

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

The United States,--

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 7, 1874.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF
PERSONS AND SUBJECTS.



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fact that the government of Peru has just enacted a new code of regulations for the protection of Chinese emigrants, making it impossible that they should be subjected to any abuses, which my government has always condemned and endeavored to punish; and at the same time assuring them all the rights which the constitution and liberal laws of the country guarantee to all foreigners in their persons and property.

For these good offices allow me to give your excellency my government's and my own anticipated thanks, which it is my earnest hope to be able soon to express personally to your excellency.

Begging you to please send your answer to the American consulate at Shanghai, with instructions that it be kept for me there, I have the honor to assure your excellency of my highest regard and most distinguished consideration.

AURELIO GO Y GARCIA.

[Inclosure 2 in No. 276.]

Mr. Low to Señor Garcia.

LEGATION OF THE UNITED STATES,
Peking, July 5, 1873.

SIR: I have had the honor to receive your excellency's communication of the 15th ultimo, informing me of your appointment as minister plenipotentiary from Peru to Japan and China, and stating that it is your intention to shortly visit Peking for the purpose of negotiating a treaty of amity and commerce with China.

Some months since the honorable Secretary of State of the United States notified me that the government of Peru was about sending a mission to China, and authorized me to use my good offices toward enabling it to accomplish the object for which it would be sent.

I have now the honor to inform you that, in compliance with your request, I have addressed a note to Prince Kung, notifying him that a Peruvian mission would shortly reach China, and stating in general terms the objects which your government desires to accomplish.

If you find that my good offices will be of service to you in any way, I beg that you will command me.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 3 in No. 276.]

Mr. Low to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, July 5, 1873.

SIR: Some months since my Government informed me that the government of Peru was about to send a mission to Japan and China, with a view of concluding treaties of amity and commerce with those countries. I was at the same time instructed to render the Peruvian envoy such assistance as I could consistently with my other duties.

I have just received a letter from the Peruvian envoy, stating that he is about leaving Japan for China, and requesting me to inform your Imperial Highness of the fact. He further requests me to say that it is his wish to conclude a treaty between his country and this empire similar to those already existing between China and the chief western powers.

In communicating this to your Imperial Highness, I take the opportunity to express the hope that the mission will be received in the same spirit which animated Peru in sending it, and that nothing will occur to prevent the conclusion of a treaty which will be advantageous to both countries.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 4 in No. 276.]

Mr. Low to Señor Garcia.

LEGATION OF THE UNITED STATES,
Peking, July 17, 1873.

SIR: Referring to my dispatch to your excellency of the 5th instant, inclosing a copy of my letter to Prince Kung, which I trust you have already received, I have now the

honor to send you a reply received from his Imperial Highness. In this dispatch you will see that the Chinese government declines to enter at present into any negotiations with you as the representative of Peru, and base their reluctance wholly on what they have heard as to the treatment experienced by their countrymen in Peru. Though the high officers in Peking have probably no knowledge by personal inquiry among Chinese who have returned home, of the truth or otherwise of the rumors which are current in the southern provinces in respect to the condition of those laborers who have been taken to Peru during the past twenty-five years, still the documents referred to in Prince Kung's dispatch, purporting to have been written from Lima, which were sent to him from this legation in 1869 and 1871, have furnished the statements, and done much to form the opinion upon which he now bases his reasons for declining to negotiate.

These representations have been strengthened by the fact that so few laborers have ever returned from Peru in comparison to the number who have gone there, and so little can be ascertained as to the actual condition of those still remaining.

Under these circumstances it would be an act of humanity befitting the dignity of a Christian nation to furnish the Chinese authorities with the most explicit and reliable information, so as to disabuse them of any erroneous impressions they may now have upon this matter. Their own opportunities for learning the truth are not many, and a full knowledge of the matter might initiate a free emigration to Peru, like that to Siam and the United States, or Australia, which would supply her with cultivators and artisans to a great extent.

The decided and rather curt tone of the prince's reply will perhaps excite surprise, and is most reasonably accounted for by the present discussion upon the coolie emigration to Cuba with the Spanish chargé d'affaires.

I have, &c.,

FREDERICK F. LOW.

[Inclosure in 4 in No. 276—Translation.]

Prince Kung to Mr. Low.

