NETHERLANDS.

No. 882.

Mr. Bell to Mr. Bayard.

No. 262.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, August 24, 1887. (Received September 5.)

SIR: Referring to my No. 243, of April 18 last, with reference to the complaint of Mr. E. R. Connell respecting his enrollment for military service at Batavia, I have now the honor to transmit herewith for the consideration of the Department a translation of the reply of the foreign office here, with the original document mentioned therein and described as the report of the lieutenant-colonel commanding the schuttery at Batavia.

As there seems to be an issue of fact involved as to whether Mr. Connell is permanently established at Batavia, I have deemed it prudent to submit the whole subject to the Department for further instruction.

I have, etc.,

ISAAC BELL, JR.

[Inclosure 1 in No. 262.—Translation.]

Mr. Karnebeek to Mr. Bell.

MINISTRY OF FOREIGN AFFAIRS,
The Hague, August 20, 1887.

Mr. MINISTER: In referring to my communication of the 2d of May, No. 3898, I have the honor to apprize you that according to that which I have learned from the minister of the colonies the inquiry instituted in the Netherlands Indies in relation to the obligation of Mr. E. R. Connell to serve in the "schuttery" at Batavia has demonstrated that the complaint presented on this subject by the said individual is entirely unfounded.

I permit myself to refer in this connection to the contents of a detailed report of the lieutenant-colonel commanding the civil guard at Batavia, of the 9th of June, of which you will find inclosed herewith a translation in the English language.

You will be good enough to observe, Mr. Minister, from this statement that Mr. Connell is compelled by the terms of the provisions of existing legislation to serve in the civil guard the same as all Dutch and foreign inhabitants of the Dutch Indies.

Still the authorities have always extended to him all the consideration possible.

It is, moreover, undeniable that Mr. Connell should be considered as an inhabitant of the Netherlands Indies, considering that by decree of the governor-general of the the 12th of November, 1886, No. 10, he has obtained the authorization required by law to establish himself in this colony.

Accept, etc.,

KARNEBEEK.

[Inclosure 2 in No. 262.—Translation.]

Report of Lieutenant-Colonel Penn.

No. 23*a*.] BATAVIA, *June* 9, 1887.

SIR: I have the honor to acknowledge the receipt of your note No. 2844 of 3d instant, "urgent," inclosing a note from the first Government secretary, as also a letter dated The Hague, 27th April, 1887, No. 141670, from his excellency the minister for the colonies to his excellency the governor-general of Netherlands India, and a dispatch dated 16th April, 1887, from the minister-resident of the United States of America at The Hague to his excellency the minister for foreign affairs.

The subject of this correspondence is a complaint of a Mr. E. R. Connell, an American citizen, to the United States Government, in which it is alleged that this gentleman has been illegally compelled to serve in the Batavia "schuttery."

I have much satisfaction of being in a position at once to supply the Government with the most circumstantial and exhaustive information on the matter. To avoid mistakes and misrepresentations I beg to record the following provisions of the ordinance No. 22, 1838, by which the "schutteryen" has been regulated.

"*Section the 2d.* All Europeans and persons thereto assimilated (Americans being consequently included) and the descendants thereof, having attained their 16th and not yet entered upon their 45th year, are to serve in the 'schuttery.'

"*Section the 4th.* The following exemptions from personal service shall be made:

"Persons only staying for a short time in the place, as also foreigners who have not manifested their intention to settle in the colony, and to whom a delay from one to three months may be granted by the court-martial, the said persons to be called up again on expiration of the said term of three months.

"*Unconditionally.* Persons affected by irremediable complaints or diseases of such a nature as to permanently disable them to bear arms.

"*Conditionally:* Persons affected by diseases or complaints of such a nature as to temporarily disable them to bear arms, but for such period only as the complaint or disease may last.

"*Section the 70th:* Every 'schuttery' corps is to have its court-martial, by whom the enlistment, exemptions, and assessment in the tax are affected and regulated.

"*Section the 44th:* The 'schuttery' is regularly to attend semi-monthly drills from the 1st April to the 30th September of every year. Every member of the force not meeting the requirements for efficiency is to attend drill *at least* once a week during the period aforesaid.

"*Section the 32d:* The object of the 'schutteryen' is in ordinary times to assist in the maintenance of local order and tranquillity in the places in which they have been established, whereas in times of rebellion and danger and in case of the available means proving insufficient their co-operation may also be required to extend beyond these places. In the latter case, as also if in the place to which the corps belongs the state of siege has been proclaimed, the 'schuttery' is first to be placed on the war footing (mobilized) by the Governor-General.

"*Section the 34th:* In case of fire and on the alarm being given the members of the 'schuttery' fully armed and equipped, without any further calls being made, are immediately to proceed to the appointed rallying places."

As to these points I think there is no doubt possible.

In 1883 Mr. H. F. McCreery, a New York merchant, arrived here, starting a firm under his own name for the exclusive purpose of buying up coffee and small produce for the United States market. He managed his business all by himself without any other assistance than a native servant to sweep the office and keep it in order.

In due time Mr. McCreery had to appear before the court-martial, but he was exempted from personal service on account of temporary corporal incapacity duly certified to by the competent medical authorities, and accordingly assessed in the tax.

This is the reason why no objections have ever been raised by Mr. McCreery himself.

On the 4th of April, 1886, Mr. E. R. Connell arrived here in the steamship *Graaf Van Bylandt* in connection with the Peninsular and Oriental Company's mail steamship [*vide* the accompanying number of 5th April, 1886, of the "Batavia Handelsblad" newspaper, under the heading "Aangekomen passageers" (passengers arrived)], to assist Mr. McCreery at first in the capacity of a clerk.

It never appeared that his stay here was of a more temporary character than that of any other Dutchman or foreigner engaged in business in Batavia. His assertion that it should be so, finds itself entirely upset by the undisputed facts that on the 21st of May, 1886, general power of attorney was granted him by Mr. McCreery, as per circular included, signed by Mr. E. R. Connell himself, and in this capacity he is still engaged in business at this very moment.

I think that more conclusive evidence of Mr. Connell being a permanent instead of a temporary resident can scarcely be produced.

Semi-weekly drills is an absolute misrepresentation. According to accompanying order No. 2, issued under your sanction, the recruits, to which Mr. Connell belongs, have only to attend drill on every Monday and on two Wednesdays of every month from the 1st of April to the 30th September, which makes thirty-eight drills in all, whereas semi-weekly drills means forty-eight drills during this period or one hundred and four for the whole year, when it is omitted to mention that there are no drills at all from the 1st of October to the end of March.

The character of the "schuttery" may be found described in section the 32d and 34th as above, as also in—

"*Section the 35th:* The 'schuttery' (when being called upon to turn out) is not to have anything in common with the military garrison in the course of the ordinary daily service;" and—

"*Section the 36th:* The 'schuttery' is to be selected by preference for guards of honor and it is to be avoided as much as possible to have both members of the 'schuttery' and troops from the standing army to mount guard combinedly."

And by a mere reference to these provisions it becomes perfectly evident that Mr. Connell's allegations as to the preparation for permanent military service of those subjected to it will not bear even superficial examination.

Mr. Connell had to appear before the court-martial on the 25th November, and was duly enlisted, having no occasion to plead bodily incapacity either permanent or temporary. He did not raise any objection on account of his citizenship of the United States nor on account of his temporary residence in the place. Of course with a view to the date of Mr. Connell's arrival here and to the situation he then held and is now still holding in business, the latter assertion would never for a moment have held good.

A reference to the date of his arrival and the date of his enlistment may further show that Mr. Connell has had no reason to complain of having been seized upon before he could have made up his mind as to the probable duration of his residence in Batavia.

He was attached to No. 6 company, two officers of which, as also the drill sergeant, speak excellent English.

I should observe that on the 30th December last Mr. McCreery left for New York whence he has not yet returned, leaving Mr. Connell alone in charge, without any assistance.

The business of the firm is chiefly conducted by telegrams, and as a rule telegrams from the United States and Europe are being delivered here at about 10 to 10:30 a. m., so as to be acted upon and replied to in the course of the day.

Most export houses, and Mr. McCreery's in particular, close at 4–4.30 p. m. So long as he is a recruit Mr. Connell has to leave town at 3.30 p. m. six times (four Mondays and two Wednesdays) a month and only four times as soon as he will be efficient.

Besides, there is never any battalion nor recruit drill on mail days, Fridays, nor even on Thursdays, the day immediately preceding the closing of the mails, as will be shown by a reference to the accompanying order No. 2 and the mail tables. Only the No. 4 company is subject to rifle practice on two Fridays of the month, but these being mail days such members of that company as belong to the commercial community are allowed to join another company on another day of the week.

