATION OF THE UNITED STATES,
Constantinople, June 4, 1884. (Received June 23.)

SIR: * * * A note was sent to me on the 2d instant by the minister for foreign affairs, reminding me that the treaty of commerce would cease to exist on the 5th of June, I enclose a copy of this communication as well as of my reply to it dated to-day, informing his excellency that in the view of the Government of the United States the treaty of 1882 is *not* duly ended, but if the Imperial Government maintains its intention of denouncing that treaty, I am instructed to declare to his excellency that the United States Government falls back on the treaty concluded in 1830, which remains in full force and effect in all its parts after the expiration of the treaty of 1862. * * *

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 396.—Translation.]

Assim Pasha to Mr. Heap.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, June 2, 1884.

MR. CHARGÉ D'AFFAIRES: In sequel to the communications from my Department relative to the renewal of the existing treaty of commerce between Turkey and the United States of America, I have to remind you that this treaty was denounced by the Sublime Parte at the proper time.

Subsequently, the conclusion of a provisional convention for the prolongation of this act was proposed to the legation of the United States, but as no agreement on this subject has been come to up to this time, the treaty will have ceased to exist from the 5th of June, 1884.

As the application of the new custom-house system is near at hand, I have considered it my duty to remind you of the fact.

Accept, &c.,

M. ASSIM.

[Inclosure 2 in No. 396.]

Mr. Heap to Assim Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, June 4, 1884.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's communication of the 2d instant, Nos. 74806, 23, relative to the treaty of commerce between the United States of America and Turkey, which your excellency reminds me, has been denounced by the Sublime Porte.

Your excellency is pleased also to observe that subsequently a provisional convention was proposed to the legation of the United States for the prolongation of this instrument, but, as no agreement was come to on the subject, the treaty will cease to exist from the 5th June, 1884.

Your excellency is good enough to remark in conclusion that it is your duty to inform me of this fact, as the inauguration of a new system of customs dues is near at hand.

Your excellency is aware that a protocol was proposed to his excelleney Tevfik Pasha, the Ottoman minister at Washington, by the Department of State, on the 21st of March last, in view of the intention of the Imperial Ottoman Government to denounce the treaty of the 25th of February, 1862. This protocol was rejected.

The object of the protocol was to place the two Governments on a footing of equality with regard to other Governments, and its principal stipulation is to the effect that they shall reciprocally enjoy the rights granted to other most favored nations. These provisions being eminently just and equitable it was reasonable to entertain the expectation that they would be found acceptable by the Imperial Government, particularly as they were intended to bridge over the inconvenience of a period of transition between the denunciation of the existing treaty of commerce and the negotiation of a new one.

However, in the view of the Government of the United States the treaty of 1882 is *not* duly ended, but if the Imperial Government maintains its intention of denouncing that treaty, I am instructed to declare to your excellency that the United States Government falls back on the treaty concluded between our two respective Governments in 1830, which remains in full force and effect in all its parts after the expiration of the treaty of 1862.

I beg, &c.,

G. H. HEAP.

No. 439.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 402.] LEGATION OF THE UNITED STATES,
Constantinople, June 19, 1884. (Received July 7.)

SIR: * * * Referring to dispatch No. 196, relative to the restrictions imposed upon the sale of the Holy Scriptures in Turkey, complained of by the secretary of the American Bible Society of New York, I have to state that I waited on the minister for foreign affairs the day I received the dispatch and called his attention to this often-repeated grievance. There is now reason to believe that this question is in a fair way of adjustment, although some time will elapse before the necessary orders can reach all the governors and other provincial authorities.

Similar restrictions have occurred here, but upon being brought to the knowledge of the legation or consulate-general the causes for complaint have been removed.

The difficulties thrown in the way of the American Bible Society, particularly in the sale of their books, come less from Mohammedans than from Christian sects.

I have, &c.,

G. H. HEAP.

No. 440.

Mr. Frelinghuysen to Mr. Heap.

No 207.] DEPARTMENT OF STATE,
Washington, June 30, 1884.