TUNGCHI, 12th year, 6th moon, 12th day, (July 6, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith replies:

I had the honor of receiving your excellency's communication of yesterday, in which you inform me that you had been honored with a dispatch from your Government, stating that a Peruvian envoy was already on his way to negotiate treaties of commerce with Japan and China, and directing you to assist him as far as lay in your power whenever he reached Peking, adding that you had just received a letter from the envoy himself intimating his speedy departure from Japan, and requesting you so to inform the Chinese government, &c.

I may here observe that, during the ten and more years which have passed since China has made treaties with other countries, that mutual good-will has been shown by all parties; and now that Peru proposes to enter into treaty relations also, and has applied for the good offices of your excellency to aid her, it is reasonable to admit her proposal without demur.

But the manner in which that country has acted toward China is so different from the conduct of other nations, that she cannot be regarded in the same light, and I am obliged to enter into some details to explain it to your excellency.

The only traffic which Peru has heretofore carried on is getting coolies and carrying them away, so that there are now several myriads of Chinese in that land. These people are treated with such injustice and cruelty, and suffer such extreme misery, that it cannot be adequately made known.

In June, 1869, Mr. Ross Browne, the United States minister, informed me that the Chinese laborers in Peru numbered more than thirty thousand, and that they had presented a remonstrance against the harsh treatment of their Peruvian masters to the resident American minister then at Lima, in which they complained of the unbearable nature of their wrongs, and he (Mr. Browne) expressed his willingness to aid in whatever way he could to relieve them.

Again, in July, 1871, Mr. Williams made a communication upon this subject, and proposed that stringent orders should be sent to the provincial authorities in Kwangtung to issue a proclamation restraining the people from accepting contracts for labor in Peru. This government has also heard from other sources of the harsh treatment of Chinese laborers by the Peruvians, who never stop their oppression till death ends it, and whose plan is just to sell human flesh for money. The evidence of their barbarous dealings with the coolies is plain and explicit, and this government has no desire to make a treaty with that country.

But seeing that your excellency has been asked to act in this matter between us,

this government considers that it will not be meet to repel the Peruvians too harshly or finally, but they ought to be plainly informed that until they return all the coolies to their own country and agree not to hire any more, no treaty can be made with them. If they decline this, it will be impossible to enter into any arrangement with them.

I have ever found that your excellency clearly understands the relations of things, and I am therefore confident that in this decision I have not overpassed the rules of propriety, and you will also agree with me.

No. 133.

Mr. Williams to Mr. Fish.

No. 2.]

LEGATION OF THE UNITED STATES,
Peking, August 26, 1873. (Received October 23.)

SIR: Referring to your dispatch No. 132, addressed to Mr. Low, and inclosing an address in English from the Chinese living at Quito, purporting to be written by one John Williams, to Mr. Wing, asking for the protection of the United States against those who ill-treat them, and giving directions to bring their complaint before the proper authorities, with a view to some remedial action, I now beg to reply that it would be very difficult to do so from these papers with any prospect of good to the Chinese in Ecuador. The original Chinese text should have been sent from Quito, as was done in the case of the petition from Peru, in 1869, and then its presentation to the high authorities here, with such explanations as were necessary to its full understanding, would have left them free to act. As it is, I have no evidence to bring that the Chinese there need relief, nor have the officials any clear notion of what they ought or are expected to do in the premises. While they have a general idea that their countrymen are much misused in all South American countries, and that it is incumbent on them to do something for their protection, they still feel their impotence to do aught effectual, and at present are content to do nothing; nor do I see what direct steps they could take with any prospect of relieving the wrongs complained of by their subjects living abroad in that part of the world.

However, the appeal of these poor Chinese for help can be made in a measure beneficial if their petition be sent here in its original form, or one be drawn up designed for presentation to their own rulers, which will state in detail the causes of complaint. I should look for some good then to result, and the authorities be led to see better their own responsibilities, which in all such cases they have always been very willing to shift on others.

With these explanations, I shall await your further directions in this affair.

I have, &c.,

S. WELLS WILLIAMS.

No. 134.

Mr. Williams to Mr. Fish.

No. 9.]

LEGATION OF THE UNITED STATES,
Peking, November 6, 1873. (Received January 23, 1874.)

SIR: Referring to Mr. Low's dispatches of June 24 and 26, 1872, (Nos. 166 and 167,) in relation to the subject of coolie emigration, and more particularly to his recent one of June 3, 1873, (No. 261,) about the dis-

cussion between the Spanish chargé d'affaires and the Chinese government, growing out of their prohibiting the emigration of Chinese laborers to Spanish colonies, I have now the honor to transmit for your information several papers explaining its course and results.