Knowing that the whole business had to be conducted by Mr. Connell alone, he has been verbally allowed by me to turn out a little later, or even not at all whenever any urgent business, which could not well be postponed till the next day, should turn up late in the afternoon, provided he gave me his word as a gentleman that in such cases he could not act otherwise. Besides, in the event of any telegrams or letters reaching his office after he should have left for the drill ground he has been authorized to have such communications immediateiy sent up to him, and at once to leave the drill ground whenever such letters or telegrams might require immediate action.

Now, it is not to be inferred from what precedes that business in general is in the least interfered with or hampered by strict compliance with the schuttery regulations. In any house there are one or more managers and clerks, some of which are exempted from personal service on account of age, ill-health, or for other legal reasons, whereas in such few exceptional cases where the whole staff of clerks is to serve, drill is attended by rotation with a due regard to the requirements of business.

If, however, for reasons, which I have not to appreciate, any firm, either Dutch or foreign, wishes to save the expense of paying for a staff and thereby run the risk of leaving both business and property altogether in jeopardy in case of sudden death or any other unforeseen accident befalling the only man left in charge, they have to take the consequences of economy being pushed to extremes for the sake of profit, and not to consider themselves released from unconditional submission to the laws of the country in which, by their own free will they have thought fit to earn their livelihood.

The strongest proof of Mr. Connell's allegations being entirely unfounded, as if by

his attendance at drill his firm should be exposed to vexatious losses and commerce in general be hampered and interfered with is that one Mr. T. C. Kraft, a German by birth and nationality, manages the agency of Messrs. Hills, Menke & Co., of Birmingham, in this place, just as Mr. Connell, without any assistance whatever.

In this capacity he is conducting a most extensive import business, thus having to go through many more details than exports ever should require, and this gentleman has always most punctually discharged his "schuttery" duties, at first as a corporal, then as a sergeant, and now as a sub-lieutenant.

Any assertion therefore that Mr. Connell's firm should be exposed to vexatious losses and seriously inconvenienced, or commerce in general be hampered and interfered with by strict compliance with the existing "schuttery" regulations, can only be met by a most emphatic and positive denial.

The very same laws of which he so loudly complains indiscriminately apply to Germans, Englishmen, Frenchmen, Swiss, and Dutchmen, who are all performing their "schuttery" duties in exactly the same way as Mr. Connell has been desired to do without asking their respective Governments to interfere.

Only one instance has come to my knowledge, and even this by mere hearsay, of an Englishman in Soerabaya having appealed to his Government, alleging to have been unlawfully compelled to serve in the "schuttery" some years ago. The reply from the foreign office was to the effect that if any British subject, not acting under orders from Her Majesty's Government, but by his own free will, chose to reside in a foreign country, he had only to comply with the laws and regulations existing in such country and not to depend upon the support of his Government in case of willful infringement of such laws on his part.

It is rather strange that Mr. Connell wishes to obtain some security as to his future, as this leads to the inference, instead of his short temporary stay here he intends to take a residence of at least some length, if not permanently. In conclusion, I may add that Mr. Connell, being a foreigner, has been treated with the utmost kindness both by the officers of his company and by myself. He has repeatedly applied to me for information about service which has been always readily afforded; also, by doing so before having seen the captain commanding his company he had made himself punishable according to law.

For any similar minor breaches of discipline he has never been fined or punished, as I am fully aware of the difficulty to foreigners minutely to observe laws, regulations, and customs, written and described in a language which they do not understand and which thoroughly to learn they have scarcely any occasion. The "schuttery" numbers about 900 of all ranks, and I dare say that no man has ever met with greater kindness and leniency than Mr. Connell on account of his foreign nationality.

By summing up the following conclusions are arrived at: Firstly, that there are no exemptions from "schuttery" duties made by law in favor of American citizens. Secondly, that there are neither any reasons not to consider Mr. Connell as a permanent resident, and that formerly, presently, and in future many members of the "schuttery" have been residing and will reside here for a shorter period than this gentleman. Thirdly, that the nature and the object of the "schuttery" as defined by law, are entirely different from the definition given in the United States minister resident's letter, dated The Hague, 17th April, 1887. Fourthly, that I never heard of any losses having been incurred neither by Mr. Connell's or any other firm resulting from the members or clerks having to attend "schuttery" drills, and that in consequence thereof any such firm should ever be exposed to loss, whereas in my private capacity of secretary to the Batavia Exchange any such occurrences or probability could not have failed to come to my knowledge. Fifthly, that the regular course of business is not hampered or interfered with by attendance to "schuttery" drills.

PENN,
Lieutenant-Colonel Commanding Batavia Schuttery.

No. 883.

Mr. Bell to Mr. Bayard.

No. 284.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, December 13, 1887.
(Received December 28.)

SIR: I have the honor to report that the revised constitution has at last become binding as the fundamental law of the country.

The Chambers have adopted it, the King has sanctioned it, the offi-

cial journal has published it, and on the 30th ultimo it was solemnly read in the high court of justice at The Hague, also in the courts of justice, in the tribunals, and in the communal houses throughout the Kingdom.

The Chambers will now be dissolved, and will be re-elected conformably to the new provisions before the 1st of April, 1888.

I have the honor to transmit herewith three copies, in the Dutch text, of the law of November 30, 1887, promulgating the revised constitution.*

It will be observed that the most important modifications to the constitution of 1848 relate to the following questions: (1) Succession to the throne; (2) the electoral rights; (3) composition of the States-General; (4) military service.

The Second Chamber, which is now composed of eighty-six members, will hereafter be composed of one hundred members, being one deputy for every 45,000 inhabitants. In place of election every two years the entire Chamber will hereafter be elected every four years.

The First Chamber, which is now composed of thirty-nine members, will hereafter be composed of fifty members, and as at present will be elected by the provincial states.

I have, etc.,

ISAAC BELL, JR.

No. 884.

Mr. Bell to Mr. Bayard.

[Extract.]

No. 286.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, December 16, 1887.
(Received December 28.)

SIR: I have the honor to report that in the discussion of the budget of foreign affairs, which was unanimously voted by the Second Chamber of the States-General on the 8th instant, several deputies demanded information of the minister respecting the provisions of the convention which is said to have been recently entered into between France and Great Britain relative to the neutrality of the Suez Canal.

The minister replied that there was no definite convention as yet, but only a project, upon which France and Great Britain have agreed, and which has been submitted for the consideration and approbation of the several powers which originally took part in the conference upon this question.

He further declared that the provisions of the project were entirely acceptable to this Government, as they provided for the neutrality of the canal and guarantied its free usage in times of war as well as in times of peace.

The provisions protected the works on the canal and recognized the equal rights of all those who navigate it.

They guarded against the impediments which might result from a sanitary or other surveillance of the canal, and fixed the conditions relative to the participation of the several powers in such surveillance.

The text of the project has not been printed and I am therefore unable to furnish you with a copy at this time.

I have, etc.,

ISAAC BELL, JR.

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* Not printed herewith.

No. 885.

Mr. Bell to Mr. Bayard.

No. 288.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, December 21, 1887.
(Received January 3, 1888.)

SIR: Referring to my No. 261 of August 23 last, I now have the honor to report that conformably to the views expressed by the parliamentary commission the Government has submitted to the Second Chamber a project of law regulating the work of children.

The following are the principal provisions:

(1) Children under thirteen years of age are prohibited from working in manufactories.

(2) They may be employed in agricultural work when over twelve.

(3) The surveillance of the factories devolves not upon special functionaries but upon medical inspectors.

(4) Under sixteen years of age the working day is fixed at ten hours, and no night or Sunday work is permitted until after the eighteenth year.

The project will probably become a law.

I have, etc.,

ISAAC BELL, JR.

No. 886.

Mr. Bell to Mr. Bayard.

[Extract.]

No. 289.] LEGATION OF THE UNITED STATES,
The Hague, Netherlands, December 23, 1887.
(Received January 3, 1888.)

SIR: As public attention seems to be at present drawn to the boundless mischief attendant upon the present process of naturalization in the United States, I have thought it useful to invite your attention to the process of naturalization in the Netherlands as ordered by the laws of this Kingdom.

In accordance with the provisions of article 6 of the Dutch constitution, a foreigner can only be naturalized in the Netherlands by means of a special law.

The general conditions required in order to be naturalized in the Netherlands have been fixed by the provisions of article 5 of the law of July 28, 1850 (No. 44).

The law as it now stands requires that the applicant in order to be entitled to naturalization must be twenty-three years of age, and must have resided within the Kingdom or its possessions during six consecutive years with the declared intention to remain permanently.

The following-described documents must accompany the application which must be addressed to the King in order to obtain naturalization:

(1) The certificate of the birth of the applicant or such other evidence of birth as the laws of the country to which the applicant belongs require to supply the place of the certificate of birth.

