BRAZIL.

DECISION OF THE PRESIDENT IN THE DISPUTED BOUNDARY QUESTION BETWEEN ARGENTINE REPUBLIC AND BRAZIL.

(See Argentine Republic.)

REFUND OF EXPEDIENTE CHARGES.¹

Mr. Thompson to Mr. Gresham.

[Telegram.]

LEGATION OF THE UNITED STATES,
Petropolis, December 19, 1894. (Received Dec. 20.)

I have been orally informed that the flour claims will be paid, but that it is necessary for Congress to make appropriation.

THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 331.] LEGATION OF THE UNITED STATES,
Petropolis, January 15, 1895. (Received Feb. 23.)

SIR: Referring to my telegram of December 19, 1894, I have the honor to report that the minister for foreign affairs informs me under date of January 4, 1895, that the circular of May 21, 1894, from the treasury department declining to refund the moneys collected as expediente duties on American merchandise had been revoked, and inclosing copy of the Government's decision in the case.

This decision in the form of a circular from the treasury department, copy and translation of which are inclosed, reviews the origin of the claims and explains how the expediente duties came to be levied in the face of the express provisions of the commercial arrangement; revokes the circular of May 21, 1894, and directs the custom-houses to forward claims to the Treasury in order that the necessary credit may be provided for their payment, remarking that as the duties have been paid in past fiscal years it is impossible to return the sums without an appropriation.

I inclose copy of the additional correspondence had on the subject.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 331.—Translation.]

CIRCULAR NO. 1.

DEPARTMENT OF THE TREASURY,
Rio de Janeiro, January 2, 1895.

Considering the claims of divers origins arising from the decisions of this department upon the interpretation of the terms of the convention celebrated with the

¹ See Foreign Relations, 1894, pp. 73-76.
United States of America on January 31, 1891, and the regulation of its administration determined by decree No. 1338 and by circular No. 6, both of February 5 of the same year; and

Considering that article 1 of the above-mentioned decree only referred to the import duties, and the order sent to the custom-house of the federal capital on March 21, 1891, declared that the merchandise coming from the United States free of duty by the above-mentioned arrangement could not be free from the duties of expediente, because according to our laws they have not the character of import duties, and are levied exclusively upon merchandise imported free of duty, while the circular No. 6 formally and expressly declared that this exemption extends to all duties, whether national, State, or municipal;

Considering that these expressions of the circular were copied from the text of article 1 of the convention and did not exclude any kind of duties, including all, without distinction of origin, type, or character;

Considering that notwithstanding this, in virtue of the above-named order sent to the custom-house, this understanding prevailed based on the incompleteness of the omission of the terms of article 1 of the decree of the 5th of February attributing to the latter of right a force that the circular could not have and by this means was observed, instead of the amplitude of the circular, the restriction of the decree;

Considering that this practice gave rise to claims on the part of the American Government to which Brazil was compromised to satisfy if it was shown that in the United States of America merchandise coming from Brazil free of duties by the convention was not subjected to any other tax whatever and that, if such was shown to be the case, not only would the collection expediente dues cease but also all sums unduly paid would be refunded;

Considering that it was demonstrated that Brazilian merchandise imported into the United States free of duty was not subjected to any tax whatever, and that for this reason the circular No. 28, of May 23, 1893, was issued, the result of the deliberation of the Government and justified by the terms of article 1 under the head of importation and additional of law No. 125, of September 30, 1891, which gave to expediente duties the character of custom-house imposts, thus causing to disappear any possible distinction established between the two;

Considering that in the execution of a convention duly celebrated, accepted, and carried out, the reciprocal advantages, rights, and obligations should be strictly observed, in conformity with the aim which inspired the celebration of the same and of the spirit which predominated in its conception, and that moreover the circular of May 23, 1893, in an express, determinate, and authentic manner regulated the interpretation of its clauses in entire accord with the provisions of article 131 of the commercial code, especially in relation to the good faith, the spirit and nature of what was stipulated;

Considering that for such reasons we should consider the circular as incorporated in the convention as explanatory of the decree and of any others referring to the execution of the same;

Considering that the circular No. 19 of May 25, of the past year maintained, as it could not fail to sustain, these principles, determining the exemption of the imports of American merchandise from expediente duties, but it denied the right to the restitutions of duties which had been unduly paid so much;

Considering that the latter part is not in harmony with the promise solemnly made of restitution of undue payments, and besides once established a principle it is impossible to decline its logical consequences; and consequently from the provisions of the circular of May 25, 1893, restitution naturally and legally follows, since the execution of the international convention can not fail to be uniform, nor can it depend on circumstances which have not been expressly modified by means of an agreement of the contracting parties;

Considering that the convention has been abrogated, as appears from the circular No. 43 of October 25, 1894, and all its effects declared to cease on the 1st of January, 1895, it is fit and proper that these claims should also cease to exist, as the procedure of the Brazilian Government should be absolutely free from any suspicion in the carrying out of all parts of its treaties;

I declare that the circular No. 16 of May 21 of the year past is hereby revoked in the part relative to the restitutions which may have been made in virtue of circular No. 28 of the 25th of May, 1893, that are thus hereby approved and maintained.

And whereas it is impossible to apply to the restitution of duties paid in past fiscal years the provisions of article 552 of the consolidated laws of the custom-houses, it being necessary to ascertain exactly the value of the restitutions claimed in order to furnish the necessary appropriation for the restitutions, under which heading this disbursement must be paid;

I direct all custom-houses, when receiving the claims of parties interested in such claims, to forward them to the treasury after being passed on for the purpose of obtaining the proper credit and making the respective payments.

FRANCISCO DE PAULA RODRIGUES.
Mr. Thompson to Mr. Carvalho.

LEGATION OF THE UNITED STATES,
Petropolis, November 29, 1894.

Mr. Thomas L. Thompson, minister of the United States, begs to refer to the conversation had with His Excellency Dr. Carlos de Carvalho, minister for foreign affairs, on Tuesday the 27th instant, in regard to the return of certain duties collected by the Government of Brazil on articles which should have been admitted free of duty under the commercial arrangement of January 31, 1891, and to submit for his consideration a few further remarks in the premises.

Representations having been made to this legation in the early part of 1893 that the Government of Brazil had been collecting an expediente tax on American merchandise which, by the terms of the accord above referred to, should have been admitted free, Mr. Markell, chargé d’affaires ad interim, acting under the instruction of the honorable Secretary of State, brought the matter to the attention of the minister for foreign affairs, protesting against this violation of the accord, asking for the revocation of the decree directing the collection of these duties, and for the restoration of the money illegally collected. (Mr. Markell to Dr. A. F. Paula Souza, February 27, 1893.)

A reply to the substance of this note was made subsequently, in which the minister stated that if no duties similar to this expediente tax were collected by the custom-houses of the United States on goods exempted by the commercial arrangement proceeding from Brazil, then the “expediente tax” would cease, and the moneys collected under its operation would be refunded “cessará no Brasil a cobrança em questão e serão restituídos as quantias individuadamente pagas.” (Dr. A. F. Paula Souza to Mr. Conger, April 12, 1893.)

Mr. Conger, replying to this note, after ascertaining directly that no such duties were collected in the United States, conveyed the information to the then minister for foreign affairs, and after some weeks’ delay he was informed, May 31, 1893, that no further duties would be collected upon the merchandise exempted by the commercial arrangement.

This very satisfactory action of the Brazilian Government closed the first part of the question originally raised.

The importers of American merchandise who had been subjected to the illegal tax, acting upon the assurance given by Dr. A. F. Paula Souza that the money illegally collected would be refunded, prepared claims and presented them through the regular channels, expecting that they would be early disposed of. But, on the contrary, they laid without adjudication, or apparently any action whatever, until May of this year, when there appeared in the public journals a circular from the minister of the fazenda reviewing the cases and deciding that they were not entitled to favorable consideration upon many grounds. The two apparently upon which most stress was laid I will briefly notice, viz: (1) “That similar duties (for the dispatch of merchandise) were collected by the custom-houses of the United States; (2) That the North American importers, having sold the goods at a time when the duty was in operation, had added the amount of the duty to the selling price of the goods, and were consequently fully reimbursed by the national consumer.”

As to the first of these grounds Mr. Conger’s note of April 19, 1893, fully disproves the premises, as well as mine of October 22, 1894, and it consequently fails, as does the second, when we consider that the
sellers' price of goods is regulated by the market in which the goods are
sold, and it is impossible to determine whether they are sold at a loss
or a gain. But leaving this entirely out of the question, the imposition
of the tax was a discrimination against American merchandise illegally
collected in violation of an accord, and the money received under it can
not justly be retained, as it is one of the first principles of law that
property acquired through an illegal act can not be withheld from its
rightful owner under any circumstances. It does not appear nor can
it appear that the American importers have been reimbursed for the
losses which the collection of the "expediente tax" entailed: The losses
are innumerable and can not be estimated, not only to the importer but
to the market for American goods, which was the only object the
arrangement was designed to conserve. The effect of the tax was cer-
tainly to favor importations in competition with American goods. For
this, and in full compensation, all that is asked is to have the money
unduly collected refunded, a simple request which both equity and
justice demands. The Government of Brazil has acknowledged that
the collection of these duties was irregular, and the money obtained by
or through that act should be refunded.

While this circular has never been officially brought to my knowl-
edge, I do not refrain from advertting to its provisions because it has
been given an official character by publication in the Diario Oficial and
is a decision on the merits of this case by one department of the Gov-
ernment. The impossibility of accepting the reasoning expressed in it
as a bar to the final restitution of the money must be apparent, as it
contravenes the letter and spirit of the accord as well as the principles
of law and equity.

Following this circular I had the honor, acting under instructions
from my Government, to call the attention of your excellency's esteemed
predecessor to the explicit and distinct agreement of the Government of
Brazil to refund these moneys, as expressed in the note of April 12,
above referred to and quoted. Accordingly, in my notes of June 7,
August 31, and October 22 the matter was discussed and a speedy dis-
position of the cases requested, as the Government of the United States
had a right to expect. But, notwithstanding the notes and several
personal solicitations, no response has been given to the essence of the
representations. Now, I am in receipt of more imperative instructions,
which makes it necessary to urge favorable and speedy action on them.

Mr. Thompson offers, etc.

[Inclosure 3 to No. 331.—Translation.]

Mr. Carvalho to Mr. Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Rio de Janeiro, January 4, 1895.

I have the honor to communicate to Mr. Thomas L. Thompson, envoy
extraordinary and minister plenipotentiary of the United States of
America, in response to his notes of October 22 and November 29, last,
relative to the collection of expediente duties, that the Government, on
the 2d instant, determined to revoke the circular of the department of
the treasury dated May 21, last, as appears from the inclosed cutting
from the Diario Oficial.

I renew, etc.,

Carlos de Carvalho.
Mr. Thompson to Mr. Olney.

No. 394.]

LEGATION OF THE UNITED STATES,
Petrogulis, August 7, 1895. (Received Aug. 30.)

SIR: Referring to my No. 374,1 of June 19 last, I have the pleasure to state that I have been orally informed by the minister for foreign affairs that an appropriation has been requested of the National Congress for the refund of the expediente duties illegally collected on American flour.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Olney.

No. 415.]

LEGATION OF THE UNITED STATES,
Petrogulis, October 3, 1895.

SIR: I have much pleasure in informing you that the National Congress has passed a resolution authorizing the refund of the duties collected on American merchandise in contravention of the commercial arrangement between the United States and Brazil of January 31, 1891.