The controversy has been dragging along rather slowly since the date of Mr. Low's dispatch, but has now come to a pause by the suspension of diplomatic relations between M. Otin and the Yamen.

In Mr. Low's dispatch he states that "it was finally agreed that their differences should be submitted to the ministers of Russia, Germany, England, France, and the United States, jointly, and that the decision of a majority shall be final and conclusive." This conference was held at the Russian legation on the 1st of August, continuing four hours, and M. Otin was heard at length upon his complaint.

Previous to this date he had also fully made known his views in conversation and letters, and I inclose a copy of a letter addressed to this legation, from which you can learn the manner of his argument. (Inclosure 1.) The reference in the second paragraph to an order from a planter in Cuba, received by his agent in China, requiring him to procure three thousand laborers to work his plantation there, is the index to the spirit of the document. In it he refers to the "officious reports of some consuls in Amoy," making his own explanations, and entirely ignoring the treatment of tens of thousands of coolies taken from China to Cuba before 1869, and disputing the right of the Chinese government to complain of that ill-usage, and suspend the fulfillment of the treaty until it can be investigated.

The article on which the claim is founded reads as follows :

ARTICLE 10. The imperial authorities will permit those Chinese subjects who may desire to go abroad as laborers in Spanish possessions to enter into contracts with Spanish subjects, and to embark alone or with their families at the open ports of China. The local authorities acting with the representative of Her Catholic Majesty in each port shall make the necessary rules for the protection of the said laborers. It is forbidden to take deserters and people who have been taken against their will. In such cases the local authorities can claim from the consul the restitution of the individual.

In carrying out this article the native authorities require conformity to the code of emigration rules issued in 1866.

In view of the approaching conference and arbitration the Yamen addressed two circular notes to the foreign ministers, containing the two points on which they desired categorical replies, in order to know somewhat the ground they stood on. In my reply I urged the appointment of the proposed commission of inquiry into the past and present condition of the Chinese in Cuba, as the only satisfactory means of arriving at the facts. (Inclosures 2, 3, 4.)

The conference was held at a juncture which quite prevented me from attending it, without such risk to my health by exposure to the sun as I was unwilling to run. I had met all my colleagues, too, at the Russian minister's office two days before, and our views generally coincided ; M. de Geofroy, the French minister, was also unable to be present himself. It was a step in advance on the part of the Chinese officials, and an homage to the power of public opinion. Prince Kung was not there. No protocol was drawn up at the meeting, but I have obtained from the German chargé d'affaires his summary of the points agreed upon, of which he has kindly furnished me a translation :

1st. The Chinese government to send one or more delegates to the island of Cuba, in order to investigate the condition of the Chinese subjects settled in that place.

2d. The Spanish government to be at liberty to take part in this investigation, by appointing agents of its own.

3d. With a view to an impartial inquiry and investigation of the real facts, the rep-

representatives of Russia, Great Britain, France, and Germany, who have taken part in this conference, will lay before their respective governments the request of the Chinese government, that the representatives of the said four powers residing at Havana may be instructed to advise and assist the Chinese delegates if necessary. The Chinese government can apply to the representative of the United States with a similar request.

4th. Both parties to be at liberty to apply again to the representatives of the leading powers at Peking for further decision regarding this matter.

The Spanish chargé agreed to these stipulations, and it would have saved much useless discussion if all present had signed a paper containing their views of the agreement. However, the Chinese officials were committed to so far taking a direct interest in the well-being of their countrymen abroad as to appoint a commission; and in a few weeks the Emperor's rescript was received agreeing to the proposal, and the names of the persons composing the delegation were notified to all the legations. (Inclosures 5, 6, 7.)

The chief Chinese commissioner, Chān Lan-pin, is now in the United States, connected with the education of the students taken there by Yung Wing last year; I know nothing of his antecedents, but I infer that his being from Kwangtung Province, and knowing the dialect spoken by a large portion of the coolies, has had something to do with his selection. Mr. A. Macpherson is an Englishman, and Mr. Alfred Huber a Frenchman, both connected with the customs service, and conversant with the Mandarin dialect and the written Chinese language. They are accompanied by persons familiar with the dialects spoken at Canton, Swatow, and Amoy, whence all the coolies in Cuba were taken.