(2) The certificate showing a residence in the Kingdom or its possessions for the continued term of six years.

(3) The certificate from the local authorities where the applicant is established, exhibiting his declaration that he has the intention to reside permanently in the Kingdom or its possessions.

Naturalization can also be accorded, as will be seen by reference to the provisions of article 7, by reason of special or extraordinary services to the state.

In such cases the process of naturalization above mentioned is not requisite.

Certificates of naturalization are issued to all persons who are naturalized.

The nationality of the wife and minor children follow that of the individual naturalized.

The enjoyment of rights acquired by naturalization commence from the moment that the provisions of the law by which it is accorded are complied with.

The person naturalized is required to present to the local administration of his district the certificate of naturalization for registration and must also make the declaration that he accepts naturalization.

In case of the naturalization of a person for special services who reside abroad, the certificate of naturalization should be sent to the minister of foreign affairs for registration. In such cases the naturalization will expire in six months if the individual does not signify his acceptance.

Citizenship in the Netherlands is vacated or lost under either of the following conditions:

(1) In accepting naturalization in another country.

(2) In rendering foreign military service without the consent of the Dutch Government or in accepting public service on the part of a foreign government.

(3) By a sojourn of five years in a foreign country with the known intention not to return.

The intention to return is considered to exist in all cases where the sojourners abroad are connected with Dutch commercial establishments.

Trusting that this information may be of some importance in case of future legislation in the United States touching citizenship and naturalization,

I have, etc.,

ISAAC BELL, Jr.

No. 887.

Mr. Bayard to Mr. Bell.

No. 113.] DEPARTMENT OF STATE,
Washington, February 3, 1888.

SIR: Referring to my instruction No. 86, dated April 2, 1887, I have to say that a copy of your dispatch No. 262, of August 24, 1887, was sent to our consul at Batavia on October 4, with instructions to communicate the statements of the Netherlands authorities to Mr. Connell, in order that he might have an opportunity to answer such of their explanations and allegations as conflict with the case as presented to the Department.

The Department is now in receipt of a dispatch from the consul at

Batavia inclosing a further communication from Mr. Connell with regard to his case, a copy of which I inclose, with its accompanying extract from the London and China Express of September 16, 1887.

The lieutenant-colonel commanding the "Batavia schuttery" having apparently assumed that Mr. Connell's complaint was of illegal enrollment, it is desirable in the first place to point out that this is a misapprehension, and that neither Mr. Connell nor this Department has questioned his treatment as being exceptional in any way or as being different from what was required by the local law of Batavia.

The question presented by Mr. Connell and by this Department for the consideration of the Netherlands Government is whether or not the existence of such a local law is justifiable under international usage. The precise state of the case is now clear, and the question is therefore presented free from any complication as to differing views of the facts.

It appears that the "schuttery" is a local corps in which all residents of Batavia, whether the subjects of the Netherlands Government or not, are compulsorily enrolled, and that that guard may be called upon to take part not only in the defense of Batavia but also in expeditions to repress disorder in neighboring provinces.

It is well settled by international law that foreigners temporarily resident in a country can not be compelled to enter into its permanent military service. It is true that in times of social disturbance or of invasion their services in police or home guards may be exacted, and that they may be required to take up arms to help in the defense of their place of residence against the invasion of savages, pirates, etc., as a means of warding off some great public calamity by which all would suffer indiscriminately. The test in each case, as to whether a foreigner can properly be enrolled against his will, is that of necessity. Unless social order and immunity from attack by uncivilized tribes can not be secured except through the enrollment of such a force, a nation has no right to call upon foreigners for assistance against their will.

There is no evidence in the possession of this Department tending to show that the condition of affairs at Batavia is such as to bring the question within the fair meaning of the rule as I have stated it above. It is not understood that the condition of affairs in Java is such that the Dutch Government finds itself unable either to secure social order or to prevent the destruction of life and property by savages without calling upon all the inhabitants indiscriminately for assistance, and, short of some such condition of affairs as this, it is the belief of this Government that the general principles of international law would not warrant the Netherlands Government in resorting to so extreme a measure.

The Government of the United States has always favored the residence of its citizens abroad for commercial purposes connected with this country. Such a residence is conducive to the interests not only of the United States but also of the country in which such agents may temporarily reside.

Although the right of the Dutch Government to expel foreigners from their control can not be disputed, the Government of the United States can not but regard it as a somewhat inhospitable manner of dealing with strangers who reside in the Dutch provinces for the purpose of commerce to insist as a condition of their residence that they shall endure compulsory military service, which may, under some circumstances, become extremely dangerous and onerous.

You may bring this matter verbally to the attention of the minister of foreign affairs, and explain to him in a frank and friendly manner

the views expressed in this instruction and impress upon him that we do not regard the position of Mr. Connell as in any way exceptional.

The desire of this Government is now, as it has always been, to extend its protection to those of its citizens residing abroad, and, by facilitating commerce between this country and the Netherlands, to continue to keep up the good understanding which has so long and so happily existed between the two countries.

I am, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 113.]

Mr. Pels to Mr. Porter.

No. 215.] CONSULATE OF THE UNITED STATES OF AMERICA,
Batavia, November 29, 1887.

SIR: I beg to own receipt of your letter No. 87, dated October 4, 1887, with inclosure, of which I took due note and contents of which I transmitted to Mr. Ed. R. Connell.

I now beg to inclose a letter from this gentleman addressed to me, dated November 28.

I have, etc.,

P. PELS.

[Inclosure 2 in No. 113.]

Mr. Connell to Mr. Pels.

BATAVIA, *November* 28, 1887.

SIR: Your letter 26th instant inclosing copies of correspondence submitted to the Department of State at Washington relating to my service in the "schuttery," received. In reply I beg to state:

First. That on the 26th of January last I wrote through Consul Hatfield, as per copy herewith, requesting information as to whether or not the Dutch Government could compel me to do military service, and that neither before nor since, with the exception of my letter June 11, of which I also inclose press copy, have I made or authorized to be made any statement whatever on the subject. The United States Government's action was first brought to my notice by a paragraph in a local newspaper. I subsequently read a copy of our minister to Holland's letter to the Dutch colonial minister, calling his attention to the matter, and I immediately wrote the Department pointing out the inaccuracies therein.

Second. The claim was never put forward by or for me that my treatment was different from that of other foreigners resident here, but that there is the greatest dissatisfaction with the existing law the accompanying copy of an article which appeared in the London and China Express of September 16 last will go far to prove.

Third. I do not pretend to be a temporary resident only, my expectation being to remain here for an extended period; otherwise I would not have considered the matter of sufficient importance to justify a complaint.

Fourth. It is claimed that when called before the court-martial for enrollment I raised no objection on account of citizenship of the United States, the contrary being true, I having protested at the time against the Dutch Government's compelling a foreigner to do military service.

Fifth. The regulations governing the "schuttery" of especial interest are, according to law No. 22, year 1838, as follows:

All Europeans and those thereto assimilated, between the ages of sixteen and forty-five, unless physically incapacitated or temporarily resident, and excepting certain Government officials, must serve. Those excused by reason of bodily infirmities or other causes must pay an assessment equivalent to about three-fourths of one per cent. of their income.

The primary duty of the "schuttery" is to preserve order in the locality where it has been organized, but in cases of insurrection or other danger to the Government it may be mobilized by the governor-general, and sent away to the disturbed section, in which case it is placed on the same footing as the regular army in every respect. The governor-general may also order the mobilization of the "schuttery" should the place to which it belongs be declared in a state of siege, but it will not in that

case be called upon to perform the routine garrison duties of the regular troops. Where practicable the "schuttery" and the regulars are not to mount guard together. The mobilization of the "schuttery" to be contingent on an insufficiency of regulars.

The resident or assistant resident may, at the request of the military authorities, call out the "schuttery" for active service, provided, in his judgment, the regular troops are not sufficient, and must immediately inform the governor-general of his action.

The "schuttery" is to attend all fires to protect property.

At parades, etc., in conjunction with the regular troops, the "schuttery" to have the right of line and to be given the preference for guards of honor.

Non-attendance at drills, parades, fires, or courts-martial is punishable by fines, imprisonments, or, ultimately, expulsion from the Dutch possession.

The remainder of the law consists of details as to dress, etc., of no great importance.

Sixth. The business of the house I represent is conducted chiefly by telegraph, and there is no especial time at which these cables arrive, but they may and do arrive at any and all hours of the day. The telegrams are in cipher, and though brought from the office to the drill ground would be of no value without a code, and, again, before they could be translated business houses would be closed. The busiest part of the day is between 2 p. m. and 4.30 p. m., and as it takes from one and a quarter to one and a half hours to go to and from the grounds no business can be done from the time of leaving the office to attend drill until the following day. It is an unquestionable fact, which no merchant would gainsay, that by not executing promptly orders for the purchase or sale of produce I might cause my firm vexatious losses. There is not a mercantile house which is not seriously inconvenienced by the operation of the "schuttery" law, and many and loud are the complaints.