The resolution has been sanctioned and promulgated by the President, as you will observe from the inclosed copy.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure in No. 415.—Translation.]

Decree No. 239—30th of September, 1895.

Authorizes the opening of a supplementary credit of 1,700,000$000 to the article "Reposições e restituições," article 7, No. 29, of the law No. 266, December 24, 1894.

I, the President of the Republic of the United States of Brazil, make known that the National Congress decrees and I sanction the following resolution:

ARTICLE 1. The Government is authorized to open for the department of the treasury a supplementary credit of 1,700,000$000 ($357,000) to the section "Reposições and restituições" of the current appropriation law, article 7, No. 29, of law No. 266, of December 24, 1894, not only to return the expediente duties collected by the custom-houses on American merchandise entitled to free admission under the respective (commercial) arrangement, but as well to give execution to article 9, line 3, of the cited law, and further to dispose of reclamations from the States until the end of the present fiscal year.

ARTICLE 2. All provisions to the contrary are revoked.

Capital Federal, 30th of September, 1895, seventh of the Republic.

PRUDENTE J. DE MORAES BARROS.
FRANCISCO DE PAULA RODRIGUES ALVES.

REESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN BRAZIL AND PORTUGAL.2

Mr. Mendonça to Mr. Gresham.

[Translation.]

LEGATION OF THE UNITED STATES OF BRAZIL,
Washington, March 16, 1895. (Received March 18.)

SIR: The minister of foreign relations of Brazil, by cable of this date, directs me to communicate to your excellency that the diplomatic rela-

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1 Not printed.
2 See Foreign Relations, 1894, p. 64.
tions between Brazil and Portugal have been reestablished, and assigns to me the agreeable duty of offering to the President of the United States the sincerest thanks of the Government of Brazil for the protection extended by the American minister at Lisbon to the Brazilian citizens resident in Portugal and its possessions during the suspension of the diplomatic relations between the two countries.
Accept, etc.,

SALVADOR DE MENDONÇA.

Mr. Uhl to Mr. Mendonça.

No. 6.]

DEPARTMENT OF STATE,
Washington, March 19, 1895.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, announcing the reestablishment of diplomatic relations between Brazil and Portugal, and offering the sincere thanks of your Government to the President for the protection extended by the minister of the United States at Lisbon to citizens of Brazil resident in Portugal.
I have taken pleasure in communicating the contents of your note to the President and beg to express his gratification at the announcement made.
Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

MONUMENT TO MONROE.

Mr. Thompson to Mr. Gresham.

No. 316.]

LEGATION OF THE UNITED STATES,
Petropolis, November 21, 1894. (Received Jan. 5, 1895.)

SIR: On the 15th instant the corner stone of the pedestal of a monument proposed to be erected to the memory of Monroe was laid in the city of Rio, in the Largo (square) da Lapa, in the presence of a number of military and civil officers of the Government and a large concourse of citizens.
The ceremonies were conducted by a committee of citizens known as the Monroe Monument Committee, and their aim is to erect a monument in honor of the great American statesman and the doctrine that bears his name. It is also their desire to bring about the solidarity of the American Republics, carrying them from without European influence or interference.
The pavilion in which the ceremonies were conducted was erected in the center of the square, polygonal in form, each side bearing at the arch the name of one of the American republics, and pillars extending its entire height were handsomely decorated with flags and bright-colored cloths. The general effect was very beautiful.
I inclose clippings, with translations from local papers, which I understand give a fair account of the proceedings, and are in the main correct.
I could not attend the ceremonies, having previously accepted an invitation from the President of the Senate to be present at the inaugural.
I have, etc.,

THOS. L. THOMPSON.
BRAZIL.

The American Solidarity Monument Committee has sent the following invitation to the ministers of American nations, which it causes to be published for fear that on account of the festivities it may not be received in time by the persons to whom it is addressed and whose presence it earnestly solicits:

"CITIZEN:

"In commemoration of the attitude assumed by the Government of the United States of North America during the deplorable insurrection of September 6, the undersigned committee purposes erecting with popular aid a monument to American solidarity, chiefly represented by Monroe.

"The ceremony of laying the corner stone will take place on the 15th instant at 11 o'clock a.m. on Largo da Lapa.

"You are invited, Citizen Minister, to attend the ceremony, and we hope that as the representative of one of the links of the great chain of American Republics you will give us the moral support of your illustrious presence.

"The concurrence of your country in our enterprising undertaking will be an incentive to our efforts and a source of gratitude to Brazilian republicans.

"Health and fraternity.

"THE COMMITTEE.

"P.S.—The committee begs that you will do it the favor of bringing a small memento of your country to be inclosed in the corner stone."

The American Solidarity Monument Committee invites all Brazilian republicans, republican clubs, patriotic battalions, and American colonies to be represented at the ceremony of laying the corner stone. Not having had time to send invitations to all associations, the committee begs to be excused for the omission, which, in view of the greatness of the cause, it hopes will be overlooked.

[Inclosure 2 in No. 316.—Translation.—From the Jornal do Commercio, November 16, 1894.]

AMERICAN UNITY.

At an elegant pavilion on Largo da Lapa there took place yesterday the ceremony of laying the corner stone of the Monroe statue.

This ceremony was attended by senators, deputies, the Uruguayan and Brazilian commissions, the municipal council, the prefect of the Federal district, deputations from the military and polytechnic schools and from the fire corps, the acting chief of police, generals and other officers of different grades in the army and navy, and representatives of all social classes.

Marshal Floriano was represented by Captain Siqueira.

Gen. J. W. Avery was also present, accompanied by Dr. R. Cleary, deputy consul-general of the United States.

After an important address from Dr. Trajano de Medeiros, General Avery, in response thereto, made in English the following speech, which we translate:

"This speech was heartily cheered.

Mr. Joao Clapp then read the official record of the ceremony, which was signed by the committee and other persons present.

Dr. Prudente de Moraes, who passed through Largo da Lapa on his way to the senate, alighted from his carriage and attached his signature to the record in the midst of loud cheers.

The Thirty-eighth Battalion of Infantry was on duty as a guard of honor at the ceremony.

[Inclosure 3 in No. 316.]

SPEECH OF GENERAL AVERY.

Fellow-Americans of the Grand Republic of the United States of Brazil: I esteem it a high honor and great privilege as an humble citizen of the United States of North America to have the opportunity of saying a few words to the people of this Republic.

The citizens of my country feel a profound interest in the welfare and perpetuity of the South American Republics, and desire to establish the most cordial commercial and social relations with them.

F R 95—4
FOREIGN RELATIONS.

It is a large compliment for the Republic of Brazil to erect a monument to a distinguished President and citizen of my country that every patriotic citizen will be proud to know, and it will strengthen the already close bond of fraternity between our two great nations.

I have come to you representing an important international exposition of the United States, whose main object is to enlarge the commercial relations and establish warmer social and personal bonds between our countries. We remember your magnificent building and comprehensive display of your affluence resources and products at our Columbian World's Fair, in Chicago, and we hope that you will take the same part and make an even larger exhibit at this important business exposition.

I have brought the enterprise before your Government and invite your cooperation in this vast movement for our common good, and desire to say that we feel an especial sentiment for Brazil, to whose Government I have first come.

It has been the policy of the United States of North America from the very beginning of its existence to pursue an unchangeable neutrality to all foreign countries, seeking the friendship of all and incurring the hostility of none, and its ambition is to always act as an arbiter of peace and harmony between those that may differ.

I thank you for your attention and invoke the blessing of Almighty God upon your noble Republic and upon the new administration that has come into its control.

Three enthusiastic cheers were given for the United States of North America, a ringing cheer for Grover Cleveland, and a cheer for General Avery.

[Inclusion 4 in No. 316.—Translation.—From the Paiz of November 17, 1894.]

THE MONROE MONUMENT.

We publish to-day the official address read by Dr. Trajano de Medeiros at the laying of the corner stone of the monument to be raised on Largo da Lapa, and a copy of the official record, documents which for want of space we were unable to publish yesterday.

The address is as follows:

"The corner stone of this monument to American solidarity, which is now to be laid, is a tribute of friendship and gratitude of Brazilian republicans to the great country of Jefferson and Monroe, and the solemn affirmation of our intelligent adoption of the principles proclaimed to the world in the memorable message of this illustrious statesman."

"We are not governed at this moment by any narrow feeling of Americanism; on the contrary, it is because we are intensely interested in the spread of universal fraternity that we are now led to proclaim the necessity of non-interference of Europe in the peculiar affairs of American Republics."

"Yes, gentlemen, occidental anarchy is vast and profound; originating in the absence of any general doctrine, freely accepted in conformity with the teaching of Auguste Comte, it threatens to hurl the world into chaos, bursting all the bonds of human fraternity."

"Europe, the cradle of our civilization, whence has come the dawn of our redemption, is, nevertheless, writhing in a terrible struggle with this horrible hydra."

"The blindness of the people and the still blinder empiricism of governments who fail to discover the luminous path that leads to universal peace cause them to endeavor to ward off internal dangers by means of the exodus of population in conjunction with external predation."

"Hence the thousands of questions to which these nations in consequence of their strength are constantly giving rise in the world—on this subject let Asia, Africa, Oceania, and even America speak."

"The colonial policy of Europe, it must be said, is the most shameless feature of the present century."

"If the vigorous generation of 1789 could rise at this moment from the bosom of the earth, it would cover its face in sorrow and shame at the sight of so degrading a spectacle and would loudly exclaim: Renegade sons, you have belied your traditions!"

"It is necessary to have faith, it is necessary to believe in the supremacy of the grand phalanx of the dead over the living in order to trust that from the midst of the present struggle, from the midst of these nations that drift without a compass on the vast sea of disorder, may emerge that future era of human felicity so brilliantly sketched by Condorcet."

"While awaiting its advent, it behooves us Americans to unite politically to save the continent of Columbus from the widespread devastations of the foreign policy of Europe."

"It was the noble attitude of Monroe, advised by Jefferson, and the resolute man-
ner in which his doctrine has been interpreted that have created for America an almost privileged position among the other parts of the earth in relation to the degrading intervention of European nations.

"Casting a retrospective glance at the political life of the present century, we see that the remarkable theory has been confirmed by the lessons of history.

"To us South Americans, to us Brazilians, who have just passed through a dolorous crisis in our history, belongs especially the duty of proclaiming this fact by erecting the monument which materially represents it.

"Seeking political union as the best safeguard for our autonomy and independence, we Americans also labor for a reign of peace, renouncing war as a means of solving international problems.

"Thus obtaining a comparative degree of harmony and order, we shall be able to meditate on social problems and follow the road to human felicity.

"To complete, Messrs. Ministers and Gentlemen, the picture of our motives and aspirations, we will explain to you our conception of the proposed monument. Around the principal figure, which personifies our views, will be grouped the great national liberators of America—Washington, Jefferson, Juarez, Toussaint L’Ouverture, Bolivar, Jose Bonifacio, and Benjamin Constant.

"The construction of the monument will be contracted by means of public tenders received in the United States of North America, where the statue will be made, its pedestal to be constructed in Brazil.

"In this manner the two great countries will be united in the work of glorifying the idea that now brings us together. North American art will aid us Brazilians in perpetuating in bronze and granite the resolute soaring of the aspirations for concord and fraternity among the nations of the continent of Columbus.

"As to you, illustrious representatives of American Republics, may your presence on this occasion and the mementoes which you deposit in the cavity in this stone at the base of the monument be the pledge of your cooperation in this work, so that your aspirations, when war shall have been extinguished in the midst of our mother countries, will converge toward rendering not merely a hope but a reality, in the life of the Republics of the new continent, the motto of order and progress.