I sincerely hope that you will be able to assist this commission in carrying out its objects, either by furnishing its members with such information or suggestions as will help them, and documents bearing on the subject, congressional or otherwise; or by directing the American consul-general at Havana, and the consuls at other ports in Cuba, to assist them officially on the spot in pursuing their investigations. The idea here is, that while the Chinese commissioner acts wholly on his own instructions, and is not to be hampered or controlled by the Spanish authorities, their delegate and the five leading consuls at Havana are to act as assessors, to see that the inquiry is conducted impartially and with due regard to the rights of all parties, and the attainment of the truth. I have supplied Mr. Macpherson with the copy of the decree of O'Donnell in 1860, and the more recent law of Valmaseda, ordering the re-engagement of coolies, which formed the inclosure in your last dispatch, No. 149.

* * * * *

On the 9th of October, the day after Chān's promotion was notified he presented the draught of a protocol in five articles to the Yamen; and when it was declined as unnecessary and novel, he threw up his office as chargé d'affaires, transferring the interests of Spain to the German legation. The correspondence between the parties was transmitted to all the legations on the 24th, and I append a translation of the Prince's dispatch with its inclosure, (inclosure 8;) its moderate tone seems to show that he is sure of his position in the step he has taken of appointing the commission.

The five points stated in M. Otin's protocol were much beyond the sense taken at the conference, and the first one, if adopted, by making the whole board into a mixed commission, would have paralyzed the action of the Chinese commissioner. Yet M. Otin had the right to demand that the Chinese should definitely admit the privilege of the Spanish government to appoint an assessor, if not a colleague, with their deputy; and their unwillingness to enter into an arrangement on this

point seems to me to have been partly owing to their fear of, at the same time, binding themselves to pay an indemnity.

In this position of affairs the draught of another protocol in two articles was presented to the Yamun, on behalf of M. Otin, by the British chargé and myself, in a personal interview, and every needed explanation of its bearing given to the Chinese officials. The two articles were as follows :

1st. The Chinese commissioner to be assisted by a Spanish delegate, and the consuls of France, Germany, Great Britain, Russia, and the United States acting as assessors. No evidence to be taken unless at least three of the assessors are present, who are to have the power of cross-examining the witnesses.

2d. If the Chinese case be not proven, the question of indemnity to be referred by the Yamun and the Spanish representative in China to the ministers of France, Germany, Great Britain, Russia, and the United States resident in Peking; and the amount to be paid, (if any,) and to whom, to be settled by them.

A few days after the interview I received a note from the officials respecting it, and politely declining to adopt our proposal in adjustment of the disagreement between them and the Spaniards. In this note, after repeating the same assurance which they had given to M. Otin, that they harbored no suspicion of his motives, they added that there was nothing said in respect to a Spanish delegate at the conference, and concluded as follows :

Being apprehensive that our Commissioner Chān would be unable to carry out his inquiry thoroughly, and would on his arrival in Cuba be unacquainted with its people and usages, we therefore asked the five ministers here to give such directions to their nations' consuls residing there in respect to assisting our commission on its arrival as would further the satisfactory end of their visit. The appointment of an associate by the Spanish government to conduct the inquiry with the Chinese commissioner was not agreed upon at the conference, and it would be difficult now to add more at present, as you desire. The whole arrangement is as it is given in our reply to M. Otin, and was talked about with Mr. Wade at a personal interview with him, and it seems to be unnecessary to discuss it further.

To this a reply was sent, in which I maintained the understanding received at the conference, and that Prince Kung had admitted by implication that the Spanish government could appoint an assessor; for in his dispatch of the 8th ultimo, (inclosure 7,) he had affirmed as one reason for promoting Chān, that he would then rank with the Spanish officers living in Cuba. "In all western lands," I said in conclusion, "it is the usage, when one state sends a special deputy to another, for that state to designate an officer to meet and assist him in harmoniously carrying out the object of his mission. In the present instance such a course is necessary, in order that Chān and his associates may not, on their arrival, entirely fail in the end for which they were sent to Cuba."