The "schuttery" law, though sufficiently irksome and detrimental to business interests in times of peace, becomes many fold more so in the event of hostilities. Though Batavia itself might be in a state of perfect quietness, and commercial affairs here in no danger of derangement, the "schuttery" might, under the present law, be ordered to put down a native uprising or to repel invasion at some one of the other islands of the Dutch East Indies. The mobilization of the "schuttery" makes it part and parcel of the regular army, as is explicitly set forth in sections 32 and 33 of the law, and therefore its organization is both with a view to afford protection to the place in which it is formed and to incorporation with the regular forces in case of necessity.

It is the statute, and not an illegal enforcement of it, to which I object. A law interfering with the personal liberty and commercial interests of foreigners, compelling them to serve a flag not their own, should be abolished.

In opening this question I was actuated by no desire for cheap local notoriety at the expense of unnecessary trouble to the United States Government, and therefore, though fully persuaded of the injustice of the "schuttery" law, simply called attention of the Government to it, leaving it to act as it thought best, but as representations have been made that I have misstated the actual facts, in self-defense I must enter more into details, and so request you to transmit this letter to the State Department, Washington.

Yours, very truly,

EDW. R. CONNELL.

[Inclosure 3 in No. 113.—Extracts from the London and China Express, September 16, 1887.]

The schuttery in Java.

[Communicated.]

In your issue of June 24 it is casually mentioned in a short paragraph that Britishers in Java have to turn out twice a week to drill and practice rifle-shooting. To your readers at home or in the British Eastern possessions this may appear to be no particular hardship, the idea of "military evolutions" being probably associated with the usual exercises of a volunteer corps. When, however, they learn that in the "schuttery" or compulsory volunteer forces, as it is facetiously termed by its chief, not more than 10 per cent. at most can lay claim to being Europeans, the remainder being composed of Eurasians, many of whom are much darker than pucka natives, the matter wears a different complexion. To the Anglo-Indian mind, to be drilled by a nigger without shoes would be very derogatory to a European, and this is one of the hardships we have sometimes to undergo.

The drilling season is from April 1 to the end of September, during which period every foreigner, unless incapacitated by physical infirmity or over forty-five years of

age, has to turn out from 4 to 6 p. m. four times a month, or, if a recruit, as most Englishmen naturally are, six times a month. To be on parade by 4 p. m. necessitates leaving the business quarter of the town shortly after 3 p. m.

I leave it to business men in India and China to imagine the inconvenience caused by such exodus at the busiest part of the day; on a Wednesday the offices are practically empty, no one beyond the chief, who escapes through advancing age, and one or two Chinese clerks being left. The fines for absences without special permission or medical certificate are 2.50 florins the first time, 5 florins the second, 10 florins the third, and a fourth absence renders one liable to two days' imprisonment. It is whispered that Englishmen are looked upon as a valuable source of revenue in that respect, the funds of the corps being very low. At the present moment rifle-shooting is suspended, there being no money to buy cartridges with, while some musical instruments are said to be lying in bond at Sandjong Priok, there being no money available to pay the customs duty on them. Perhaps this impecuniosity may explain a Britisher having been fined 5 florins for smiling, recently, and an English (Straits) Eurasian 10 florins for starting off with his right foot first instead of his left foot. The uniform, which consists of a many-buttoned jacket, like office boys at home affect, except that it is of white drill, and a peaked cap like telegraph boys in the city wear, had to be provided by the schutter at his own expense, which, together with gharry hires to the ground, amounts to no inconsiderable sum during the season.

Besides the inconvenience, annoyance, and expense incurred, the absurdity of the whole thing is an additional grievance, as it stands to reason that in the event of a fight against a European foe no Britisher would turn out, while a native rebellion seems almost out of the range of probability, judging by the puny and diminutive appearance of the natives, at this end of the island at least. If Singapore, with a large floating population of the riff-raff of China, can be kept in order by a small police force and comparatively a handful of troops, surely Batavia, where soldiers seem omnipresent, has nothing to fear from its Lilliputian inhabitants.

To any one who has seen our volunteer corps, either at home or abroad, likewise the magnificent native regiments of British India, the Batavia schuttery presents a sorry and ridiculous spectacle, and all of us here cordially agree with your remarks that it is quite time we politely but firmly petitioned that the law might be altered. This we understand some of the British community have the intention of doing. Let us hope the home Government will back them up. The United States have protested against their subjects serving, which lead, we trust, the other Governments will follow.

BATAVIA, *August* 2.

EDITORIAL ON ABOVE ARTICLE.

We readily give publicity to the communication on the schuttery, or kind of militia, which every foreigner resident in Netherlands India knows to his cost is in force in those dominions. We do this in the hope that if some of "that fierce light" is thrown on it, the system will be discontinued. It is a relic of the time when the English at Samarang formed a volunteer force for the protection of themselves and their property, during the last great rebellion in Java. That there is no reason for it except that it causes considerable annoyance to every European, Netherlanders included, is conclusively shown by the communication we insert. If there were any necessity for it or any practical end gained by it we would as willingly give our support to the authorities as we are compelled to blame them now, but it is really nothing but a senseless farce, and the sooner it is discontinued the greater credit to the Government. It is really time, however, that other Governments follow the lead of that of the United States in remonstrating against the practice, by which their nationals have to submit to so many indignities. The absurdity is shown in the fact that not even cartridges are served out this season to carry out the necessary rifle practice. A rifle is a useful weapon in war times, but among other things it requires proper feeding and use in times of peace.

[Inclosure 4 in No. 113.]

Mr. Connell to Mr. Hatfield.

BATAVIA, *January* 26, 1887.

DEAR SIR: I beg you to call the attention of the State Department, Washington, to a law in force here requiring Dutchmen and foreigners alike to serve in the schuttery, the local militia. Having lately been enrolled I would request to be informed whether this Government can compel me, an American-born citizen, to do military

service. Attending drills interferes greatly with business, and the schuttery being under the entire control of the governor-general may, in case of an emergency, be ordered to any of the Dutch possessions in the East Indies.

Yours, very truly,

EDW. R. CONNELL.

[Inclosure 5 in No. 113.]

Mr. Connell to Mr. Porter.

BATAVIA, *June* 11, 1887.

DEAR SIR: Since my letter to the American consul at this port, dated January 26 last, *re* service in the "schuttery," I have seen a copy of a communication by the Hon. Isaac Bell to the Dutch colonial minister in which it is stated that "schuttery" service is preparatory to incorporation in the regular Dutch army. It does not hold true in peaceful times, but according to "Staatsblad" 1838, No. 22 Derde Hoofdstuk, in cases of native uprisings or other disturbances, the "schuttery" can be mobilized and sent for service outside of their local headquarters, in which case they are to be placed on the same footing and will be held equally responsible with the regular army. Mr. Bell also mentioned compulsory semi-weekly drills. The drills take place six times a month for the months of April to September, inclusive. That they interfere greatly with the business duties of one in my position is unquestionable. Representing as I do, an American house whose business transactions are conducted principally by cable, my absence at drill might subject them to serious loss.

Yours, respectfully,

EDW. R. CONNELL.

No. 888.

Mr. Bell to Mr. Bayard.

No. 300.] LEGATION OF THE UNITED STATES,
The Hague, March 3, 1888. (Received March 16.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 113, under date of February 3, 1888, relating to the compulsory enrollment of Mr. Connell in the Dutch schuttery at Batavia, which was the subject also of your instruction No. 86, of April 2, 1887, and of my dispatch No. 262, of August 24, 1887.

After having carefully considered your instruction I called upon the minister of foreign affairs and presented to him verbally and in a frank and friendly manner, the views expressed by you.

The minister of foreign affairs said that in his opinion and in the opinion of his Government there was nothing in the law or its operation which in any way conflicted with international usage, and that it would not therefore be possible for him to enter into any investigation of the law or its operation with a view to its modification.

His excellency urged that the services exacted were simply of a police nature for mutual protection, and as the organization had never at any time been mobilized or mustered into the regular military service of the country or such an event even contemplated, such an emergency could not be discussed.

His excellency did not contend that the remoteness of the colony from the home Government prevented it from being completely administered within the range of international law, nor did his excellency intimate that the disturbed state of affairs in Atcheen had in any way affected the condition of affairs at Batavia.

Without citing any circumstance or condition in justification of the provisions of the law, his excellency concluded by saying that

ilar law existed in the Netherlands, and that such laws were regarded by this Government as necessary and not in conflict with international usage.

In my opinion there is no excuse for the contention that it is a case of necessity.