"Follow-citizens, the stop which we are about to take is decisive. In your name we assume a solemn obligation. You must aid us in every way, so that on this spot may be raised, in conformity with the noble aspirations of Brazilian hearts, the first monument to the brotherhood of nations.

"If you accomplish this, you will have given the best proof of your republicanism, confirming once more the maxim of Vauvenargues that ‘Great thoughts come from the heart.’

"In this belief, Mr. Minister of the United States, convey to your countrymen the protestations of the friendship of the Brazilians and our gratitude for the decisive interpretation of their policy, together with our cordial wishes for human peace and concord.

"All hail the continent of Columbus!
"All hail the Republic of the United States of North America!
"All hail the American Republics!
"All hail the Republic of Brazil!"

The copy of the official record is as follows:

Official record of the laying of the corner stone of the monument to American solidarity, represented by the eminent James Monroe.

At 11 o’clock a.m., on the 15th day of November, 1894, fifth year of the foundation of the Republic of Brazil, one hundred and nineteenth year of the Declaration of Independence of the United States of North America and one hundred and sixth year of the French revolution, last day of the administration of Marshal Floriano Peixoto and first day of that of citizen Dr. Prudente Jose de Moraes e Barros, in the presence of the representative of the said marshal, Dr. Prudente Jose de Moraes e Barros, minister and consul of the United States of North America, diplomatic and consular representatives of the various American Republics, whose signatures are hereunto attached, the Positivist Apostolate in Brazil, deputations from the Senate and Chamber of Deputies, representatives of the Federal district, various republican clubs, representatives of all social classes, and the committee for promoting the erection of the monument, was laid, on Largo da Lapa, in the city of Rio de Janeiro, this corner stone of the monument to American solidarity.

The monument which will be erected on the spot in which this stone is laid, and which will symbolize the political union of the different nations of the continent of Columbia, will be surmounted by the figure of James Monroe, author of the celebrated doctrine known by his name, which teaches that the nations of the new continents should unite for the purpose of preventing any undue interference of the nations of Europe in the internal affairs of America. Around the principal figure will be grouped the
great national liberators of America—Washington, Jefferson, Juarez, Toussaint L’Ouverture, Bolivar, Jose Bonifacio, and Benjamin Constant. In remembrance of this auspicious day, we inclose within this stone the original of this official record, the commemorative medals of this ceremony, the commemorative medal of the inauguration of the second President of the Brazilian Republic, the coins of the period, the journals of the day, and the mementoes contributed by the various representatives of the American Republics here present.

Mr. Gresham to Mr. Thompson.

No. 204.] DEPARTMENT OF STATE, Washington, January 7, 1895.

SIR: I have received your No. 316, of November 21 last, reporting the ceremonies attending the laying of the corner stone of a monument to be erected in memory of President Monroe at Rio de Janeiro.

This tribute to the memory of an American statesman can not fail to be appreciated by the Government and people of the United States.

I am, etc.,

W. Q. GRESHAM.

ASSAULT ON AMERICAN SEAMEN AT SANTA CATHARINA.

Mr. Thompson to Mr. Gresham.

No. 326.] LEGATION OF THE UNITED STATES, Petropolis, December 23, 1894. (Received Jan. 25, 1895.)

SIR: I have the honor to confirm my telegram to you of the 19th instant, reporting that three sailors from the schooner Isaiah K. Stetson were badly wounded at Santa Catharina by soldiers and that one of the sailors died from the effects of his wounds, as follows:

GRESHAM, Washington:

Have received a telegram from the consul at Desterro, reporting that three sailors from American vessel Isaiah Stetson were wounded by soldiers at Santa Catharina and that one died. Have asked an investigation.

PETROPOLIS, December 19, 1894.

THOMPSON.

The information reported in the above telegram was received from Consul Grant on the 18th instant. The facts were immediately presented to the minister for foreign affairs and an investigation of the occurrence requested.

I have received no further information, but will report more fully by next mail.

Correspondence upon the subject which has thus far taken place is inclosed.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 326.—Telegram.]

Mr. Grant to Mr. Thompson.

SANTA CATHARINA, December 18, 1894.

Three seamen of American schooner Isaiah K. Stetson badly wounded Sunday night by soldiers; one died last night. Protested to-day; soldiers were recognized; affair in hands of police. Particulars by mail.

GRANT,

U. S. Consular Agent,
Mr. Thompson to Dr. Carvalho.

LEGATION OF THE UNITED STATES,
Petropolis, December 18, 1894.

Mr. Minister: A telegram from the United States consul at Santa Catharina has just reached me, reporting that three American sailors from the schooner Isaiah K. Stetson were badly wounded by soldiers at that place Sunday night and that one of the sailors had subsequently died. The consul further states that he has protested against this unlawful act, and the soldiers guilty of the crime have been recognized.

I hasten to bring this matter to your excellency’s attention, soliciting your good offices, with the view of obtaining an early and thorough investigation of this regrettable occurrence and the prompt punishment of the guilty, reserving for my Government the option of claiming such reparation and satisfaction as the merits of the case warrant.

Trusting that your excellency’s high sense of justice will bring this matter to an early and equitable solution, I have, etc.,

THOMAS L. THOMPSON.

Mr. Thompson to Mr. Gresham.

No. 329.]

LEGATION OF THE UNITED STATES,
Petropolis, January 1, 1895. (Received Jan. 25.)

SIR: Referring to my No. 326 of December 23, giving such information as I had at hand concerning the wounding and killing of American sailors at Santa Catharina, I now have the honor to inclose copy and translation of a note from the foreign office upon the subject. I am still without a full report from Consul Grant.

I have, etc.

THOS. L. THOMPSON.

Dr. Carvalho to Mr. Thompson.

MINISTRY OF FOREIGN RELATIONS,
Rio de Janeiro, December 31, 1894.

I have duly received the note which Mr. Thomas L. Thompson, envoy extraordinary and minister plenipotentiary of the United States of America, was pleased to address to me on the 18th instant, informing me of the maltreatment, by soldiers of the State of Santa Catharina, of three sailors from the schooner Isaiah K. Stetson, one of whom has since died, and requesting that steps might be taken to secure the speedy punishment of the guilty parties.

On the receipt of the aforesaid note, I requested the president of that State to report immediately, not only concerning the facts, but also concerning the action taken with a view to bringing the accused parties to justice.

The president confirms the report of the occurrence in question, which is deeply regretted by the Federal Government, and states that it took place during a street brawl in the vicinity of a drinking saloon and house of prostitution. The police authorities examined the injuries
of the wounded men and took measures to discover their assailants, as they are still unknown, and it has been impossible to secure any witnesses.

Meanwhile the search is continued, and I shall hasten to bring its result to the knowledge of the minister.

I have, etc.,

Carlos De Carvalho.

Mr. Thompson to Mr. Gresham.

No. 335.] Legation of the United States, Petropolis, January 24, 1895. (Received Feb. 23.)

Sir: Referring to my No. 326 of December 23, 1894, reporting that three sailors from the American schooner Isaiah K. Stetson had been assaulted by soldiers at Santa Catharina, I have to transmit an account of the occurrence forwarded by Consular Agent Grant.

It appears from Mr. Grant's report that the men assaulted were Nils Johnson, Ingvald Ramstad, Charles Jonson, and Fred Jensen, regularly shipped seamen but not American citizens; that two died from the result of their wounds; that they were on shore contrary to the master's orders, and that the perpetrators of the crime have been apprehended and will be brought to trial.

The minister for foreign affairs expresses regret at the occurrence; states that from the information he has received the crime was committed during a general street row, in a low part of the city, and that efforts are being made to apprehend the culprits.

I will send you as soon as received a report on the origin of the occurrence, which I have asked the consul to make, but will take no further action until instructed, for apparently every effort is being made to have the affair speedily adjusted.

I have, etc.,

Thos. L. Thompson.

[Inclosure in No. 335.]

"Mr. Grant to Mr. Thompson.

Florianopolis, December 27, 1894.

Sir: In explanation of my telegram of the 18th instant, I have to inform you of the following occurrence:

The American schooner Isaiah K. Stetson, Capt. Charles F. Trask, having been unloaded, was cleared on Saturday, the 15th instant, bound for Barbadoes.

Early on Monday morning, 17th, the captain came to me and reported that on the previous day, at about 1 o'clock p.m., he had given leave to four of his crew, namely, Nils Johnson, Ingvald Ramstad, Charles Jonson, and Fred Jensen, to go on shore, but with injunctions to return on board before dark. He, the captain, went on shore at about 6 p.m., and meeting the men, ordered them to go on board, but they refused to go, saying that they would get on board later with the assistance of the crew of the Eloho, an English bark that lay moored at a wharf.

The captain returned on board without the men, and between 8 and 9 o'clock he was called for by the crew of the bark Eloho. He went on board the said bark and there found three of his crew—Ingvald Ramstad, Charles Jonson, and Fred Jensen—dangerously wounded and the other, Nils Johnson, slightly wounded, the wounds having been, according to
the men's declaration, inflicted by a group of soldiers armed with knives or other sharp instruments. He, the captain, stated that he had tried to obtain medical aid for the wounded men, but had been unsuccessful, as several doctors to whom he had applied refused to go with him to see the men. He afterwards, with the aid of the police, who appeared on the spot, had the three men who were dangerously wounded transferred to the hospital, where they arrived between 12 and 1 o'clock in the night, Nils Johnson, who was very slightly wounded, proceeding on board the ship.

On hearing this report I immediately applied to the chief of police and requested him to take the necessary measures for the capture and punishment of the soldiers who had committed the crime. The chief of police assured me that all the necessary steps would immediately be taken. I then, with the captain, procured a physician and proceeded to the hospital, where I found the three seamen mentioned, all stabbed in different places, and two of whom were in a very precarious condition, one, Charles Jonson, having part of the bowels protruding from a wound in the stomach.

They were all attended to by the physician I took with me in conjunction with the physician of the hospital, who arrived some time after we did. Charles Jonson died during the night of the 17th, and Ingvold Ramstad on the next morning, and both were buried in the afternoon of the 18th. The two men who died, Charles Jonson and Ingvold Ramstad, were Norwegians by birth. Fred Jensen is a Dane, and Nils Johnson a Swede; but as they were all regularly shipped at New York on board the vessel, which is American, they are of course all considered American seamen.

Considering the seriousness of the case, I thought it my duty to telegraph direct to you, informing you at once of the matter, and I beg you to advise me whether I have done rightly.

Several of the soldiers, in fact I believe all who perpetrated the crime, have been discovered and imprisoned, and will be duly tried and punished. The case is proceeding in due course, and if you wish it I will from time to time inform you directly how the affair goes on. If there is anything else that I ought to do, please to instruct me, for the case is new to me.

The Isaiah K. Stetson sails to-morrow, three seamen having arrived from Rio and shipped.

Fred Jensen, who was severely stabbed in the left arm and the back, being unable to proceed, although much better and completely out of danger, remains in the hospital discharged. Nils Johnson, quite well, proceeds with the ship.

Awaiting your instructions, I am, etc.,

ROBERT GRANT,
United States Consular Agent.

Mr. Thompson to Mr. Gresham.

No. 338.] LEGATION OF THE UNITED STATES,
Petropolis, January 31, 1895. (Received March 11.)

SIR: I now have the honor to transmit the additional report from Consular Agent Grant, mentioned in my No. 335, of January 24, on the wounding and killing of the American sailors at Santa Catharina. From the report the crime appears to be more vicious and heinous than I had
at first supposed, and to have been committed entirely without provocation. Mr. Grant also mentions that the witnesses had been threatened and that it was only with much difficulty they could be induced to testify.