SIR: I have received your No. 388, of the 14th ultimo, in regard to the case of Dr. Pflaum, and have to observe that no serious objection is here perceived to awaiting the result of the examination by the minister of justice, who, it may be assumed, is charged with the essential point of the complaint, namely, the imprisonment of Dr. Pflaum, and may thus be deemed a recession from his extreme ground that the treatment of Dr. Pflaum was justified at every step.

If the Government of the Porte should find that the Turkish execution of the sentence was justifiable, you will protest against the same as an undeniable violation of article 4 of the treaty of 1830.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 441.

Mr. Frelinghuysen to Mr. Heap.

No. 208.] DEPARTMENT OF STATE,
Washington, July 1, 1884.

SIR: I have to acknowledge, with approval, your No. 396, of the 4th ultimo, concerning the denunciation of the treaty of 1862 by the Sublime Porte, and your note to the minister for foreign affairs reserving all rights of this Government under the treaty of 1830.

In your note to Assim Pasha you appear to have met the implication of the Porte that its proposal to establish a *modus vivendi*, under the treaty of 1862, had been unsuccessful through our failure to come to an agreement. The protocol submitted by this Government was in response to the Porte's general and unformulated proposal, and it was rejected without being, as would appear, ever considered or being deemed to merit the submission of a counter-draft; neither does Tevfik Pasha's note of rejection even show in what respects it was unacceptable nor suggest any amendment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 442.

Mr. Frelinghuysen to Mr. Heap.

No. 214.] DEPARTMENT OF STATE,
Washington, July 17, 1884.

SIR: I herewith transmit a letter of thanks, of the 14th instant, from the corresponding secretary of the American Bible Society at New York, to whom the information imparted by your dispatch No. 402, of the 19th ultimo, was communicated. Mr. Gilman refers in his letter to two recent cases occurring at Constantinople, where the customs authorities have so far declined to pass the Bibles ordered from Beirut, on the ground that the books are printed in Arabic and cannot easily be read by the officials. They are uncertain, therefore, whether the Bibles are what they purport to be.

Whatever may be necessary to facilitate the passage of these books, provided they have not been passed upon the receipt of this instruction, you will do.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 214.]

Mr. Gilman to Mr. Frelinghuysen.

BIBLE HOUSE, ASTOR PLACE,
New York, July 14, 1884.

SIR: I take this early opportunity to express my thanks for the information contained in your communication addressed to me, under date of July 11, and for the promptness with which the instructions of the Department were given to the minister at Constantinople, in respect to matters which had led the American Bible Society to invoke the kind offices of the Government.

I cannot forbear, however, to express the conviction that something more is needed to secure for the society and its agents, even in the capital of the Empire, the rights of American citizens engaged in lawful trade. An illustration of this is contained in a letter which I have just received from Constantinople, written ten days after the date of Mr. Heap's dispatch No. 402. My correspondent says, "Two cases of Arabic Bibles and Testaments which I ordered from Beirut some months ago, and which have been in the custom-house here for seven weeks, although having the regular papers and pronounced, over and over again, all good and harmless, are not yet given up. If we in the capital suffer such things you can imagine the state of things in the interior. We hope in the end to get our books, but the whole thing is an outrage." We understand the excuse in this case to be that, as the books are in Arabic, the officials cannot read them well, and that they are not sure they are what they purport to be.

We are thankful to learn that in the case of the colporteur who was arrested near Smyrna some months ago our consul, Mr. Stevens, took very energetic measures, which resulted not only in the release of the man, but in the issue by the Government of a paper which will protect him in future.

With renewed thanks for the courtesy we have uniformly received from the Department, I am, &c.,

EDWARD W. GILMAN,
Corresponding Secretary.

No. 443.

Mr. Heap to Mr. Frelinghuysen.

No. 414.] LEGATION OF THE UNITED STATES,
Constantinople, July 18, 1884. (Received August 2.)

SIR: I have the honor to inclose copies of a note from the Earl of Dufferin dated the 14th instant, with its inclosures, and of my reply to the same; also a copy of a letter from the Rev. Mr. Herrick, a missionary residing here, concerning the difficulties and obstructions thrown in the way of the American missionaries in Armenia by the local authorities in the smaller towns and villages to prevent the sale of their books.