This was on the 30th instant; and at present all direct relations are suspended between the Spanish legation and the Chinese government. The two foreign associates have reached Peking to receive their instructions from the Yamun; and though there is no doubt about the real desire of the imperial advisers to make the inquiry to which their attention has been directed, and that it will be attempted, I should be greatly disappointed if the efficient and harmonious action of their commission and the five foreign consuls in Cuba should be neutralized by their quibbling over this point. They say that if the Cuban authorities prevent their commissioners from landing and carrying on the inquiry by direct inquiry among the coolies, that no better evidence of the truth of the charges of ill-treatment could be asked for, and the propriety of prohibiting further emigration to Spanish possessions is thereby fully justified. One would desire to obtain the fullest investigation of the actual condition of these laborers, and if it confirms the charges brought

of inhuman treatment, so much the better if it is a step toward the abolition of the present system of contract labor in this empire.

The severe measures adopted by the authorities at Canton to prevent coolies of all kinds going to Macao, in order to stop as much as possible the delivery of those who may have been engaged by contract to go abroad, and the summary execution of all crimps and kidnappers who have been caught, have, I hear, made the business so dangerous and losing that most of the barracoons are empty. But the want of energy and perseverance in native officials constantly incites to new attempts on the part of those unscrupulous agents who are ready to fill ships going to Lima or Havana with their countrymen, even at the risk of their own lives.

A traffic like that which has disgraced Macao during so many years cannot be stopped all at once in a country like this; but when it has been made a losing business as well as a dangerous and disreputable one, neither can it be immediately revived.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 2.—Translation.]

Mr. Otin to Mr. Low.

SPANISH LEGATION, Peking, May 27, 1873.

SIR: The difficulties that have been raised to the Spanish legation by the imperial government in the emigration question having to be definitively settled by a collective arbitration of the foreign representatives accredited in Peking, I consider it my duty to submit to your consideration a short statement of the facts in order to enable you to form an impartial opinion upon the question which you are called to decide.

Towards the middle of the month of January last, I received a communication from the Spanish consul at Canton, in which he informed me that a Spanish emigration agent had asked, through the consulate, the authorization of the viceroy of the two Kwangs for the opening of an emigration office in Canton, in order to engage, according to the regulations of 1866, three thousand workmen which his employer required for the cultivation of his plantations; whereupon the viceroy had refused to grant the required authorization, founding his refusal on orders received from the Tsung-li Yamun by him.

As soon as these facts had arrived to my knowledge, I repaired to the Yamun, where the Ministers Mao-Chang Hri, Chunghow, and Chéng-Tin repeatedly assured me that no such order had ever been transmitted to the viceroy of the two Kwangs; but two days later, to my great astonishment, I received a communication in the shape of an official letter, in which the Yamun confirmed the prohibition to engage emigrants for the island of Cuba.

The foundations on which this decision was based were, the slanderous talk of a foreign newspaper that falsely interpreted a decision of the local government in Cuba, and represented the Chinese there as being submitted to a forced re-engagement, and the officious reports of some consuls residing in Amoy, most of them merchant consuls, who guaranteed the truth of the facts advanced in the said papers. These reports of (extra) non-official origin, and of which no one had even thought to prove the accuracy, justified, in the eyes of the imperial government, the adoption of an extreme measure, the abrogation of an international compact!

Out of the animated and often violent correspondence that took place on this subject between the Tsung-li Yamun and the Spanish legation, the only result on the part of the first was the following argument:

"The cruelty and tyranny of the Spanish government to the Chinese subjects having been duly proved by the reports of a newspaper and of the consuls at Amoy, we forbid the emigration to a country where our subjects have to suffer such ill treatment."

This solitary argument, adorned with all the charm of Chinese diction, and reproduced under a thousand different forms, has been the only defense opposed by the Yamun to the legitimacy of my right and to the arguments by which I enforced it.

Newspaper abuse is too common and vulgar to be taken serious notice of; as to the semi-official reports of the consuls, these functionaries being 6,000 leagues away from the scene of the events, they had no other means of knowing anything of them but from the adulterated relations in the said papers, and are, of course, not able to guar-

antee their veracity. Besides, according to international law the interference of foreign and non-authorized agents is inadmissible.

The facts of the case are as follows: The accumulation in Havana of Chinese who do not possess any known means of sustenance, constitutes a permanent danger for the Spanish province of Cuba, which, besides, is at present unfortunately agitated by a rebellion now coming to an end. In view of the circumstances, the local government, exercising an indisputable right, has decided to separate the vagabonds from the industrious mass, and to give the first the alternative either of leaving the country or of re-engaging themselves; the mechanics, merchants, and all honest men have not been molested. Where, then, is the *tyranny*; where the *cruelties*?