I will advise you of the result of the trials.

I have, etc.,

THOMAS L. THOMPSON.

[Inclosure in No. 888.]

Mr. Grant to Mr. Thompson.

FLORIANOPOLIS, January 24, 1895.

SIR: Your telegram of the 3d instant was duly received, but as I wished to give you some definite information I delayed answering until I could see the papers relating to the police investigation of the case, in which I have only succeeded to-day.

In addition to my letter of December 17, I found the wounded men in such a bad condition that they could scarcely answer any questions. The information I could get from them at the time was to the effect that at about 8 o’clock on the evening before they were all four of them together in a street at the end of the town which turns down to the quay, one of them playing an accordion and the others standing around or dancing. There were also some soldiers in the street, who suddenly and without any provocation attacked them and commenced stabbing them with knives. They, feeling themselves wounded, ran down the street and to the wharf, where the English bark Elcho was moored, and took refuge on board her, the soldiers pursuing them and murderously stabbing them all the way to the ship, or very near to her.

Ingvald Ramstad had eight wounds, two of which were mortal; Charles Jonson four, one of them being mortal, and Fred Jensen also four dangerous. Nils Johnson had a number of slight cuts in his back. The clothes of all of them had a number of cuts which did not reach their bodies.

When Fred Jensen got better I questioned him more closely and he stated that on the said evening, when the captain told them to go on board, they had not positively refused to go, but had simply said that they would get on board later with the assistance of the crew of the bark Elcho, on which the captain left them.

They then continued their walk toward the end of the town, and on reaching the street that turns down in the direction of the wharf where the Elcho was lying they went into a tavern and had a glass or two of wine and sat together in conversation for a short time until it got dark. At this time, the owner of the tavern wishing to close for the night, they went out and stayed a short time in the street, one of them playing an accordion and the others listening and talking. None of them were intoxicated. There were also a few soldiers standing about the street, some talking to women at the windows of the houses round about. They (the sailors) not understanding the language of the country, took no notice of the soldiers, but just continued amusing themselves as described. He (Fred Jensen) walked down the street a little way, thinking of going on board, when suddenly he heard the noise of a scuffle, and turning back he saw his companions attacked by a number of soldiers. One of the sailors was lying on the ground and the soldiers striking at him.
He (Fred Jensen) immediately went to the rescue and assisted his companion to get on his feet, he being in his turn attacked by the soldiers. Feeling himself wounded, he made for the bark Eleho, defending himself as best he could from the soldiers, who pursued him, and took refuge on board the bark, where he found his companions wounded, and all remained until, with the aid of the police, they were removed later on to the hospital.

From all information the seamen were all orderly and well-conducted men, not given to drinking, and were none of them intoxicated, nor did they give the slightest provocation to anybody.

During the police investigation fourteen witnesses have been examined. In the beginning the proceedings were very difficult, as the first who were examined, fearing the revenge of the soldiers on the witnesses who should denounce them, denied all knowledge of the affair. Some of them who had seen it all had, in fact, been threatened with death by the soldiers in case they should make any disclosures. Fortunately indications were discovered which forced some of them to confess that they had witnessed the crime and to name the perpetrators, who are proved to have been Durval Peixoto, Manoel Cerino, Joao Galdino de Oliveira, and Elias Torquato da Roza, all soldiers of the Seventh Battalion of Infantry, stationed at this city, who seem to have been led to the perpetration of this odious crime only by their perverse instincts, as it has been impossible to discover any other motive.

The evidence of a number of the witnesses confirms the statement of the sailors, viz., that they were in the said street, which is called Padre Roma, one playing the accordion and others listening and some dancing, when without any previous altercation or provocation whatever, they were attacked and wounded by the said soldiers, who pursued them as far as the English ship, on board of which they took refuge.

The case is proceeding slowly in spite of all my efforts to get things done more rapidly.

The murderers have not yet been committed for trial, but I believe they will be within the next three or four days.

Fred Jensen is now quite well, and I send him to Rio to day. He will present himself to you and personally state all about the case.

I am, etc.,

ROBERT GRANT,
Consular Agent.

Mr. Uhl to Mr. Thompson.


SIR: I have received your No. 326 of December last and your No. 329 of the 1st ultimo, reporting the wounding by Brazilian soldiers of three sailors from the American schooner Isaiah K. Stetson at Santa Catharina and the subsequent death of one of them.

Your action is approved and the full report of the investigation promised by the Brazilian Government is awaited.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.
Mr. **Uhl** to Mr. **Thompson**.

**DEPARTMENT OF STATE,**

Washington, March 12, 1895.

Sir: I have received your No. 338, of January 31 last, enclosing the report of Consular Agent Grant concerning the killing and wounding at Santa Catharina of certain sailors from the American schooner **Isaiah K. Stetson**.

The affair as thus reported presents features of atrocity and wantonness which can not fail to call forth the severest condemnation of justice, and it is confidently expected that its vindication will be speedy and complete.

You will continue to impress upon the Brazilian Government the interest with which the case is here watched, and urge prompt and satisfactory action.

I am, etc.,

EDWIN F. **UHL**.

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Dr. **Thompson** to Mr. **Olcney**.

**LEGATION OF THE UNITED STATES,**

Petropolis, July 18, 1895. (Received Aug. 15.)

Sir: Referring to my No. 338, of January 31, 1895, in regard to the killing of American seamen at Santa Catharina, I have the honor to inclose copy and translation of a note from this Government showing the efforts made by the authorities for the punishment of the guilty.

Of the four soldiers originally charged with the crime one has been acquitted and another is dead, thus leaving only two, who it appears were convicted in the lower court but have taken an appeal, the result of which is yet unknown. The authorities are apparently using all diligence to secure a conviction, and I have no doubt but what the result will be satisfactory.

I have, etc.,

THOS. L. **THOMPSON**.

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[Inclosure in No. 335.—Translation.]

**Dr. Carevalho** to Mr. **Thompson**.

**DEPARTMENT FOR FOREIGN AFFAIRS,**

Rio de Janeiro, July 2, 1895.

In addition to my note No. 6 of December 31 last, permit me to bring to the knowledge of Mr. Thomas L. Thompson, envoy extraordinary and minister plenipotentiary of the United States of America, the result of the efforts of the authorities of the State of Santa Catharina in regard to the case of the three sailors belonging to the crew of the schooner **Isaiah K. Stetson**.

From an investigation made by the police it appears that the attack on the sailors Charles Jansen, Ingvald Ramstad, and Fred Jensen, in consequence of which two of them died, was made by the soldiers of the seventh battalion of infantry, Durval Peixoto, Manoel Cerino, Joao Galindo de Oleviero, and Elias Torquato da Roza, who were arrested last December. The State's attorney proceeded against them on February 21 of this year, but during the trial, at which six witnesses were examined, it was shown that Elias Torquato da Roza was innocent, and the
judge, after due diligence in ascertaining the truth, acquitted him and
decided that the other three had incurred the penalties provided for in
article 294, section 1, together with those in article 66, section 3, of the
penal code.

Recourse to the State supreme court from this judgment not having
been had, notice was served on the State’s attorney, who filed the
accusatory complaint on April 26 and June 25, was fixed by the judge
for the second session of the jury, at which should be tried only Manoel
Cerino and Joao Galdino de Oliveira, Durval Peixoto having died on
May 3.

As soon as I am informed of the result of this trial I will inform you.
I approve, etc.,

Carlos de Carvalho.

Mr. Thompson to Mr. Olney.

No. 425.]

Legation of the United States,
Petropolis, October 14, 1895. (Received Nov. 5.)

Sir: Referring to my No. 385, of July 18, 1895, I have the honor to
state that I have been informed by the minister for foreign affairs that
the two soldiers charged with the killing of the American seamen at
Santa Catharina, and who, after being adjudged guilty by the lower
court, appealed their case, have been convicted and sentenced to eight
years each in the penitentiary.

I have, etc.,

Thos. L. Thompson.

Law Regulating Foreign Life Insurance Companies.

Mr. Thompson to Mr. Olney.

No. 418.]

Legation of the United States,
Petropolis, October 7, 1895. (Received Nov. 5.)

Sir: I have the honor to transmit herewith copy and translation of
decree No. 294, of September 5, 1895, providing regulations for the
operation of foreign life insurance companies in Brazil.

I have, etc.,

Thos. L. Thompson.

[Inclosure in No. 418.—Translation.]

Decree No. 294, of September 5, 1895, regulating the foreign life insurance companies
operating in the territory of Brazil.

I, the President of the Republic of the United States of Brazil, make known that
the National Congress has decreed and that I sanction the following law:

ARTICLE 1. Life insurance companies authorized to operate in Brazil, and whose
head offices are situated in a foreign country, shall present to the Government and
publish in the press, within sixty days of the promulgation of this law, a minute
relation of all the insurances guaranteed by them and in force within the territory
of the Republic, indicating with the number of each policy the name of the person
insured, as well as the amount insured, the premium or yearly payment, and the
amount of reserve belonging to the said policy on the 1st of January, 1894.

ARTICLE 2. The total of the reserves of all the policies in force in Brazil on that
date shall be invested in national securities, such as real estate within the territory
of the Republic, mortgages upon property and real estate, railroad shares, banks, or
industrial enterprises or others established in Brazil, or in deposits for the term of
one year at least in banking establishments operating in Brazil.
ARTICLE 3. Such life insurance companies shall prove before the Government, within sixty days of the promulgation of this law, that the total of the reserves treated of in the preceding article is employed in conformity with the requirements of said article, publishing such proof in the press, in order to secure the inspection of those interested.

ARTICLE 4. From the date of the promulgation of this law, after the necessary amount for general expenses, death losses, dividends, and other payments to the insured shall have been deducted from the total of the premiums received by those companies in Brazil, all of the balance shall be converted in the manner set forth in the said article 2.

ARTICLE 5. The said insurance companies shall be obliged to require their principal agency in Brazil to decide upon all insurance applications made here, rejecting or accepting the same, and in the latter case issuing the definite policies.

Sole paragraph: If, within fifteen days of the receipt of the application by the principal agency, it be not rejected and the amount corresponding to the first premium paid by the applicant be received by the agency, the insurance will have full effect the same as if the policy were issued, the company then being unable to reject the same.

ARTICLE 6. The recognition and liquidation of the death losses, and of the reclaims of the insured, must also be considered and definitely decided upon by the principal agency in Brazil.

ARTICLE 7. The companies must, at the end of each half year, and within the two months following, present to the Government and publish in the press a minute relation of all the premiums received corresponding to the life insurances contracted to date, from sixty days after the promulgation of this law.

ARTICLE 8. Within sixty days of the promulgation of this law the companies to which it refers shall communicate officially to the minister of finance that they accept the execution of the obligations prescribed in it.

Sole paragraph: To the company failing to do so, will be suspended the permission of making new insurance contracts in Brazil, being limited henceforth to receiving the premiums on the insurances in force up to that date, and to execute the compromises taken in accordance with the respective contracts.

ARTICLE 9. Given this hypothesis, if, later on, the company should decide to accept the obligations of the present law it shall petition the Government for authorization, the same as by the present laws must be done by foreign companies that desire to operate in the territory of the republic, and the authorization being conceded, it shall make a new guarantee deposit in the national treasury.

Sole paragraph: The company which without authorization and given the hypothesis of article 8 and its paragraph accepts new contracts of insurance will have to turn over to the treasury 10 per cent of the premiums which it may have received for the same until the referred to authorization shall have been solicited and obtained.