This is a frequent cause of complaint on the part of the missionaries, not only in the smaller towns in the interior, as stated in this correspondence, but also in the larger cities, not excepting Constantinople. This opposition to the sale of these books comes in part from the Armenians, particularly the clergy, who have considerable influence in Asia Minor, and who look upon them as the cause of the conversion of many of their people to Protestantism, and in part from the Turks themselves who believe that it is owing to the teachings of the missionaries through their publications that so many young Armenians emigrate to America, and after obtaining naturalization return here and claim the protection of the United States. The Turkish Government is beginning to refuse recognition of the foreign naturalization of their subjects who have left their country without permission. This is the case with nearly all the

Armenians who go to the United States. Hence they have frequent trouble with the authorities on their return.

Colonel Everett, Her Majesty's consul at Erzeroum, takes a sensible view of the question, and the missionaries would do wisely in following his advice.

It is extremely difficult, in the present disposition at the Porte towards our missionaries in Armenia, to induce the minister of foreign affairs to send categorical and energetic orders to the governors and sub-governors in the provinces to respect and protect their rights—orders that are meant to be obeyed. There is a strong occult Armenian influence at the Porte which renders it difficult to effect a satisfactory settlement of any question in which an Armenian is involved.

As we have no consular representative in those distant and extensive regions, throughout which so many Americans are scattered, I was glad to avail myself of Lord Dufferin's very courteous offer to instruct the British consuls there to look after their interests.

I am, &c.

G. H. HEAP.

[Inclosure 1 in No. 414.]

Lord Dufferin to Mr. Heap.

THERAPIA, *July* 14, 1884.

SIR: I have the honor to transmit to you herewith a dispatch which I have received from Her Majesty's consul at Erzeroum inclosing a copy of a communication addressed to him by the Rev. Robert Chambers, an American missionary stationed at that place.

This communication, as you will perceive, sets forth the restraints which are being placed on the Erzeroum American mission by the local authorities, and suggests that it might be conducive to their better treatment if certified copies of the firman granted to the Protestant subjects of the Sublime Porte by Sultan Medjid, accompanied by strict orders to maintain its provisions, were sent by the Erzeroum government to the various local authorities of that vilayet.

I have also the honor to inclose a further dispatch from Colonel Everett reporting the seizure of some of Mr. Chambers' books and the action taken by him in consequence.

I should be much obliged if you would inform me whether you are disposed to take any steps in this matter, and I need hardly state that I shall be most happy to assist you as far as it lies in my power to do so.

I have, &c.,

DUFFERIN.

[Inclosure 2 in No. 414.]

Mr. Heap to Lord Dufferin.

LEGATION OF THE UNITED STATES,
Therapia, July 18, 1884.

MY LORD: I have been expecting a letter from the Bible House, which has delayed my acknowledging the note your excellency did me the honor to write me on the 14th instant, inclosing copies of two letters from Colonel Everett, concerning the restrictions which are placed by the authorities in Asia Minor on the sale of books by American missionaries.

I beg to thank your lordship for your kind offer to assist me as far as lies in your power. Your lordship having already instructed Colonel Everett, and, through him, Her Majesty's other consular officers in Asia Minor, to give protection and assistance to Americans in that part of the Empire, I venture to suggest that it might be conducive to much additional advantage if the Porte were officially informed that British consuls are instructed to extend their protection to Americans whenever they are found residing beyond the jurisdiction of their own consular authorities. If this suggestion meets with your approval I shall write to the Porte to the effect that American citizens are authorized to apply to Her Majesty's consuls for protection and assistance.

I have been asked by the missionaries to make this suggestion, and your uniform kindness to our citizens encourages me to comply with their request.

I shall also ask the Porte to send the orders to the volis that Colonel Everett speaks of, and hope that they will have the effect he anticipates.

I remain, &c.,

G. H. HEAP.

[Inclosure 3 in No. 414.]

Mr. Herrick to Mr. Heap.

JULY 15, 1884.

DEAR SIR: I find in my latest note from Rev. Dr. Barnum, of Harpoot, the following:

"Colonel Everett has told Mr. Chambers, of Erzeroum, that American subjects have been placed under British protection, but the Porte and the volis have not been informed of it, and that the American legation should give the necessary information."