The whole Dutch schuttery system is only machinery for effecting a saving of national expenditure, and has no positive value for the Government beyond its economical features.

It further seems to me not only illogical, but absolutely irrational, for this Government, while providing that citizenship must be vacated by Dutch subjects who render foreign military service without the consent of this Government, to resolutely insist upon considering all foreign residents within its jurisdiction as liable to compulsory military service.

It is for the Department to say whether it accepts the conclusions of the minister of foreign affairs, that there can be no well-founded objection to the principles or operation of the law.

I am, etc.,

ISAAC BELL, JR.

No. 889.

Mr. Bayard to Mr. Bell.

No. 118.] DEPARTMENT OF STATE,
Washington, March 26, 1888.

SIR: Your dispatch, No. 300, of the 3d instant, reporting the views of the Dutch minister of foreign affairs, expressed to you in your personal interview with him relative to the course of the Netherlands in enrolling Mr. Connell, an American citizen resident in Batavia, for military duty in that place, has been received.

Your observations on the Dutch minister's views point out very clearly the anomaly in the Dutch practice, but as Mr. Connell has withdrawn the basis of our complaint, the Department, while not assenting to the position of the Dutch Government as to the principle involved, is willing that the question may rest until another case revives it.

I am, etc.,

T. F. BAYARD.

No. 890.

Mr. Bayard to Mr. Roosevelt.

No. 24.] DEPARTMENT OF STATE,
Washington, September 28, 1888.

SIR: I inclose herewith for your information a copy of a dispatch from our consul at Amsterdam, relative to the decree of the Netherlands Government prohibiting the importation of hogs and hog products into that country. A set of the Congressional documents relating to the subject is also transmitted to you, separately, by to-day's mail.

After making yourself familiar with the subject, you are instructed to confer with the minister for foreign affairs with a view to securing for American exporters of live hogs and hog products at least equal facilities with those of any other country for evidencing entirely healthy

origin and character of such exports when destined to the Netherlands for consumption or transit.

You will particularly endeavor to obtain for transmission to this Department, in duplicate, copies of the rules which are to be framed under the royal decree in question.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 24.]

Mr. Eckstein to Mr. Rives.

No. 709.] CONSULATE-GENERAL OF THE UNITED STATES,
Amsterdam, September 13, 1888.

SIR: I have the honor herewith to report to you that by a royal resolution, dated the 14th ultimo, the import and transit from foreign countries (buitenlands) into and through the Netherlands of hogs, of fresh and salted pork (varkensvleesch), and of unmelted fat, hoofs, manure, and other offal of hogs is prohibited.

This "resolution" also provides that "when special reasons make it necessary to deviate from this prohibition, the minister of the interior, co-operating with the minister of finance, can allow such deviation under such regulations as shall be a safeguard against the bringing in of contagious diseases to which hogs are subject."

This "resolution" was issued on the 20th ultimo and went into effect five days thereafter.

Whether any, or any serious, inconvenience or injury is likely to result from this interdiction to American exporters of any hog-products to this country it would be rather premature for me to say.

The regulations or conditions under which the articles in question will hereafter be allowed to be imported or in transit have, as yet, not been made public.

From what I have been able to learn on this point so far they will provide the necessity to produce certain written proof which satisfactorily shows that the articles about to be imported or intended for transit come from a place or neighborhood which is not infested with any contagious disease to which hogs are liable.

I might further add that I have reasons to be inclined to the belief that the authorities charged with the execution of the "royal decree" will be induced and disposed to make such regulations in pursuance thereof as may be complied with without causing the trade any very great hindrance; and that American exporters to this country of any of the articles under consideration need not for the present, at least, apprehend that their interests will suffer very much in consequence of the action of this Government as herein reported. Any further particulars relating to the matter which may come to my notice will be promptly brought to your knowledge.

I am, etc.,

D. ECKSTEIN.

No. 891.

Mr. Roosevelt to Mr. Bayard.

No. 23.] LEGATION OF THE UNITED STATES,
The Hague, September 28, 1888. (Received October 8.)

SIR: I inclose copy of a letter from Mr. James Hector advising me of the refusal of the Government of the Netherlands to permit the importation of American bacon, although duly certified to come from a place free from disease to which hogs are subject. Copy of the certificate and translation are also inclosed. I addressed a communication to the minister of foreign affairs, of which copy is also inclosed, and await reply and any instructions from you.

I am, etc.,

R. B. ROOSEVELT.

[Inclosure 1 in No. 23.—Memorandum.]

Mr. Hector to Mr. Roosevelt.

ANTWERP, *September* 27, 1888.

SIR: I take the liberty to inform your excellency that, through a misunderstanding or misreading of law, my shipments of American bacon, directly imported here from the United States, have been refused entrance in Holland (Maastricht).

It will be useless to say that the Dutch Government can not prohibit American bacon, unless by special law. I am a regular shipper to Holland and am now at a loss what to do, all railroad companies refusing carriage. Would your excellency kindly see the competent authorities on this subject and request them to give more lucid instructions to their employés?

I am, etc.,

JAMES HECTOR.

[Inclosure 2 in No. 23.—Translation.]

Certificate of the mayor of Antwerp.

MUNICIPALITY OF ANTWERP, *Second Bureel:*

The undersigned, mayor of the city of Antwerp, declares that the box containing dry-salted American bacon, marked F. H. 369 *y*, sent by rail to Valkenburg, accompanied by this certificate, comes from a place where there was no epidemic whereof hogs generally suffer.

For the mayor: The sheriff,

J. LANDOUT.

ANTWERP, *September* 20, 1888.

[Inclosure 3 in No. 23.]

Mr. Roosevelt to Mr. Karnebeek.

AMERICAN LEGATION,
The Hague, September 28, 1888.

SIR: From the inclosed letter from Mr. James Hector it appears that bacon shipped to him from America was refused admission to Holland.

By the certificate of the burgomaster of Antwerp (copy also inclosed) it seems the bacon came from a place where there was no hog sickness.

May I ask your good offices in the matter and any explanation or direction that will assist in avoiding similar misunderstandings in the future?

Renewing, etc.,

R. B. ROOSEVELT.

No. 892.

Mr. Roosevelt to Mr. Bayard.

No. 34.] UNITED STATES LEGATION,
The Hague, October 6, 1888. (Received October 17.)

SIR: I beg the favor of further instructions in reference to passports. If the forms issued in the substitution of the former ones are to be strictly and literally followed, many American citizens must go unprotected, and, as strict regulations are being made in some portions of Europe, this may prove a serious hardship. There is an uneasy feeling among those who reside here, more marked even than among those who are traveling. Is it the wish of the Department that I should furnish protection to these, and, if so, may I modify the form to meet the case? I have at present an application for a passport from a person born

abroad and taken while a child to the United States by his father, who was duly naturalized. He holds an old passport. Have I authority to modify the form to suit his case? In other words, and in general terms, I beg to inquire if any discretion in the matter of modifying the late forms is allowed to diplomatic officers?

I am, etc.,

R. B. ROOSEVELT.

No. 893.

Mr. Rives to Mr. Roosevelt.

No. 25.] DEPARTMENT OF STATE,
Washington, October 9, 1888.

SIR: Your dispatch No. 23, of the 28th ultimo, reporting your action relative to the complaint of Mr. James Hector, that the Netherlands Government had refused to permit an importation of American pork, although duly certified to be from a place free from the diseases to which hogs are subject, has been received.

The Department approves of your course in bringing the matter to the attention of the foreign office, and will await a further report from you on the subject.

I am, etc.,

G. L. RIVES,
Acting Secretary.

No. 894.

Mr. Roosevelt to Mr. Bayard.

No. 36.] LEGATION OF THE UNITED STATES,
The Hague, October 11, 1888. (Received October 22.)

SIR: In compliance with the instructions of your No. 24, of September 28, I have the honor to inform you that after studying the documents sent to me I addressed the inclosed communication to the minister of foreign affairs. and am now awaiting his reply.

I am, etc.,

R. B. ROOSEVELT.

[Inclosure in No. 36.]

Mr. Roosevelt to Mr. Karnebeek.

AMERICAN LEGATION,
The Hague, October 10, 1888.

SIR: I have been instructed by the Government of the United States to request an interview with your excellency in relation to the royal resolution lately adopted excluding foreign hogs and their products from the Netherlands, and in reference to the rules and regulations which may be made for the purpose of carrying it into effect.

I am also instructed to obtain, if possible, for transmission to my Government, duplicate copies of the rules and regulations which have been framed or are to be framed under the royal decree in question.

If these rules and regulations have already been formulated it might be preferable,

if agreeable to yourself, that I should be favored with copies before occupying your time with explanations, but if they have not been completed I feel assured that I can satisfy you that the products of the hog coming from America are peculiarly free from disease and even safer than those of this country for human consumption.