Another fact that has been put forward by the Tsung-li Yamun in the last conference is that the workmen engaged in Cuba according to the regulation of 1866 did not receive, after the expiration of the contract, the sum stipulated for their return home, and that these wretched people were without means of returning to their country. The Tsung-li Yamun went even so far as to assure me that the information received on this subject was not to be doubted. It is sufficient to state that the first emigrants were engaged in the Chinese ports under the new regulation only, in 1869, and that the term of the contract is five years. To understand that, it is impossible that a stipulation in the contract can have been broken, which stipulation could only have effect after the expiration of the engagement, and the workmen of 1869 have not yet terminated it.

Since the emigration is going on in the Chinese ports under the new regulation, no case of abuse or violence has been signaled, no complaint has been presented on the subject, with the exception of the one that the Spanish legation brought forward last year against the Chinese delegates in Canton, who, in the absence of the Spanish consul, and notwithstanding the remonstrances of an agent of the legation, had allowed the departure of a young man who had not the authorization required for minors, mentioned in article 11 of the regulation. Well! The Tsung-li Yamun has not only left this abuse on the part of the delegates unpunished, but, turning a good deed into a crime, declares that this case constitutes an abuse, and that abuse being found in the emigration, the emigration must be forbidden. Most logical reasoning! Spanish subjects must atone for the faults of Chinese mandarins!

But let us suppose for one moment that all this is exact; that the Chinese government had, instead of bad pretexts, only good reasons to enforce its measures. When a government which is bound to another by an international compact has any remonstrances to make, or wishes to begin negotiations, it must do it by means of diplomatic agents; and it has no right to arrest the effects of the treaty, for it is under the protection of the treaty, and trusting in the good faith of the power that signed it, that foreign merchants have risked their capital in a hazardous speculation. If one of the two parties could voluntarily break off its engagements, what need would there be of treaties?

In the present case, the Tsung-li Yamun has not only violated article 10 of the Spanish treaty, but also the clause concerning the most favored nation—refusing, as it does to Spain, a right that it accords to other foreign powers; and the result of this violent measure, which has been adopted secretly, is the ruin of the agents in Cuba, who, under the guarantee of the treaty, had begun preliminary operations of chartering vessels, distributing sums to Chinese recruiting-agents, &c.

It is true that the Tsung-li Yamun considers the regulation about emigration to be as important as international treaties, and demonstrates that the Spanish government having (according to the Yamun) infringed the regulation, the Yamun forgets, or rather wishes to forget, that above all laws is the faith sworn in international treaties; that local laws can be abrogated or modified; while a treaty is unchangeable and permanent in its legal duration; that it is a gordian knot that can be severed only by the joint will of the two sides, or by the bayonets of the strongest.

Still, as a proof of sincerity and of the little fear we have of the examination of the condition of Chinese in Cuba, I have offered to the imperial government, on my own responsibility, a right which the treaty gives it not, that of appointing a consul in Havana, who could watch over the interest of his nationals. The Tsung-li Yamun has obstinately refused this, saying that at present it has no idea of appointing consuls in foreign countries, but when it would take place, Cuba should not be excepted, and that then the emigration could again be re-instated. Need we have a more flagrant proof of bad faith? I offer them the means of investigating the facts and of protecting their nationals, and they reject them; but if they refuse to lead the life of civilized nations, Spain cannot change the code of international law in order to serve their whims by admitting the intrusion of foreign elements into her affairs. But it is not the welfare of its expatriated subjects that the imperial government is so anxious about; this is only a pretext, and at the bottom of the question there is something very important—it is the long-prepared plan of the imperial government to break off one by one all the links by which it is bound to the civilized world; and it begins with the nations of which it is the least afraid, because

it has not yet been punished by them. To-day, it is the emigration question; to-morrow, it will be the missionaries; later, the opium.

If we resume these observations, we find that the Tsung-li Yamun, taxing itself on reports deprived of all foundation, and the origin of which is irregular, has violated the treaty existing between Spain and China; that, notwithstanding my frank and loyal explanations, it has insisted in its decision; and, further, that when, moved by a spirit of conciliation, I offered it the concession of a right which would bring truth to the light and prevent similar complications for the future, Tsung-li Yamun has rejected my offer, without even informing me of the reason of such a refusal.

This, sir, is the truthful statement of the facts. I have not time to develop it more fully; but I hope that it will prove sufficient to give you a fairly correct idea of the question that is to be submitted to your judgment, and which could, in my opinion, be set down in the following concrete formula:

Is the conduct of the imperial government in the present affair in compliance with the principles of international right?