Would it suit your view of the case to officially inform Dr. Barnum and other American citizens remote from American consuls, that they are to apply to British consuls, and also to request the Turkish Goverment to so notify the volis?

Yours, &c.,

GEO. F. HERRICK.

[Inclosure 4 in No. 414.]

Mr. Everett to Lord Dufferin.

ERZEROUM, *June* 26, 1884.

MY LORD: I have the honor to inclose herewith the copy of a letter which I have received from the Rev. R. Chambers, an American missionary stationed at this place.

In presenting it to me Mr. Chambers begged that I would bring his request to the notice of your excellency, whose kind offices he solicits. At the same time he is writing to his chiefs at Constantinople, requesting them to call the attention of his excellency, the American minister, to the grievous restraints which are being placed on the mission at the present time by the local authorities.

These restraints, Mr. Chambers informs me, comprise the mutilation, and in some cases, confiscation, of their books by the education department here, although these books have already passed the censorship at Constantinople, a prohibition to sell any of them except in the principal towns, under the penalty of imprisonment, detention in jail of their agents in the sub-provinces by the local governors, and confiscation of the books found upon them, a growing tendency to ignore the Protestants as a separate community, and in fact every sort of annoyance that can be devised.

Mr. Chambers appears to have formed an opinion that some of these evils might be lessened if it were more generally known in the sub-provinces that a Protestant firman exists.

It is probable that in many of the cazas the sub-governors have no knowledge of the existence of a Protestant firman, and that in many others there is entire ignorance of its terms, but it is doubtful whether there would be any amelioration of the condition of the Protestants, even if the governors of the cazas mentioned by Mr. Chambers were so provided. I base this opinion on the ground that the rights of the Protestants are well known to the authorities by whom the books are mutilated and confiscated, and from whom the instructions proceed restricting their sale. An order from the Sublime Porte reminding the authorities here of the rights acquired by the Protestants through the firman and enjoining them to take care that in future this community should be in no way molested, would be, perhaps, more efficacious.

I am, &c.,

WILLIAM EVERETT.

[Inclosure 5 in No. 414.]

Mr. Chambers to Colonel Everett.

ERZEROUM, *June* 20, 1884.

MY DEAR SIR: Great Britain has been the chief instrument in the Divine hand for the establishment and maintenance of the principles of religious liberty in this, as in many other countries. The firman which secures the rights and liberties of the

Protestant subjects of the Porte was obtained from the Sultan Abdul Medjid by the good offices of the British Government, which has never remitted its efforts for obtaining equal rights for all classes of the subjects of this Empire.

I am very sorry to have to say that the provisions of the above-mentioned firman are often ignored or imperfectly acknowledged in many of the provinces of the Erzeroum vilayet, which state of things may, I think, be accounted for, in part, on the supposition that the firman and its provisions are generally unknown.

May I ask you kindly to consider whether it would not be conducive to good results in many ways that certified copies of the firman, accompanied also by strict injunctions from the Erzeroum government to the various local governors and officials, be sent to the following seats of local government, viz: Erzingen, Kemakh, Momakhotun, Kasaba (Keghi), Khanous, Hassankalsh, Toprakkalsh, Kora, Kilissa, and Bayazid. At the present time offenses against liberty of conscience are being committed in Khanous and Keghi—offenses the possibillty of the occurrence of which emphasizes the need of some such steps as those which I have above indicated.

Your kind attention to this request will confer another lasting favor upon many of the subjects of this Empire.

I am, &c.,

R. CHAMBERS.

[Inclosure 6 in No. 414.]

Mr. Everett to Lord Dufferin.

ERZEROUM, *July* 3, 1884.

MY LORD: I had barely written my dispatch No. 28, of the 26th ultimo, before I received another communication from Mr. Chambers, in which he stated that a number of books which had been seized by the authorities at Khanous were detained by the censor here, who refused to deliver them up unless the colporteur on whom they were found signed a declaration to the effect that he would not again sell any books except in the chief towns of the sub-provinces of the vilayet.