In case of nonpayment within fifteen days of the intimation by the fiscal department the required amount shall be collected from the deposit which, as a guaranty in virtue of the law, the company may have made in the national treasury when it commenced to operate.

ARTICLE 10. The Government will expedite regulations for the good execution of this law.

Capital Federal, 5th of September, 1895, seventh year of the Republic.

PRUDENTE J. DE MORAES BARROS.
FRANCISCO DE PAULA RODRIGUES ALVES.

Mr. Thompson to Mr. Olney.

No. 441.] LEGATION OF THE UNITED STATES, Petropolis, November 19, 1895. (Received Dec. 20.)

SIR: I have the honor to inclose herewith a copy of the regulations promulgated by the minister of the fazenda for the execution of the law recently passed by the National Congress in regard to foreign life insurance companies.

I also inclose an article from the Rio News upon the withdrawal of the New York Life Insurance Company.

I have, etc.,

THOS. L. THOMPSON.
Regulations for the enactment of law No. 294 of September 5, 1895, which legislates on foreign life insurance companies and to which above decree No. 2153 of this date refers.

CHAPTER I.—Of the foreign insurance companies.

ARTICLE 1. Life insurance companies, which have their social seat in foreign countries, can not operate in Brazil without a previous authorization of the Government, in accordance with the legislation in force and the dispositions of these regulations.

ARTICLE 2. The company desiring such authorization must solicit it from the Government through the intermedium of the secretary of the exchequer, accompanying the petition:

(a) With documents proving its legal existence in the country where it has its social seat.

(b) With a copy of its statutes.

Only paragraph: These documents must be legalized by the representative of Brazil in the country where the company has its social seat, or by the respective consul. The company may further accompany its petition with all such documents as it may deem convenient to establish its rights.

ARTICLE 3. When the authorization is granted by a decree of the President of the Republic, the secretary of the exchequer will grant the charter, compiled in the directory of the treasury, signed by the director, and countersigned by the minister.

Only paragraph: Before the company can commence operations, it must file an authentic copy of the charter and a copy of its statutes with the chamber of commerce of the Federal District, and publish them in the Diario Oficial, in accordance with section 3 of article 47 of decree 434 of September 4, 1891. A failure to do so involves the invalidity of acts performed.

ARTICLE 4. In its petition for the charter, the company must assume the obligation to maintain in the city of Rio de Janeiro its principal agency, with full powers to decide all questions that may arise with either private parties or with the Government.

The company must further agree:

SEC. 1. To maintain in the capitals of the States, where it intends to accept insurance, an agent with the necessary powers to assume the responsibilities which pertain to the principal agency according to these regulations.

SEC. 2. To respect and submit to the Brazilian laws and courts in everything regarding its relation to the Government or to private parties.

ARTICLE 5. After deliberation on the petition for permission to operate in the country, and bearing in mind the condition of the company and the guaranties it offers as to solvency and good administration, the Government will resolve.

CHAPTER II.—Of the operations of the companies.

ARTICLE 6. When the principal agency is established in the Federal District and the agents in the State capitals in accordance with article 4, section 1, after receiving the charter and having complied with the conditions contained in the only paragraph of article 3, the foreign life insurance companies may do business in the whole territory of the Republic after having made the deposit required by article 21.

ARTICLE 7. The principal agency is obliged, and must have the necessary powers for that purpose, to decide all applications for insurance made in Brazil, rejecting or accepting them, and, in the latter case, to issue the definite policies. (Law, art. 5.)

Only paragraph: If an application has not been rejected within fifteen days after being received at the principal agency, and the agency accepts from the applicant the amount corresponding to the first premium, then the insurance shall have full force though the policy be not yet issued, and the company can no longer reject the risk. (Law, art. 5 already quoted, only paragraph.)

ARTICLE 8. The respective agency shall give to the applicant or to the person representing him a receipt, stating date of entry and receipt of the application.

ARTICLE 9. The examination and settlement of death claims and of reclaims, made by assured, must also be made and decided by the principal agency in Brazil. (Law, art. 6.)
ARTICLE 10. After deducting from the total amount of premiums received by the companies the sum required for general expenses, death claims, dividends, or other payments to the assured, then the remainder shall be invested in national securities, such as bonds of the national debt, debentures guaranteed by the Union, landed property in the territory of the Republic, mortgages on lands and properties, shares of railroad companies, banks, or industrial establishments or others in Brazil, or in deposits for not less than one year in banking establishments operating in the Republic. (Law, arts. 2 and 4.)

ARTICLE 11. At the end of every half year, and within the two subsequent months, the companies shall present to the secretary of the exchequer and publish in the Diario Oficial a minute statement of all the premiums received for life insurance risks assumed during the said half year. (Law, art. 7.)

CHAPTER III.—Of the companies which already operated in Brazil before September 5 of this year.

ARTICLE 12. The foreign insurance companies which already operated in Brazil before the promulgation of law No. 294 of September 5 this year are obliged:
  First. To present to the Government through the secretary of the exchequer, and to publish through the press, within sixty days of the promulgation of law No. 294 of September 5 this year, a nominal list of all the insurance risks assumed in force in the territory of the Republic, indicating with the number of each policy the name of the assured, the amount assured, the annual premium, and the amount of the reserve corresponding to said policy on January 1, 1894. (Law, art. 1.)
  Second. To invest the total amount of the reserves on all the policies in force in Brazil on that date in national securities, such as bonds of the national debt, stock guaranteed by the Union, landed property in the territory of the Republic, mortgages on lands and properties, shares of railroad companies, banks, and industrial or other establishments in Brazil, or in deposits for not less than one year in banking establishments operating in the Republic. (Law, arts. 2 and 4.)

ARTICLE 13. Within the same period of sixty days after the promulgation of the said law No. 294 the said companies shall also prove to the secretary of the exchequer and publish in the press that the total reserves, of which the preceding section 2 speaks, are employed in the manner therein required in order to guarantee inspection by interested parties. (Law, art. 3.)

ARTICLE 14. The companies shall further communicate, and within the same period, officially to the secretary of the exchequer that they accept the responsibilities for the obligations prescribed by law No. 294 of September 5 of this year.

Only paragraph: The company which does not make this communication will have its permission to effect new insurance contracts in Brazil canceled, and must restrict itself thereafter to collect the premiums on the risks until then in force and to meet the obligations assumed in accordance with the respective contracts.

ARTICLE 15. When the permission of a company to effect new insurance is once canceled by virtue of the preceding paragraph and the company decide later to submit to the obligations of the law and of these regulations, it must petition the Government, in accordance with Chapter I, for a new authorization to operate, making a new guarantee deposit in the treasury. (Law, art. 9.)

ARTICLE 16. The company which, without a new authorization and given the hypothesis of article 14, only paragraph, accept new insurance contracts, shall deposit in the treasury 10 per cent of the premiums it has collected on such new business until it has petitioned for and obtained such authorization.

Only paragraph: If the company should refuse to make such deposit within fifteen days after receiving an intimation from the investigating committee of the treasury, then the amount due will be deducted from the deposit which the company may have in the treasury. (Law, art. 9, only paragraph.)

ARTICLE 17. The company which has thus violated the law can not obtain a new charter for operations in Brazil.

CHAPTER IV.—Of the control.

ARTICLE 18. Whenever the minister of the exchequer considers it necessary, he may order some of his confidential employees to proceed to a minute examination of the accounting department, etc., of the foreign insurance companies, in order to verify whether everything is kept with the necessary regularity, whether the companies observe all the provisions of the law and of these regulations, as also whether the statements made in their reports, balance sheets, and official communications are exact.

ARTICLE 19. Having made such examination, the employees that were in charge of it shall make a detailed report to the minister of the exchequer, who, after submitting it to the investigating committee of the treasury for study, will adopt the measures he may deem convenient.
ARTICLE 20. When the authorization for operating in the territory of the Republic has been granted to a foreign insurance company, the charter will not be issued until the company has deposited in the federal treasury on an order of the investigating committee the amount of $200,000 in currency or in bonds of the public debt as a guarantee for the contracted obligations.

ARTICLE 21. If that deposit should at any time be diminished by the application of some legal decision, the company is obliged to cover the deficiency immediately under penalty of not being allowed to continue its operations.

ARTICLE 22. The decree of authorization and the charter, mentioned in article 3 of these regulations, must contain the explicit declaration that the respective company, when establishing its principal agency in the Federal District and agencies in the State capitals, where it intends to contract insurance, all with the necessary powers, submits without reserve to the laws and courts of Brazil in all its relations to the Government and to private parties.

ARTICLE 23. Under penalty of having its authorization for operating canceled, the company cannot alter any disposition of its statutes to take effect in Brazil without a permission from the Government, in accordance with the respective provisions of decree No. 434, of July 4, 1891.

ARTICLE 24. In the case foreseen by these regulations, that the companies which already operate in Brazil before September 5 last should desire a new concession, it may be granted to them under the same conditions and with the same formalities as are required in regard to the companies which establish themselves for the first time in Brazil.

ARTICLE 25. The conversion of the reserves, of which article 10 speaks, of the companies which may establish themselves after these regulations will be made proportionately as the insurance premiums are being collected, so that the dispositions of article 7 of the law and article 11 of these regulations may be complied with.

ARTICLE 26. The concession granted to companies to operate in the country may also be canceled:
First. If they refuse to present their books and documents for examination by the comptrollers of the Government.
Second. If they should make false declarations in their statements, balance sheets, and other official communications with the intention of evading the obligations imposed by the law and the present regulations.

ARTICLE 27. The companies are obliged to communicate in this capital to the investigating committee of the treasury, and in the States to the fiscal delegates or to the custom-houses, the names of their agents, the place in which the agencies are established, and the alterations occurring thereafter.

ARTICLE 28. All dispositions to the contrary are herewith revoked.

Federal Capital, November 1, 1895.

FRANCISCO DE PAULA RODRIGUES ALVES.

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BRITISH OCCUPANCY OF THE ISLAND OF TRINIDAD

Mr. Thompson to Mr. Olney.

[Telegram.] PETROPOLIS, July 19, 1895.

It is understood that a British force has occupied the island of Trinidad off the coast. Representations have been made by the Government to Great Britain and a war vessel dispatched to the island.

THOMPSON.

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Mr. Thompson to Mr. Olney.

[Telegram.] LEGATION OF THE UNITED STATES, Petropolis, July 28, 1895.

Correspondence between the two Governments asserts British claim to the island of Trinidad, which is disputed earnestly by Brazilian minister for foreign affairs. The people express indignation.

THOMPSON.
Mr. Thompson to Mr. Olney.

LEGATION OF THE UNITED STATES,
Petropolis, July 30, 1895. (Received Aug. 26.)

SIR: Referring to my telegrams to you of the 19th and 28th instant, wherein I briefly reported the occupation of the island of Trinidad by a British force, I have the honor to give the following information, gathered from the correspondence between this Government and the British minister:

The island of Trinidad lies 651 geographical miles off the coast of Brazil, in latitude 20° 31' south and longitude 13° 47' 57" east of the Rio de Janeiro meridian. It was discovered by the Portuguese in 1501, visited by the British in 1700, and again in 1775. In 1781, during the war between Great Britain and Spain, it was occupied by the British as a base for operations against the commerce of Spain with her River Plate colonies. This occupation led to serious protest on the part of Spain to Portugal, and the Vice-King of Brazil was directed to send an expedition to retake the island. The British having in the meantime retired, a Portuguese military post was then established there and measures taken to maintain regular communication. This post was kept up until 1795.