Placing myself entirely at your disposal in the matter, I beg, etc.,

R. B. ROOSEVELT.

No. 895.

Mr. Roosevelt to Mr. Bayard.

No. 37.] LEGATION OF THE UNITED STATES,
The Hague, October 20, 1888. (Received October 30.)

SIR: In reference to the case of Mr. Hector, who complained of the refusal of the railways to carry hog products which came from America, mentioned in my dispatch No. 23, of September 28, I have reason to believe that he had not complied with the requisite forms, and having so informed him, have heard nothing further in the matter, and shall do nothing further at present.

I am, etc.,

R. B. ROOSEVELT.

No. 896.

Mr. Roosevelt to Mr. Bayard.

No. 38.] LEGATION OF THE UNITED STATES,
The Hague, October 20, 1888. (Received October 30.)

SIR: I have received the inclosed communications which I asked for under the instructions of your No. 24, of September 28, on the subject of the exclusion of hog products from the Netherlands. They consist of copies of the regulations adopted by the ministers of the interior and of finance in 1885, the general regulations adopted by the present minister of internal affairs, and the special exception as to ships in port. You will observe by the last line of No. 2 that the matter is by no means so serious as was at first supposed, the change being merely of form. Under these circumstances I have not pressed my request for a personal interview, believing that the ground of your dispatch was effectually covered, and I shall await your further instructions before doing so, as, from the tenor of all communications received by me, I judge that there is no unfriendliness among Netherlands officials towards the products of the American hog.

I am, etc.,

R. B. ROOSEVELT.

[Inclosure 1 in No. 38.—Translation.]

Regulations relative to the importation of cattle.

MINISTRY OF THE INTERIOR AND FINANCE,
The Hague, March 11, 11, 1885.

The ministers of the interior and finance taking into consideration the official information which has been received showing that epidemic diseases are observed among cattle of various neighboring empires, and in consequence of the favorable state of health of the Netherlands stock of cattle in the Netherlands, and in the interest of com-

merce and industry, acting under articles 1 and 3 of the King's resolution of December 8, 1870 (Staatsblad No. 194), and of articles 1 and 2 of the King's resolution of April 9, 1884 (Staatsblad No. 48), do hereby notify those whom it may concern:

(1) That no dispensation of the prohibition of import and transit of meat-cattle, sheep, rams, goats, and hogs of foreign countries can be allowed, except by special exception and by approval of the minister of internal affairs.

(2) That beginning with March 15 next, the King's commissioners are authorized to allow dispensation of the prohibition of import and transit of fresh hides, fresh and salt meat, raw fat, manure, raw wool, hair, legs, horns, and all products of meat-cattle, sheep, rams, goats, on the following conditions of import and transit:

(*a*) That on request there shall be furnished a description of the quality and the quantity of the article for import and transit and the places of origin and destination.

(*b*) That on request a certificate shall be furnished which shows sufficiently that the articles for import and transit come out of a place not afflicted by epidemic disease.

(*c*) That the goods are properly packed or covered, and during transport have not come in contact with other cattle, and are not placed in wagons or boats or separate inclosures not designated for the transport of cattle.

(*d*) Reserving, however, the right to require such precautions of a particular nature in the interest of protection from epidemics for any special occasion and for local or other circumstances which the King's commissioners may prescribe as to the transport and handling of the articles for import and transit as they shall think necessary.

W. S. HEEMSKIRK,
The Minister of Internal Affairs.
W. S. GROBBEE,
The Minister of Finance.

[Inclosure 2 in No. 38.—Translation.]

Regulations relative to the importation of hogs and hog products.

MINISTRY OF INTERNAL AFFAIRS,
The Hague, August 21, 1888.

The minister of the interior, acting under the resolution of August 14, 1888 (Staatsblad No. 142), which also refers to the royal resolution of April 9, 1884 (Staatsblad No, 48), and forbids the import and transit of hogs, fresh and salt pork, lard, legs, manure and other products of hogs from foreign countries, which resolution goes into operation the 26th instant, brings to the knowledge of whom it may concern that the King's commissioners in the different provinces are authorized to allow exceptions from the prohibition of import and transit from foreign countries of fresh and salt pork, lard, legs, manure, and other products of hogs, under the conditions named in Sub. 2, *a*, *b*, *c*, and *d* in the regulations of the ministers of the interior and of finance of March 11, 1885 (Staatsblad of March 12, 1885), except that in the condition Sub. *b*, for "a place not afflicted by epidemic disease of cattle," must be read "a place not afflicted by epidemic disease of which hogs suffer."

MACKAY.

[Inclosure 3 in No. 38.—Translation.]

Circular of the minister of internal affairs.

MINISTRY OF INTERNAL AFFAIRS.

The minister of internal affairs has addressed, under date of September 4, 1888, No. 3147, section medical police, the following circular to the King's commissioners:

I have the honor to inform you that I have no objection that one or two hogs should be kept and fed on board of sea-going vessels, provided they are not to be unloaded, but killed on board, or exported again with the same vessel, or to the use of fresh, dried, and salted hog meat and pork as provision on board, without, however, exempting them from the prohibition in the King's resolution of August 14, 1888 (Staatsblad No. 142), as to free import.

The inspectors of taxes in the different provinces are hereby notified of this regulation.

MACKAY,
The Minister of Internal Affairs.

No. 897.

Mr. Rives to Mr. Roosevelt.

No. 30.] DEPARTMENT OF STATE,
Washington, October 22, 1888.

SIR: I have to acknowledge the receipt of your No. 34, of the 6th instant, inquiring whether the form of application for a passport issued by this Department can be modified to meet a particular case which you state, and generally "whether any discretion in the matter of modifying the late forms is allowed to diplomatic officers."

The forms in question have been drawn up with great care to meet the usual cases of application for passports and are in conformity with the requirements of law and with the settled doctrine of this Department in regard to the evidences of possession and retention of American citizenship by persons abroad, as expounded consistently and continuously since the organization of our Government.

Without knowing the character and extent of the modifications you have in view, and whether the discretion to which you refer relates to questions of law or to mere details of facts, it is not practicable to give you general instructions in response to your inquiry.

The particular case to which you advert is that of "an application for a passport from a person born abroad, and taken while a child to the United States by his father who was duly naturalized. He holds an old passport."

Had you stated the facts of the case, the name and age of the applicant, the time of the father's naturalization, the date and place of issue of "the old passport," and the name of the person to whom issued, it would have been practicable to give you precise instructions in the case. All the facts being proved in conformity with law and the *animus revertendi* of the applicant being established, simple interlineation and erasure may be resorted to in order to adapt the general form to the exigencies of a particular and lawfully exceptional case, but no discretion as to the fundamental requirements of fact and law upon which the right to citizenship depends could be permitted.

The Department could not delegate to its agents an authority which it does not itself possess. Too much care can not be exercised to prevent a passport, which is the international evidence of citizenship in foreign parts, from falling into the hands of persons not entitled thereto Hence, in doubtful cases, the Department expects reference to it of all the facts necessary to enable it to reach a decision.

The volumes of the Foreign Relations for several years past may be consulted by you, and numerous cases found reported therein will serve to show the scrupulous and minute care of the Department in dealing with this class of questions.

I am, etc.,

G. L. RIVES,
Acting Secretary.

CORRESPONDENCE WITH THE LEGATION OF THE NETHERLANDS AT WASHINGTON.

No. 898.

Mr. de Weckherlin to Mr. Bayard.

[Translation.]

LEGATION OF THE NETHERLANDS,
New York, November 16, 1887. (Received November 18.)

Mr. SECRETARY OF STATE: The governor of the Province of North Holland informs my Government that for some time past a number of subjects of the Netherlands, belonging to the army of that country, but being at home on indefinite leave of absence, have avoided the fulfillment of their military obligations by shipping in ports of the Netherlands, on board of foreign vessels, without having previously obtained from the ministry of war the permission required for such an engagement by article 129 of the law of the Netherlands of August 19, 1861, No. 72.

At the same time the aforesaid governor states that it is probable that the consul of the United States of America at Amsterdam, when he inscribes natives of the Netherlands upon the crew-list of American merchant-vessels, does not require those who are of the age required by law for serving in the army to show a document furnishing evidence of their status in this respect, which document may be procured by parties interested at the city hall.

I am instructed, Mr. Secretary of State, to communicate to you the foregoing, and to express the hope that you will have the kindness to call the attention of the consular officers of the United States of America in the Netherlands to the provisions of article 129, which I have just mentioned.

Be pleased, etc.,

G. DE WECKHERLIN.

No. 899.

Mr. Bayard to Mr. de Weckherlin.

DEPARTMENT OF STATE,
Washington, February 6, 1888.