Believing that I might be able to render Mr. Chambers some assistance in this matter without going beyond my instructions, I directed Mr. Devey to see the censor, and if he refused to give up the books to call on the voli. The censor refusing, Mr. Devey called upon the voli, who at once ordered the books to be returned. They were given back the next day.

During Mr. Devey's interview with the voli his excellency pointed out that he had received an order from Constantinople, applicable to all communities, that in future no books of any kind were to be sold except in the chief towns or villages of the sanjaks, cazas, and mahichs of the vilayet.

No doubt this order is a certain restriction to the Protestants who have always been in the habit of hawking their books about in the villages, but, on the other hand, the Government may have good reason for controlling the sale of books at the present time, and it certainly could not be expected that the Protestants should be placed on a more advantageous footing in this respect than the other Christian communities.

For the present I have recommended Mr. Chambers to instruct his agents to comply strictly with the existing orders, and I have also advised him to court the examination of his books, and have them all stamped with the seal of the vilayet, before being issued to the colporteur for sale, and whether or no they may have passed the censorship at Constantinople.

By such measures, it appears to me, he will not only entirely avoid collision with the authorities, but he will be likely to gain their respect and confidence.

I am, &c.,

WILLIAM EVERETT.

No. 444.

Mr. Heap to Mr. Frelinghuysen.

No. 422.] LEGATION OF THE UNITED STATES,
Constantinople, August 13, 1884. (Received September 1.)

SIR: Adverting to your dispatches numbered 196 and 214, dated the 28th of May and 17th July respectively, relative to the restriction on the sale of the American Bible Society's books, and more especially to

the detention by the custom-house here of their Bibles printed in Arabic, I have the honour to inform you that the minister of public instruction directed the custom-house on the 4th of July last to deliver these books to their owner or consignee.

It is to be regretted that in the interior as well as here the authorities, particularly the subordinate and more illiterate ones, through misdirected or ignorant zeal, interfere so often with the colporteurs of the Bible Society although they are duly licensed and the books they have for sale have passed the censorship. The superior authorities appear to disapprove of the arbitrary acts of their subordinates, but do not seem able to prevent them, and when a seizure of books takes place they allow so many delays and formalities to be interposed that much time usually elapses before redress can be obtained.

The old time rough and ready justice of the pashas, who received examined and gave decisions on complaints in a single sitting, had its advantages, but all this is changed and the celerity of Turkish legal procedure exists only in tradition.

I am, &c.,

G. H. HEAP.

No. 445.

Mr. Frelinghuysen to Mr. Heap.

No. 220.] DEPARTMENT OF STATE,
Washington, August 19, 1884.

SIR: I have to acknowledge the receipt of your No. 414, of the 18th ultimo, respecting the protection of American citizens in Asia Minor (Armenia) by British consuls, and to inform you that the Department was exceedingly gratified to learn of the very courteous offer made by Lord Dufferin, Her Britannic Majesty's representative at Constantinople, in reference to the protection by British consular officers of the rights of American citizens engaged in the sale of books in those distant regions of Turkey remote from our consular representatives.

The occasion for such protection seems to have arisen on account of restrictions placed upon the sale of books by the local authorities in Armenia.

The restraint, complained of to the British consular authorities, seems to comprise the mutilation and in some instances the confiscation of their books by the education department of the local authorities, notwithstanding the fact that the books have already passed the censorship at Constantinople.

Her Britannic Majesty's consul at Erzeroum, Mr. Everett, in his report of the matter to Lord Dufferin, says: "It is probable that in many cases the local authorities have no knowledge of the existence of a Protestant Firman, and that in many others there is entire ignorance of its terms," and suggests that it might be conducive to the better treatment of the American citizens engaged in the book trade if an order be issued by the Sublime Porte reminding the local authorities in Asia Minor of the rights acquired by the American citizens through the firman, and enjoining them to take care that in the future those engaged in such work be in no way molested.

This suggestion would doubtless, if executed, prove efficacious in many cases. You are therefore instructed to use your good offices to promote such a result.