The island ceased to be Portuguese with the independence of Brazil, and in 1825 the Brazilian corvette Itaparica visited there for the purpose of an examination into the usefulness of the island. For the same purpose it was again visited by the D. Isabel in 1856, the Bahiana in 1871, the Nictheroy in 1871 and 1884, and lastly by the Penedo in 1894. In January or February of this year the British cruiser Baraenuto landed a small force on the island and raised the British flag. No information was received of this act until publication in the Rio News of the 17th instant of an extract from the London Financial News.

Protest was immediately made by the minister for foreign affairs, who receives the instances which I have given above as evidence of occupation and acts of sovereignty, as well as the circular from the minister of justice of July 11, 1891, directing use of the island as a penitentiary, and the decree 9334 of November 24, 1884, conceding to a Brazilian citizen the right to mine, establish salt works, etc., on it.

The British minister, after reporting these facts to Lord Salisbury, replies "that possession of the island in question was first taken by Great Britain in the year 1700. No evidence was then found of Portuguese possession and no protest was made by Portugal. In the opinion, therefore, of the Marquis of Salisbury there can not be any Brazilian title superior to that of Great Britain. When Her Majesty's Government resumed possession of that island and Martin Vaz, in January last, no trace of foreign occupation was found, and as Trinidad is required as a telegraph station Her Majesty's Government can not consent to waive her rights to it."

The minister for foreign affairs replies to this note, transmitting copies of the documents relating to Brazil's title, submitting them with the hope that the British claim will be abandoned. The matter now awaits the consideration of the British minister for foreign affairs.

The island is arid, and of little value except as a cable station, which undoubtedly was the motive for its occupation. The last Brazilian budget provided for the purchase of the cable lines of the Western and Brazilian Telegraph Company, and in order to secure a landing place for an opposition English company it is stated the island was seized.

Considerable excitement was created, but the moderation and caution
of the Government has prevented any serious outbreak. It is generally understood and hoped that the British claim will be abandoned in due time, and I anticipate that the question will be satisfactorily and speedily settled.

I have, etc.,

THOS. L. THOMPSON.

Mr. Thompson to Mr. Olney.

No. 393.] LEGATION OF THE UNITED STATES,
Petropolis, August 7, 1895. (Received Aug. 30.)

SIR: Referring to my No. 391, of July 30, 1895, in regard to the occupation of the island of Trinidad by a British force and enclosing a copy of the published correspondence on the subject between the minister for foreign affairs and the British minister accredited to this Government, I now have the honor to inclose a translation of that correspondence which appeared in the Rio News of July 30.

There are no further developments of importance, and, as stated in my former dispatch, the matter awaits the consideration of the British Government.

Meetings of protest and indignation continue to be held throughout the States, and the entire country is aroused to the apparently unjust and untenable pretensions of Great Britain.

Our Government has come in for some criticism by the local press on account of the supposed knowledge we had of the occupation at the time and the absurd report that the British took it only in anticipation of an American occupation which had been planned and was about to take place.

I have, etc.,

THOMAS L. THOMPSON.

[Inclosure in No. 393.—Extracts from Rio News.]

DOCUMENT A.—Telegram.

To the Brazilian Legation, London:

Financial News gives account of occupation of island of Trinidad in name of English Government. Inform without delay.

MINISTER OF FOREIGN AFFAIRS.

DOCUMENT B.—Telegram.

Minister of Foreign Affairs, Rio:

Lord Salisbury absent. Learned from foreign office that island of Trinidad has been occupied in name of Government since last January for Argentine submarine cable; no publicity nor official notification. First English occupation 1700, Dr. Heatley. English colony established 1781; afterwards abandoned our people, English immigrants, 1789. Since then regular visit English war vessels, last being Ruby 1889, which left signs of visit without protest any nation. It is asserted there was no vestige of other occupation.

CORREG.

DOCUMENT C.

On the 19th instant I had the honor of learning from Mr. Constantine Phipps, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, in regard to the account published by various journals of the occupation of the island of Trinidad in the Atlantic Ocean between South America and the west coast of Africa by subjects of Her Majesty, that the report did not seem to him to be unfounded. I immediately remarked that since this island belonged to the Republic of the United States of Brazil, the occupation would be illegitimate and inoperative (nao podera prevalecer). I asserted that such control was inadmissible, as I would prove at the
proper time. I informed him that not only had I telegraphed to the Brazilian legation at London for information on the subject, but also that the public mind would be agitated at a time like this in which other facts of an international character are moving and exciting the natural and noble feeling of nationality.

The Pais having on the following day announced the intention of the Federal Government to send to that island a war vessel for the purpose of ascertaining whether the occupation had been really effected, Mr. Shipps had the courtesy to call on me at 9 o'clock p.m. to say that, more fully informed, he was able to state that since last February the island had been occupied in the name of the English Crown as abandoned territory on which there were no signs of its possession by any other nation. I did not conceal my surprise, not to say annoyance, on hearing this, and I renewed the statements which I had made on the previous day, supported by historical antecedents and the evidence of geographers.

All doubt as to the reality of the occupation being thus removed, Mr. Shipps said that it would be well to suspend the order for sending the man-of-war, since he would inform his Government of my remarks and within forty-eight hours would probably receive instructions for his guidance in regard to this incident, so disagreeable to the relations which are fortunately maintained between the two countries, Brazil and England.

I now proceed to perform the duty of stating here, as I promised Mr. Shipps, the reasons which led me to classify as illegitimate the recent occupation of the island of Trinidad. Permit me, however, to say, in the first place, that by telegram received yesterday the Brazilian legation in London informed me that it had learned from the foreign office that the occupation took place in last January in the name of the English Government for the service of the Argentine submarine cable, without publicity or any notification whatever.

The island of Trinidad, as Mr. Shipps is aware, is situated in 20° 31' south latitude and 63° 47' 5' longitude east from Rio de Janeiro, and according to the Practice of Navigation and Nautical Astronomy of H. Rappe (lieutenant, Royal Navy, 7 London, 1862), is 651 geographical miles from the point situated in the same latitude on the coast of the State of Espirito Santo. It was discovered in 1501 by the Portuguese, and it was only on April 15, 1700, that the English captain, Edmund Halley, arrived there, J. Cook touching there on his second voyage, on May 31, 1775.

In 1781 the Government of Great Britain, being then at war with Spain, caused the island to be occupied for the purpose of intercepting the Spanish trade with the colonies of the Plate. This led to serious complaints addressed by Spain to Portugal, which ordered the viceroy of Brazil to send an expedition to cause it to be discontinued. There was then formed, in the year 1782, a Portuguese military establishment, and on the 16th of September of that year the viceroy received orders to open regular communications with the island.

In the voyage of La Perouse in 1785, a Portuguese flag was seen on a mountain, and it was only on February 6, 1795, that the detachment and arms were withdrawn, being conveyed by the frigate Princesa da Beira, which arrived at Rio de Janeiro on October 11 of the same year.

With the independence of Brazil the island of Trinidad ceased to belong to Portugal.

In 1825 the Brazilian corvette Naparua, commanded by Capt. Diogo Jorge de Brito, visited the island in commission of the Brazilian Government. In 1831 the regency in the name of the Emperor caused surveys and investigations to be made with a view to making use of the islands. Moreover, in commission from the Government, the corvette D. Isabel visited it in 1856, the corvette Bahiana in 1871, the corvette Niethroy in the same year and in 1884, and recently the transport Penedo, in April, 1894, under the command of first lieutenant of the navy, Joaquim Sarmanho.

Before sending the transport Penedo on this commission in 1894 the Government of the Republic had taken steps intended to make use of the island for penitentiary service, as appears from dispatches from the department of justice, dated July 11 and October 14, 1891.

Not to mention Pierre Larousse (Dict. Univ. T. XV), Malte-Brun and Elisee Reclus (the latter as late as 1894) enumerate the island of Trinidad among the possessions of Brazil.

I must also state to Mr. Shipps that under the régime of the Empire the Brazilian Government, by Decree No. 3839, of November 29, 1889, granted permission to Citizen Joao Alves Guern to explore mines, extract natural products, and establish salt pits on the island of Trinidad, considering it a dependence of what was then the province of Espirito Santo. All this is conclusive.

Occupation is a legitimate method of acquiring dominion only with relation to things that have no owner, res nullius, and such are those which are not under the dominion of anyone else, either from never having belonged to anyone or from having been abandoned by their former owner.

In conformity with the rule of nemo sumum jacetare prosummitur, abandonment is something which is not to be presumed. It depends on the intention of relinquishing,
or on the cessation of physical power over the thing, and must not be confounded with simple neglect or desertion. A proprietor may leave a thing deserted or neglected and still retain his ownership. The fact of legal possession does not consist in actually holding a thing, but in having it at one's free disposal. The absence of the proprietor, neglect, or desertion does not excuse free disposal, and hence animo restitutor possessio.

Gains (Inst. C. 4, sec. 154) teaches "quoniam possessidemus animo solo quum volumus retinere possessionem."

"Noque vero descri locum aliquem satis est, ut pro derelicto habendus sit, sed manifestis apparent indicius derelinquendi affectio," adds Muhlenbruck. (Doctrina pandect., secs. 241 and 281.

Abandonment can only result from the expressed manifestation of the will, for the animus is the possibility of repeating the first will to acquire possession, and, as Savigny teaches (sec. 32), there is no necessity of having constantly the consciousness of possession. Abandonment requires a new act of the will in a contrary direction to that of the first will, animus, in contrarium actus. "Pro derelicto autem hebetus quod dominus ea mente adjectur ut id rerum suarum est molit," in the language of the Institute.

When the thing whose abandonment is alleged in order to legitimize occupation belongs to the dominion of a nation, still more rigorous becomes the necessity of causing the act to rest on some positive and express manifestation of the will of the owner, showing that he does not desire to continue in possession, for in questions of territorial dominion abandonment is not to be presumed. The presumption is not that the thing is a res nullius, as in the case of the Institute. "Insula quasi in mare nata est (quod raro accidit) occupantis fit: nullius enim esse creditor."

If the island of Trinidad was discovered by the Portuguese, whose military occupation thereof continued until 1785; if the facts are historical (and the memory of nations excludes the idea of their being unknown); if the Government by public and positive acts has always shown its conviction that the island of Trinidad is national territory, then the condition of res nullius, which justifies occupation, does not exist.

Possession is lost corpore only when the ability to dispose of a thing is rendered completely impossible, after the disappearance of the status which permits the owner to dispose of the thing possessed.

If Brazil has not displayed by any express act the intention (vontade) of abandoning the island, which had been adjudicated to the Brazilian continent by the act of this country's acquiring its political independence; if there does not exist, as Mr. Phipps will agree, a status preventing it from disposing or making use of the island when and as it pleases; if Brazil has preserved intact, together with its dominion, its possession of that island, which is not a res pro derelicto, then its occupation in the name of the English Government is not a legitimate means of acquiring dominion.

Presenting these reflections to Mr. Phipps, I believe that he will not decline to lay them before the Government of Her Majesty, the Queen of England, as a protest against the occupation of the island of Trinidad, which forms a part of Brazilian territory, and I am convinced that, after the removal of the mistaken impression that the said island was abandoned and consequently res nullius, that Government will issue orders for its disoccupation, which will be due homage to the principles of justice and will once more emphasize the mutual desire of the two countries, Brazil and England, to maintain unaltered the relations between them.

However little may be the value of the island of Trinidad, the Federal Government considers itself bound to act in this way, for in any case, if there were conscious or intentional wrong national honor would not be less affected.

I renew to Monsieur le Ministre the assurances of my high consideration.