SIR: I had the honor to receive in due course your note of the 16th of November last, in which you refer to cases arising where Netherlanders liable to military duty ship in Netherlands ports on board foreign vessels without having previously obtained the permission of the ministry of war under article 129 of the existing Dutch law of August 19, 1861, to which you express the hope that this Department will call the attention ot the consular officers of the United States in the Netherlands

The urgent pressure of business has prevented earlier attention to your note.

Upon consideration of the suggestion put forth, certain difficulties appear in the way of acceding to the request of your Government. The functions and duties of consular representatives of this Government in

regard to the shipment and discharge of seamen of American vessels are prescribed and defined by the existing statutes of the United States, and under these it is not contemplated that such consular officers shall intervene, as officers of the foreign governments *pro tanto* (which they would inferentially be in such case) to aid in the enforcement of their military or other municipal statutes. Moreover, assuming that any duty of this nature might really rest on the consul, it would entail upon him a quasi-judicial function involving the construction of foreign laws as to citizenship and military service, and their application to the individual cases before him.

I could not, nor do I suppose your Government would, regard it as admissible that a consul, in such matters, should exercise a jurisdiction not conferred by treaty or contemplated by the statutes of his own country.

I regret, therefore, that, as the matter is presented, I perceive no way of acceding to the courteous suggestion of the Netherlands Government.

Accept, etc.,

T. F. BAYARD.

No. 900.

Mr. de Weckherlin to Mr. Bayard.

[Translation.]

LEGATION OF THE NETHERLANDS,
Washington, March 17, 1888. (Received March 19.)

Mr. SECRETARY OF STATE: I am instructed to have recourse to your accustomed kindness with a view to obtaining some information as to whether, according to the laws in force in this Republic, Alexander Menist, who was born in Philadelphia on the 8th of November, 1869, is to be considered as a citizen of the United States of America.

It appears from the inclosed documents, and from an investigation held by the communal officers of the city of Amsterdam, Holland, that the father of the said young man, who was a Netherlander by the name of Simon Alexander Menist, and was domiciled at Sneek, in the Netherlands, emigrated about the year 1854 to the city of Philadelphia, Pennsylvania, where he began business as a merchant. On arriving in the United States he took the name of Simon Alexander, dropping his true family name and adopting his middle name as such.

His father was naturalized as a citizen of the United States on October 7, 1863.

In 1866 he married Miss Vogel de Haan, and of this marriage was born, on the 8th of November, 1869, at Philadelphia, a male child, whose name was entered at the health office in that city as Alexander Alexander.

Alexander Alexander is the present Alexander Menist.

The Alexander family remained in the United States until 1878. On the 11th of December, in that year, they returned to the Netherlands, where they again took the name of Menist. Since that time Alexander Menist has continued to reside with his parents at Amsterdam.

The father, Simon Alexander Menist, has now asked that his son, Alexander Menist, be entered in the class of the year 1889 of the national militia, that is to say of the army, he (the father) declaring that his son has no longer any claim to "belong" to the United States,

since he (the son) has resided in the Netherlands, with the intention of remaining there, since December 11, 1878.

The communal officers doubt the correctness of this opinion, which is entertained by the father both with regard to himself and his minor son.

While the fact seems to be established that Alexander Menist left the United States without any intention of returning, and that he has now voluntarily offered to serve in the army of the Netherlands, it appears, on the other hand, that Alexander Menist was born in the United States, and that his father was at that time a citizen of the United States, and domiciled in that country.

Under these circumstances, and since the communal officers of Amsterdam are not acquainted with the provisions of the law of the United States of America which govern the forfeiture of citizenship in the said Republic, my Government would be very grateful to you if you would be pleased to enable the communal officers to decide the question which has arisen, and which, in their opinion, should be decided in accordance with American law.

I beg you to return to me, with your reply, the inclosures to the present communication, viz:

(1) Simon Alexander's certificate of naturalization.

(2) The certificate of the birth of Alexander Alexander.

(3) The declaration that Simon Alexander and Simon Alexander Menist are one and the same person.

Be pleased to accept, etc.,

G. DE WECKHERLIN.

[Inclosure 1.]

Certificate of birth of Alexander Alexander.

REGISTRATION DEPARTMENT, HEALTH OFFICE,
Philadelphia, Pennsylvania, March 12, 1879.

To all whom it may concern:

This is to certify that the following is a correct copy of the birth of Alexander Alexander as filed in this department in accordance with the State laws: Date of birth, November 8, 1869; name of child, Alexander Alexander; sex, male; color, white; ward, fourth ward; No. and street, 628 South street; name of parents, Simon and —— Alexander; occupation of father, dealer; name of physician, Philip De Young; residence of physician, 242 North Fifth street.

For the health officer.
[SEAL.]

GEO. E. CHAMBERS,
Register.

[Inclosure 2.]

Naturalization certificate of Simon Alexander.

UNITED STATES OF AMERICA:

Be it remembered, That at the district court for the city and county of Philadelphia, held at Philadelphia, in the Commonwealth of Pennsylvania, in the United States of America, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three, Simon Alexander, a native of Holland, exhibited a petition praying to be admitted to become a citizen of the United States, and it appearing to the said court that he had declared on oath before the prothonotary of the district court, on the thirtieth day of March, A. D. 1861, that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the King of Holland, of whom he was at that time a subject; and the said Simon Alexander having on his solemn oath declared and also made proof thereof agreeably to

law, to the satisfaction of the court, that he had resided one year and upwards within the State of Pennsylvania, and within the United States of America upwards of five years immediately preceding his application; and that during that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and having declared on his solemn oath before the said court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the King of Holland, of whom he was before a subject. And having in all respects complied with the laws in regard to naturalization, thereupon the court admitted the said Simon Alexander to become a citizen of the United States, and ordered all the proceedings aforesaid to be recorded by the prothonotary of the said court, which was done accordingly.

In witness whereof I have hereunto affixed the seal of the said court at Philadelphia, this seventh day of October, in the year one thousand eight hundred and sixty-three (1863), and of the sovereignty and independence of the United States of America the eighty-eighth.

[SEAL.]

PHILIP S. WHITE,
Prothonotary.
Per F. AUGS. TREGO,
Deputy Prothonotary.

[Inclosure 3.—Translation.]

Affidavit as to the identity of Simon Alexander Menist.

On this sixth day of June, eighteen hundred and seventy-nine, before me, Dirk Jacobus Leepel, notary at Amsterdam, in presence of the witnesses to be named hereafter, appeared:

Messrs. Barend Moses Gondsmit, merchant, and Barend Moses Zeeman, lapidary, both residing at Amsterdam, and known to me, notary;

Who, for love of truth and as a fact fully known to them, have declared and testified that Mr. Simon Alexander Menist, merchant, residing at Amsterdam, in the Daniel Stalpert straat, number 32, born at Sneek on the sixth of July, eighteen hundred and thirty-two, son of Alexander Abraham Menist, and of the wife of the same, Duefie Simons Zwitser, has resided about twenty-five years at Philadelphia and returned into the Netherlands on the eleventh of December of the last year, is one and the same person as Simon Alexander, under which denomination only of his first names the said Mr. Simon Alexander Menist has been generally known at Philadelphia, and under which denomination he has been entered as inhabitant into the registers of the population of that city.

The said appearers requesting to deliver an official certificate of the forenamed testimony given to me, notary, and to furnish them with copies of the same where such might be found necessary, to the benefit of the said Mr. Simon Alexander Menist.

Made and passed in the office of me, notary, in the year and on the day first above written, in the presence of Messrs. Hendrick Frederick Duyker and Antheunis van Vlaanderen, both brokers and both residing at Amsterdam, as witnesses.

And has the minute of these presents, after having been read over to them, been subscribed by the appearers, with the witnesses and me, notary.

B. M. GONDSMIT.
B. M. ZEEMAN.
H. F. DUYKER.
A. VAN VLAANDEREN.
D. J. LEEPEL,
Notary.

Registered at Amsterdam the seventh of June, eighteen hundred seventy-nine, volume 171, folio 170, square 4, one leaf, no reference. Received for duty fo. 80, additional duty fo. 30½, together one guilder ten cents and a half, f. 1.10½.

The receiver c. a. No. 1.

KNIPSCHEER.

Delivered as a true copy.

D. J. LEEPEL,
Notary.

Translated from the Dutch by the undersigned sworn translator.

A. R. HAPPEL.

Certified to under the seal and signature of C. H. Backer, president of the district court of Amsterdam, Netherlands.

No. 901.

Mr. Bayard to Mr. de Weckherlin.