Citizens of the United States engaged in the sale of books in Turkey should, at all times, be willing to show the local authorities that the books offered for sale have passed the censorship at Constantinople, and, to avoid collision with such authorities in the interior, the books should be stamped to show that fact.

It seems to me that the adoption of such measures may gain the respect and confidence of such authorities.

You are authorized to express to Lord Dufferin as well as to Mr. Everett, Her Majesty's consul at Erzeroum, through him, the thanks of this Department for their kind and courteous intervention on behalf of the Rev. Robert Chambers, an American missionary at Erzeroum.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 446.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 430.] LEGATION OF THE UNITED STATES,
Constantinople, September 12, 1884. (Received Sept. 29.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 19th of August last, No. 220, relative to the protection of American citizens in Asia Minor, the sale of books, and the acknowledgment of the active part the Earl of Dufferin has taken in giving protection, through British consuls, in that portion of the empire, to our countrymen in need of it.

I met Lord Dufferin last evening and conveyed to him the expression of your gratification to learn of his courteous offer in reference to the protection of Americans in Armenia. I regret that we shall lose by his appointment as viceroy of India, one upon whose sympathy we could always rely in case of necessity. * * *

I am, &c.,

G. H. HEAP.

No. 447.

Mr. Heap to Mr. Frelinghuysen.

No. 441.] LEGATION OF THE UNITED STATES,
Constantinople, October 10, 1884. (Received October 27.)

SIR: Referring to your dispatch of July 17th last, No. 214, relative to the restrictions on the sale of the publications of the American Bible Society by the Ottoman authorities, I regret that I have nothing satisfactory to report.

I have had repeated conversations with the minister of foreign affairs on the subject and he has assurred me that he has asked the minister of public instruction to issue orders to put a stop to the arbitrary acts of the subordinate officials in the provinces who interfere with and practically stop the sale of books hawked about the country by colporteurs. If such orders have been given they have had no effect. The

authorities do not seem to object to the sale of books by stationary vendors in the large towns, where there are employés who are able, from a knowledge of the law, to control the sales, by determining whether the publications have been duly approved by the censorship; but they do object to books being hawked about the country and in villages where there are no competent officials.

Although *we* have entire confidence in the integrity and loyalty of the missionaries and are sure that they will not transgress any law or regulation upon the circulation of printed matter, it is difficult to inspire the Turk with the same confidence.

The frequent emigration of young men to the United States, who return to this country with naturalization papers, is attributed in a large degree to the influence of the books issued by the American Bible House, and especially to the instruction given at numerous schools established in Armenia under the auspices of the American Board of Foreign Missions.

The Turks are probably indifferent to this proselyting which is confined to Armenian Christians, but the Armenian clergy do not take so calm a view of the matter, and it is owing to their influence, which is, in some matters, very strong, that the missionaries encounter so many difficulties in the prosecution of their beneficent and civilizing work.

This influence is daily felt not only in the sale of their books, but in the opening of schools, which were formerly licensed without much difficulty, but are now strongly opposed by the Turkish authorities. The refusal to grant permission for the establishment of printing presses is another frequent occasion for complaint.

I am, &c.,

G. H. HEAP.

VENEZUELA.

No. 448.

Mr. Baker to Mr. Frelinghuysen.

No. 839.] LEGATION OF THE UNITED STATES,
Caracas, February 6, 1884. (Received February 25.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 269, of date 22d ultimo, in response to my No. 808, of date 3d ultimo, relative to the case of Mr. John E. Wheelock, and approving my memorandum to Mr. Seijas on the subject.

It will have been seen from my No. 824, of date 20th ultimo, that my intention of following up the matter further at that time was superseded by the receipt of a verbal note from Mr. Seijas which, referring to the interviews touching the matter of Mr. Wheelock, indicated that instructions relative to Mr. Wheelock's case were being sent by the then going mail to the chargé d'affaires of Venezeula at Washington; and from my No. 829, of date 29th ultimo, it will be seen that upon the receipt of this verbal note my view was that it was completely within the competence of this Government, if it so chose, to transfer the consideration of the matter to Washington, through the instrumentality of its chargé d'affaires at that capital, and that the verbal note in question was an indication of such choice on the part of this Government. I have not been