Carlos de Carvalho.

Document D.

Petropolis, July 20, 1805.

Monsieur le Ministre: I did not fail, subsequent to my interview with your excellency on Friday and Saturday last, to communicate to Her Majesty's principal secretary of state for foreign affairs your excellency's observations relative to the assumption by Her Majesty's Government of the island of Trinidad.

I am instructed to inform your excellency that the possession of the island in question was first taken by Great Britain in the year 1700. No evidence was then found of Portuguese possession and no protest was made by Portugal. In the opinion, therefore, of the Marquis of Salisbury there can not be any Brazilian title to the island superior to that of Great Britain.

When Her Majesty's Government resumed possession of that island and of Martin Vaz in January last no trace of foreign occupation was found, and as Trinidad is required as a telegraph cable station, Her Majesty's Government can not consent to waive their rights to it. I have great pleasure in informing Lord Salisbury that your excellency had, in the most friendly manner, shared the view which I did myself the honor of expressing, that it was inexpedient, pending my reference of the question
to Her Majesty's Government, that a Brazilian ship of war should be sent to Trinidad, and I feel convinced that your excellency will not fail to perceive that there can now be no question of sending a ship to assert a right to sovereignty over an island in the possession of Her Majesty's Government.

I avail myself of the opportunity, Monsieur le Ministre, to renew to your excellency the assurances of my very high consideration.

CON. PHIPPS.

DOCUMENT E.

[3d section, No. 23.]

MINISTRY OF FOREIGN AFFAIRS,
Río de Janeiro, July 23, 1825.

At this moment, 25 minutes to 1 o'clock p.m., I have the honor of receiving the note dated the 20th instant, in which Mr. Constantine Phipps, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, communicates to me, by order of his Government, that possession of the island of Trinidad was first taken by Great Britain in the year 1700 without protest from Portugal, and that, consequently, in the opinion of Lord Salisbury, principal secretary of state for foreign affairs, there can not be any Brazilian title to the island superior to that of Great Britain. Mr. Phipps adds that the Government of Her Majesty the Queen of Great Britain, having occupied the island of Trinidad and that of Martin Vaz for the purpose of maintaining there a telegraph station, can not consent to relinquish its right thereto.

Mr. Phipps will permit me to say in the reply to be transmitted to Lord Salisbury, that the best proof of the right of Brazil to the island of Trinidad is the solemn, positive, and practical acknowledgment of that right by the English Admiralty, which, on August 22, 1782, issued peremptory orders to the English officer in charge of the island of Trinidad to evacuate it forthwith and deliver it to the Portuguese Government as a part of the possessions of the Kingdom of Portugal in South America subject to the viceroyalty of Brazil.

Mr. Phipps will thus see that Lord Salisbury, in dating the English title from the year 1700, in which Capt. Edmund Halley touched at the island of Trinidad, discovered by the Portuguese in the beginning of the sixteenth century, labors under a mistake which may be readily corrected by having recourse to documents in the archives of the British Government.

I present to Mr. Phipps's consideration a copy of the instructions given to the captain commanding the ship N. S. dos Prazeres, on December 7, 1782, by the viceroy of Brazil, Luiz de Vasconcelos Souza, for the military establishment on the island of Trinidad which was to follow, as it actually did follow, the withdrawal of the English forces that were intrusively occupying the island. All this the viceroy communicated to his Government on December 20 of the same year.

By these instructions Mr. Phipps will see that Great Britain yielded to justice and reason in disoccupying the island of Trinidad and proclaiming the rights to which Brazil succeeded in virtue of its political independence and in view of the island being under the jurisdiction of the government of Rio de Janeiro.

The title of 1700, alleged by Lord Salisbury, can not resist the evidence of anterior and posterior facts.

I also submit to Mr. Phipps's appreciation the royal letter of February 22, 1724, in which D. John, King of Portugal, gave orders for taking steps to prevent the English company of Guinea from using the island of Trinidad for the slave trade. It was undoubtedly a solemn protest against the act of Captain Halley in 1700.

I appeal, as behooves me, to the sentiments of justice of the Government of the Queen of Great Britain to remove this cause of disturbance in the friendly relations that it maintains with the Republic of the United States of Brazil. I have no doubt that, after the verification of what I state, the Government of Her Britannic Majesty will spontaneously order the evacuation of the island, as it did in 1782.

And, since Mr. Phipps in the concluding part of his note alludes to the suggestion, which he made to me, of suspending the order for sending a war vessel for the purpose of investigating what is occurring there, and declares that, in view of what is set forth in the name of his Government, there is no longer any necessity for sending it to ascertain whether in occupying the island Her Majesty's Government is performing an act of sovereignty, I earnestly protest against that assertion, reserving all and any rights of the Republic of the United States of Brazil; and I beg permission to say to Mr. Phipps, confirming what I verbally declared to him to-day, at 11.30 a.m., that, strong in the consciousness of its right, the Republic of the United States of Brazil will not abandon it, confiding, in the first place (antes de tudo), in the sentiments of the Government of Her Majesty the Queen of England.

I renew, Mr. Minister, the assurances of my high consideration.

CARLOS DE CARVALHO.
Order issued by the Admiralty of Great Britain for disoccupying the island of Trinidad.

By the commissioners who hold the office of the Lord High Admiral of Great Britain, Ireland, etc.

In obedience to the order of the King, which was communicated to us by Lord Grantham, one of the principal secretaries of state of His Majesty, you are ordered by the present Government to evacuate the island of Trinidad and embark with His Majesty's subjects and effects there existing on board the vessel which shall deliver you this order, so that you and they may be conveyed to Lisbon, or to England, as may be most expedient to the court of Portugal.

Given under our signet on the 23d day of August, 1782.

KEPPEL.
Ch. Brett.
I. I. Pratt.

To Capt. Philip d'Anvergne, or to the officer commanding His Majesty's Britannic forces, left on the island of Trinidad by Commodore Johnston.

By order of their lordships:

PH. Stephens.

Three documents in addition to the foregoing accompany the second note of Minister Carlos de Carvalho.

The first of these three documents is a copy of the instructions given by the viceroy of Brazil on December 7, 1782, to the commander of the ship Nossa Senhora dos Prazeres, who is placed in charge of an expedition composed of his own vessel and a frigate, together with three transports, and is ordered to proceed to the island of Trinidad, deliver to the English commander of that island the order of the Admiralty for its evacuation, and take on board the British subjects occupying it, using force if, for unknown reasons, they should fail to obey the order.

The next document is a dispatch from the viceroy of Brazil to the Portuguese Government, dated December 20, 1782, giving an account of the preparations for the expedition and of its departure on the 16th of that month.

The last of the documents offered by the Brazilian minister of foreign affairs as a proof of Portuguese dominion in the island is a royal letter, dated February 22, 1724, and addressed by the Portuguese Government to the captain-general of Rio de Janeiro. This letter alludes to information received by that Government of the landing of English on Trinidad for the purpose of colonizing the island. The vessel which left these colonists proceeded to Ilha Grande for the purpose of trading. This purpose it failed to accomplish because it was twice driven away by Portuguese forces. It then returned to the port of Ajudá and landed its merchandise. The English afterwards loaded with slaves a vessel belonging to the Guinea company, which was supposed to have proceeded to the coast of Brazil.

The Portuguese Government expresses the belief that the object of the English in colonizing Trinidad is to land slaves there, on account of the facility with which the latter may be conveyed from that point to Ilha Grande. It accordingly issues orders for preventing the harm which this trade, in its opinion, would cause to Portugal and Brazil.

Mr. Thompson to Mr. Olney.

[Telegram.]

RIO DE JANEIRO, November 30, 1895.

Through the Brazilian minister at London and the British minister here, the Government is informally advised of a proposal coming from Great Britain to arbitrate Trinidad question. The President has the question under consideration. Minister for foreign affairs' legal opinion against it, but considerations of policy may induce an acceptance.

THOMPSON.
FOREIGN RELATIONS.

Mr. Thompson to Mr. Olney.

[Telegram.]

PETROPOLIS, January 8, 1896.

Brazilian Government has declined to arbitrate Trinidad question.

THOMPSON.

CONFLICT WITH A FRENCH FORCE IN AMAPA.

Mr. Thompson to Mr. Olney.

[No. 368.]

LEGATION OF THE UNITED STATES,

Petropolis, June 6, 1895. (Received August 10.)

SIR: Telegrams from Paris, received here on May 26, report a conflict between the French and natives on the northern frontier. It appears to have been precipitated by the entrance of a French force into the disputed territory of Amapa and resulted in some loss to both sides.

The territory of Amapa, lying between the Oyapok and Amapa rivers, has been the subject of a dispute between Brazil and France for many years. From the publication of official and other information, it appears that the original question of jurisdiction arises from the uncertainty of the Guiana boundary line as fixed in the treaty of Utrecht. French forces occupied it between the years 1836 and 1840 and they were only withdrawn after earnest representations from Brazil; both Governments agreeing that it should remain unoccupied, i.e., remain neutral ground until the boundary lines were settled. The settlement has been delayed from time to time. In 1892 the French Government through its minister here suggested that a mixed commission be named to explore the territory. This was at first declined, but afterwards an appropriation for the purpose was voted by Congress to be used during the fiscal year 1895 and on February 18 of this year the French legation was informed that Brazil was prepared to proceed with the negotiations. The subject is also mentioned in the President's message of this year and the importance of an early settlement remarked.

The area of the territory is 80,000 square kilometers and contains above 18,000 people, principally Indians, negroes, and creoles. They are governed by a chief, who makes laws and collects taxes. His tenure, however, is only by sufferance and is tolerated only until the boundary dispute can be disposed of. The present chief, Veiga Cabral, said to be an adventurer, has organized a small force and is endeavoring to establish a republic called Cunani.

This Government announces that the conflict will in no way affect the good relations existing between the two countries, although the local press intimate that recent discoveries of rich gold fields are the cause for the aggressive movement.

I inclose excerpts from the Diario Oficial and Jornal do Commercio treating of the subject.

I have, etc.,

THOS. L. THOMPSON.
PASSPORTS.
Mr. Adee to Mr. Thompson.

No. 260.]

DEPARTMENT OF STATE,
Washington, August 8, 1895.

SIR: I have received your No. 378,1 of June 30 last, accompanied by ten passport applications covering a period from January 1 to June 30, 1895. They have been examined and found to be correct.

There are, however, six cases to which I will direct attention for the future guidance of your legation and for convenience. I will here enumerate their essential features, as follows:

No. 41, J. A. Carlton, of Alabama, where he was born November 28, 1846. His permanent residence is given at Meridian, Miss., where he follows the occupation of railroading. He left the United States April 12, 1868, and says that he intends to return within a year. He has been absent twenty-seven years, and wants the passport for protection and travel. Has five minor children, all born in Brazil.

No. 42, B. Hammond Green, a native of Louisiana, born September 1, 1857. His permanent residence is Winn Parish, in that State, where he follows the occupation of a farmer. He left the United States January 10, 1867, and expects to return in eighteen months. He has been absent twenty-eight years, and desires the passport for protection and travel. Has five minor children, all born in Brazil.

No. 43, Joseph E. Whitaker, a native of Alabama, where he was born June 1, 1845, but is now a permanent resident of Georgia, where he follows the occupation of farmer. He left the United States January 31, 1867, and expects to return within a year. He has been absent twenty-eight years, and wants the passport for protection and travel.

No. 44, James M. Pyles, a native of Georgia, where he was born November 9, 1856. Is now a resident of Mariana, Fla., and a farmer by occupation. He left the United States January, 1867, married at Santa Barbara, and has three minor children. He intends to return to the United States within one year, and desires a passport for protection and travel. He has been absent about twenty-eight years.