DEPARTMENT OF STATE,
Washington, April 7, 1888.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, in which you inquire whether, according to the laws in force in this country, Mr. Alexander Menist is an American citizen, he having been born in Philadelphia on the 8th of November, 1869 (his father, there resident, being then a naturalized citizen of the United States, of Dutch birth), but having been in the year 1878 taken back to the Netherlands by his father, the latter having left this country without the intention of returning hither, but of remaining permanently in the land of his origin.

The parties interested in the case as stated by you are not before this Department, and therefore no opinion is given as to them.

But the general view held by this Department is that a naturalized American citizen by abandonment of his allegiance and residence in this country and a return to the country of his birth, *animo manendi*, ceases to be a citizen of the United States; and that the minor son of a party described as aforesaid, who was born in the United States during the citizenship there of his father, partakes during his legal infancy of his father's domicile, but upon becoming *sui juris* has the right to elect his American citizenship, which will be best evidenced by an early return to this country.

This right so to elect to return to the land of his birth and assume his American citizenship could not, with the acquiescence of this Government, be impaired or interfered with.

Accept, etc.,

T. F. BAYARD.

No. 902.

Mr. de Weckherlin to Mr. Bayard.

[Translation.]

LEGATION OF THE NETHERLANDS,
Washington, May 9, 1888. (Received May 10.)

Mr. SECRETARY OF STATE: At the instance of Messrs. Kunhardt & Co., the New York agents of the Royal Dutch West India Mail Company, I take the liberty to have recourse to your well-known kindness in relation to the tonnage dues exacted in New York on the 25th of April last from the Dutch steamer *Prins Maurits*.

This steamer is the first of a new regular line just organized by the said company, the plan of whose route you will find inclosed.

The *Prins Maurits* sailed from Amsterdam and arrived in New York after having called successively at Paramaribo, Demerara, Trinidad, Carúpano Cumaná, La Guayra, Puerto Cabello, and Port au Prince.

The New York custom-house compelled the *Prins Maurits* to pay a duty of 6 cents per ton.

Messrs. Kunhardt & Co. protest against this decision, which they declare to be in violation of the proclamation of the President of the United States of America of April 22, 1887, suspending the collection

of tonnage dues in the case of vessels arriving from ports in the Netherlands

They appeal to the text of that proclamation, which merely says that the vessel must come from a port situated in the Netherlands, and nowhere says that the voyage must be direct.

Messrs. Kunhardt & Co. further observe that the proclamation is a document which, from its very nature, does not appear to admit of a restrictive interpretation.

Finally, the interested parties desire to refer to the decisions in regard to the *Marmion*, the *San Francisco*, the *Hernan Cortes*, and the *Cella*, in deciding whose cases the Government of the United States of America clearly laid down the rule that it is the port of departure that decides concerning the collection of tonnage dues, and not the port or ports which the vessel has entered during her voyage.

For these reasons Messrs. Kunhardt & Co. think that the amount in question should in justice be refunded to them.

I have the honor to commend this application to your kind consideration, and I avail, etc.

G. DE WECKHERLIN.

[Inclosure.]

Plan of the route.

Amsterdam, Paramaribo, Demerara, Trinidad, Carúpano, Cumaná, La Guayra, Porto Cabello, Curaçoa, Port au Prince (Hayti), New York, Port au Prince (Hayti), Curaçoa, Porto Cabello, La Guayra, Cumaná, Carúpano, Trinidad, Demerara, Paramaribo, Havre, Amsterdam.

No. 903.

Mr. de Weckherlin to Mr. Bayard.

[Translation.]

LEGATION OF THE NETHERLANDS,
Washington, May 23, 1888. (Received May 23.)

Mr. SECRETARY OF STATE: At the request of the general agent at New York of the Netherlands-American Steam Navigation Company, I have the honor to apply to your accustomed kindness to obtain an order directing the restitution of the tonnage dues paid at New York in the month of February last by the Dutch steamers *Schiedam* and *Leerdam* under the following circumstances:

The steamer *P. Caland*, of the aforesaid company, which sailed directly from the Netherlands for New York on the 14th of January last, met with such serious damages while at sea that the captain put back and entered Plymouth as a port of refuge.

The company then caused the passengers of the *P. Caland* to be taken on board by the steamer *Schiedam*, which was then coming directly from the Netherlands, and caused the cargo of the *P. Caland* to be taken off by the steamer *Leerdam*, which was also coming directly from the Netherlands.

These two vessels then sailed directly from Plymouth to New York, where, although the service rendered by them at Plymouth partook to

some extent of the character of an act of salvage, a tonnage duty of 6 cents per ton was exacted from them.

I take the liberty to beg you to cause the facts in question to be examined, and, in case you find the foregoing statement to be correct, I shall be very grateful to you if you will cause this question to be settled in the way desired by the company.

Be pleased, etc.

G. DE WECKHERLIN.

No. 904.

Mr. Bayard to Mr. de Weckherlin.

DEPARTMENT OF STATE,
Washington, June 6, 1888.

SIR: Referring to your note of the 9th ultimo, in relation to the tonnage dues collected at New York in April last from the Dutch steamer *Prins Maurits*, I now have the honor to transmit to you for your information a copy of a letter from the Secretary of the Treasury relative to the subject.

Accept, etc.,

T. F. BAYARD.

[Inclosure 1.]

Mr. Fairchild to Mr. Bayard.

TREASURY DEPARTMENT,
May 28, 1888.

SIR: Referring to the letter of the Acting Secretary dated the 15th instant, in regard to the steamer *Prins Maurits*, I have the honor to inclose herewith a communication from the Commissioner of Navigation of this date, furnishing the information requested by your Department upon the subject of the above-named vessel.

Respectfully yours,

C. S. FAIRCHILD.

[Inclosure 2.]

Mr. Morton to Mr. Fairchild.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., May 28, 1888.

SIR: I have the honor to acknowledge the receipt of the letter of the Acting Secretary of State relative to tonnage dues stated to have been collected on the 25th of April last from the master of the Dutch steamer *Prins Maurits*, which vessel appears, from a statement by the Netherlands minister, to have arrived at New York from Amsterdam after having called successively at Paramaribo, Demerara, Trinidad, Carúpano, Cumaná, La Guayra, Puerto Cabello, and Port au Prince.

In reply to the request that the Department of State be furnished information upon the subject of the above-named vessel, and of the law governing the case, I have to report that no communication in regard to the particular vessel named has been received from the customs officers. This office assumes, however, that she was entered at New York as being from some place not mentioned in any proclamation relating to the exemption of vessels from tonnage dues, and that the action of the collector of customs was in accordance with the practice obtaining in such cases under the provisions of section 11 of the act of June 19, 1886, amendatory of section 14 of the act of June 26, 1884.

These acts require the collector of customs to impose dues "at each entry" on all

vessels which shall be entered from a foreign port not specified in any proclamation suspending the dues. In the present case, if the vessel was entered, say from Paramaribo, dues accrued under the existing practice at the rate of 6 cents per ton, there being no suspension of the collection of such dues by the authority of the President on vessels entered from that port. Had she proceeded from Amsterdam and called at Port au Prince for ordinary commercial purposes, entry would have been made accordingly and dues levied at the minimum rate. On entry from Amsterdam with cargo or passengers from that port, she would have been exempt from dues under the President's proclamation, unless also entered from some other foreign port, not Dutch or German. The acts cited have never been construed as intending to put vessels trading, for instance, between Amsterdam, Brazil, and the United States, on any better footing than vessels trading between Brazil and the United States.

If the persons concerned consider themselves aggrieved, in such cases, action can be taken by them as mentioned in section 2931, Revised Statutes, whereupon the collector's decision will be fully considered and reversed if found erroneous.

It may be observed that each case must be decided upon its merits, and that in the present instance the nationality of the vessel has no bearing upon the action taken, which action would have been the same had the vessel belonged to the United States.

Respectfully, yours,

C. B. MORTON.

No. 905.

Mr. Bayard to Mr. de Weckherlin.

DEPARTMENT OF STATE,
Washington, June 18, 1888.

SIR: Referring to previous correspondence, I have the honor to inform you that the Department has just received from the Commissioner of Navigation an announcement of his decision to refund the tonnage dues exacted from the Dutch steamers *Schiedam* and *Leerdam* at New York, where they arrived from Plymouth, England, with the cargo of the Dutch steamer *P. Caland*, which was compelled to put into that port in distress, and to have her cargo transhipped, while bound on a direct voyage from the Netherlands to the United States.

In the course of the decision the Commissioner says:

Had the *P. Caland* proceeded to New York, the calling of the vessel at Plymouth in distress would not have been considered by this office as causing tonnage dues to accrue, and it is not thought that the calling of the other two steamers at Plymouth with a view to relieving the distress of a sister vessel, and of receiving by transhipment merely her cargo and passengers under the exceptional circumstances of the present case, necessitated the collection of the tax.

Accept, etc.,

T. F. BAYARD.