No. 45, John F. Whitehead, a native of Tennessee, where he was born April 6, 1835. His permanent residence is Columbus, Tex., where he follows the occupation of a farmer. His nine minor children were all born in Brazil. He left the United States June 20, 1868, and expects to return in one year. He wants the passport for protection and travel. He has been absent twenty-seven years.

No. 46, Patrick H. Seurlock, a native and resident of Alabama, having been born there February 13, 1853. He left the United States January 23, 1867, and has had eight children born in Brazil. He has been absent twenty-eight years, and expects to return to the United States within one year; wants the passport for protection and travel.

These cases have heretofore been under consideration. The Department's No. 134, of May 31, 1894, approved your action in declining to issue passports to these gentlemen, based upon the fact of their long residence in Brazil, where they have each been upward of thirty years, and of the apparent absence of any intention on their part to return to the United States and perform the duties of citizens thereof. This action was taken without prejudice to their American citizenship in case of their desire to return or of their right to ask the intervention of this Govern-

1 Merely transmits passport applications.
ment should they be drafted into the Brazilian army. Each case, in such a contingency, could only be decided on its special merits.

Subsequently the Hon. John T. Morgan, of Alabama, on June 24, 1894, transmitted to the Department a letter from Mr. Joseph E. Whitaker, whose present application is No. 43, complaining of your action in refusing him a passport. Senator Morgan was given a copy of your No. 233, of May 3, 1894, and of the Department's No. 137, of May 31 of that year, in order to demonstrate that Mr. Whitaker's criticism of your action was undeserved. (See Instruction No. 145, of June 20, 1894.) It also stated that the Department's action, as expressed in its No. 137, contemplated joining the fact of twenty-seven years' residence in a foreign country with the absence of any definite intention to return to the United States, and observed that in case a reasonable intention of the applicant to return was established to your satisfaction, it should not be overborne by the circumstance of such long residence abroad, to which your No. 137 referred.

"While," says Mr. Uhlig, in his No. 145, "these persons may not be able now to fix a date in the near future for their return, obvious preparations on their part to return to their native land may properly be taken into account."

Your No. 377, of June 24, 1895, announced that you had issued passports to the following American citizens, residing with their families at Santa Barbara, viz.: Messrs. B. H. Green, J. E. Whitaker, J. M. Pyles, and P. H. Scourlock. My reply of July 23, 1895 (No. 253), intimates that no opinion could be expressed as to the propriety of your action pending the receipt of the usual quarterly returns of the applications from which the merits of the several cases appear.

It is evident that the Department intended to give these gentlemen the benefit of every consideration, notwithstanding their long residence abroad, to receive a passport in case they were able to declare their intention to return to the United States within a reasonable time. Acting upon that theory and conformably to the spirit of your instructions, you issued them passports.

I find the time specified within which each expects to return to the United States is as follows: Mr. Carlton, within a year; Mr. Green, within eighteen months; Mr. Whitaker, within a year; Mr. Pyles within a year; Mr. Whitehead, within a year, and Mr. Scourlock, within a year.

Under all the circumstances, therefore, it is the Department's reasonable expectation that these gentlemen will be able to fulfill their expressed intentions to return to the United States within the periods named. In case, however, either should apply to you for the renewal of his passport, you will, before issuing it, promptly report the case to the Department, accompanied by such statement of facts in support of his application as the applicant may determine to present for the Department's full understanding of such case.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Thompson to Mr. Olney.

No. 420.]

LEGATION OF THE UNITED STATES,
Petropolis, October 10, 1895. (Received Nov. 5.)

SIR: I have received from the consul at Santos six applications for passports, which I have found it necessary to reject, and on which I
request the revisionary action of the Department. The applications are as follows:

Henry C. Whitaker, born of American parents at Santa Barbara, Brazil, February 3, 1874, where he has since resided. He claims domicile in the United States, with permanent residence in Harris County, Ga. He expects to return to the United States within two years, and desires the passport for purposes of protection.

Imloch N. Whitaker, born of American parents at Santa Barbara, Brazil, October 3, 1867, where he has since resided. He claims domicile in the United States, with permanent residence in Harris County, Ga., and expects to return to the United States within six months, and desires the passport for purposes of traveling and protection.

James Carlton, born of American parents at Santa Barbara, Brazil, January 18, 1871, where he has since resided. He claims domicile in the United States, with permanent residence at Meridian, Miss. He expects to return to the United States within a few years, and desires the passport for the purpose of protection.

John H. Rowe, born in Warren County, Ga., February 22, 1846. He claims domicile in the United States, with permanent residence in Warren County, Ga., where he follows the occupation of farmer. He left the United States May 22, 1867, and is now residing at Santa Barbara, Brazil. He expects to return to the United States within a few years, and desires the passport for purposes of protection.

William F. Pyles, born July 13, 1845, in Abbeville County, S. C. He claims domicile in the United States, with permanent residence in Jackson County, Fla., where he follows the occupation of farmer. He left the United States April 2, 1867, and is now temporarily residing at Santa Barbara, Brazil. He expects to return to the United States within a few years, and desires the passport for purposes of protection.

Charles C. Finley, born at Mariana, Fla., June 10, 1859. He claims domicile in the United States, with permanent residence at Mariana, Fla. He left the United States April 2, 1867, and is now residing at Santa Barbara, Brazil. He expects to return to the United States within a few years, and desires the passport for the purpose of protection.

As I understand the policy of the Department, it is not customary to issue passports to persons born of American parents without the territory of the United States when the laws of the country of their birth and residence declare them to be citizens. Article 69 of the constitution of Brazil declares that natives of Brazil, though of foreign parentage, shall be Brazilian citizens. The applicants James Carlton, Henry C. Whitaker, and Imloch N. Whitaker are by this article Brazilian citizens, and while they remain voluntarily within its territory can not properly claim a passport from this legation. The applicants have, however, been informed that they apparently fall within the provisions of section 1993 of the Revised Statutes, and may avail themselves of its provisions upon their return to the United States.

The applications of John H. Rowe, William F. Pyles, and Charles C. Finley apparently fell within the Department’s instructions No. 260, of August 8, 1895, and in the absence of any definite intention to return to the United States have been denied passports.

I have, etc.,

THOS. L. THOMPSON.
Mr. Olney to Mr. Thompson.

No. 295.]

DEPARTMENT OF STATE,
Washington, November 12, 1895.

SIR: I have received your No. 420, of the 10th ultimo, in regard to six applications for passports transmitted to you by the consul at Santos.

The question you propound belongs to the well-known province of international jurisprudence commonly styled the conflict of laws. The statute of the United States, in regard to citizenships of persons born within its jurisdiction, is substantially the same as that of Brazil, so that the claim of Brazil to the allegiance of James Carlton, Henry C. Whitaker, and Imloch N. Whitaker is capable of being asserted while they voluntarily remain within Brazilian jurisdiction.

As to the remaining applications of John H. Rowe, William F. Pyles, and Charles C. Finley, the Department's previous instructions in regard to a sufficient declaration by the applicants of intention to return to the United States appear to be correctly applied by you. As has been often stated heretofore, such declaration does not require a statement of a fixed date of return, but the manifestation of a fixed intention to return within some reasonable time, which intention shall not be conspicuously negatived by the circumstances of the foreign domicile of the declarant.

The general status of international and American municipal law with regard to children born abroad of parents who at the time were or are citizens of the United States, was very fully considered by Attorney-General Hoar in an opinion submitted to Mr. Secretary Fish on the 12th of June, 1869, which will be found printed in the Opinions of the Attorneys-General, Volume XIII. I enclose copy of that opinion for your more convenient information, merely observing that like all general statements of doctrine, the circumstances of the particular case should be weighed in estimating its applicability.

I am, etc.,

RICHARD OLYN.

ANNIVERSARY OF THE PROCLAMATION OF THE REPUBLIC

Mr. Thompson to Mr. Olney.

No. 440.]

LEGATION OF THE UNITED STATES,
Petropolis, November 19, 1895. (Received Dec. 20.)

SIR: The diplomatic corps having been informed by the minister for foreign affairs that the President would receive them on the 15th of November, the anniversary of the proclamation of the Republic, they attended in a body. As senior member of the corps and on its behalf, I addressed the inclosed congratulatory remarks, to which the President replied, a copy of which is also transmitted herewith.

I have, etc.,

THOS. L. THOMPSON.

[Inclosure 1 in No. 440.]

Remarks by Mr. Thompson.

On behalf of my colleagues of the diplomatic corps, whom it is my highly esteemed privilege to present to your excellency on this pleasant occasion, and on my own behalf, I have the honor to congratulate
you, Mr. President, on the recurrence of this, the sixth anniversary of the proclamation of the Republic, and the auspicious opening of the second year of your excellency's administration of the Government of the United States of Brazil.

This, Mr. President, is a richly endowed country; prolific in natural resources, as it is great within the confines of its territorial boundaries, and we regard with interest and pleasure the development of its great agricultural, mineral, and other productions.

My colleagues and myself rejoice that within the year the blessed mantle of peace has spread over this beautiful land, and unite in the hope that your excellency may live long to enjoy the fruits of that wisdom which has contributed to the life, sustenance, and growth of the Republic, and distinguished your excellency in the affairs of the Government.

Remarks by President Moraes.

The congratulatory words which you have directed to me in the name of the illustrious diplomatic corps, in connection with which you enjoy the signal privilege of its dean, and in your own name, Mr. Minister, imposes upon me the double duty of thanking you.

The sixth anniversary of the Republic, and the commencement of the second year of my government, are motives for the expression of sympathy for it and of good wishes for its President.

In truth its riches are great, its territory is vast; the advancement, however, of all these, the cooperation which should contribute to the attainment of the necessities of civilization, depend upon the original condition of peace, which ought to be founded upon the sentiment of right within the country and in international relations without.

It should depend neither upon the curtailment of liberty, nor upon losing sight of the position held by Brazil in the society of civilized nations.

Happily—and pleasant to me are the references which you deem worthy to make, Mr. Minister—I have had the foresight not to forget this duty; but at this moment permit me to say to you that the hopes you entertain will not be disappointed, and that this result will not be obtained by the actual President of the Republic—mere accident in the life of a people—but by the energy of this nation, who will live progressing, through the consciousness of their responsibility, and to you, thus manifesting my thanks, I make sincere and cordial wishes for the prosperity of the nations which you, Mr. Minister, and your worthy colleagues with so much honor and brilliancy represent on this occasion of joy for my country, the United States of Brazil.

PRESIDENT'S MESSAGE RELATIVE TO VENEZUELAN BOUNDARY DISPUTE.

Mr. Mendonça to Mr. Olney.

LEGATION OF THE UNITED STATES OF BRAZIL,

Washington, December 20, 1895.

Sir: I have the honor to communicate to your excellency, under instructions of my Government, that yesterday both houses of Congress
of the United States of Brazil passed unanimously a motion of congratulation on the subject of the message of President Cleveland of the 17th instant, and that the Federal Senate of Brazil asks that its motion be transmitted through the usual diplomatic channel to the Senate of the United States of America.

I therefore request your excellency to convey to the Senate of the United States of America the following motion of the United States of Brazil:

The Federal Senate of the United States of Brazil sends its greetings to the Senate of the United States of America upon the worthy message of President Cleveland, who so strenuously guards the dignity, the sovereignty, and the freedom of the American nations.

Accept, etc.,

SALVADOR DE MENDONÇA.