I am, sir, &c.,

F. OTIN.

His Excellency F. F. Low,
Minister Plenipotentiary for the United States.

[Inclosure 2 in No. 9.—Translation.]

Foreign Office to Mr. Low.

[Circular-note.]

PEKING, July 6, 1873.

The Ministers of the Foreign Office to his Excellency Mr. Low:

On hearing, some time ago, of the cruelties inflicted on the Chinese emigrants at Havana, and in the island of Cuba, we addressed a letter to M. Pereyre, the Spanish minister, informing him that emigration to those places could no longer be permitted. This decision was concurred in by all the treaty-consuls, and by them made known to the public.

The subject has now been again mooted by M. Otin, the Spanish chargé d'affaires, and as a difference of opinion has arisen between him and the foreign office with regard thereto, it has been suggested that the question be referred to the arbitration of the foreign ministers.

On the 15th of June, M. Otin wrote to the Minister Wünsiang, stating that the two points on which it was desirable that each side should fully state their views to the arbitrators, were these:

1st. Has Spain the right, under treaty, to insist on a free emigration to Cuba?

2d. Has China the right, under treaty, to stop emigration to Cuba on the score of cruelties inflicted there on the emigrants?

To this Wünsiang replied:

"Emigration is no doubt permitted under Article X of the Spanish treaty; but in that very article there is a distinct proviso that emigration is to be conducted under rules adapted to the requirements of each particular port, which are to be drawn up with the view of affording the fullest protection to the Chinese emigrants. And if cruelty does exist, the proviso about fullest protection is certainly violated. The present intention of the foreign office, to prohibit emigration to places notorious for the cruelties inflicted on the coolies, is not to be taken to mean that emigration to countries where Chinese coolies are not thus cruelly used will no longer be permitted."

With reference to the foregoing, the foreign office would observe that the convention, in twenty-two articles, concluded with England and France in 1866, had for its object the protection under treaty of the Chinese emigrants. It was certainly never meant to authorize the continuance of emigration under conditions which were inflicting injuries on the emigrants.

As the reply sent by Minister Wünsiang to M. Otin sets forth clearly when emigration is to be allowed, and when it is to be stopped, it only remains for the foreign office to request the foreign ministers to inform them—

1st. Whether it is true or not that cruelties are inflicted on Chinese coolies in Cuba?

2d. Whether, supposing it be true that Chinese coolies are cruelly used in Cuba, the foreign office ought quietly to submit to their emigrating there?

To these two questions the foreign office will feel obliged if the foreign ministers, after an impartial deliberation, will return a plain answer. If they prefer to confer personally with it on the above points, they are requested to name a time and place of meeting.

Compliments, &c., with cards of the eight ministers.

[Inclosure 3 in No. 9—Translation.]

Foreign Office to Mr. Williams.

[Circular note.]

FOREIGN OFFICE, PEKING, July 27, 1872.

The Ministers of the Foreign Office to Mr. Williams :

Having formerly heard reports that the laborers engaged by Spaniards to go to Cuba and elsewhere had been cruelly treated there, we decided to lay the whole subject before the foreign ministers for their candid opinion; and to this end furnished them with the points discussed by M. Otin, the Spanish chargé d'affaires, and Minister Wänsiang, and the reply given by the latter, requesting from each of them an answer informing us whether the Chinese laborers in Cuba were or were not cruelly treated, so that thus ground could be obtained for settling the matter.

M. Otin having again personally urged the speedy settlement of these points, it is unnecessary here to repeat the contents of the letters which passed between him and Minister Wänsiang; and the special purpose of this note is, therefore, simply to request that you would inform us whether the Chinese laborers who have been taken to Cuba are, so far as you can ascertain, cruelly treated or not.

An early answer will be anxiously looked for.

Compliments, &c., with cards of seven ministers.

[Inclosure 4 in No. 9.]

Mr. Williams to the Foreign Office.

LEGATION OF THE UNITED STATES,

Peking, August 1, 1873.

On the 6th ultimo Mr. Low received the note of the foreign office relating to the cruel usage which the Chinese laborers in Cuba are reported to receive from the Spaniards, and inquiring whether, if such was the fact, the Chinese government should patiently permit their subjects still to be carried away there.

Since Mr. Low left Peking I have received a second note, dated the 27th ultimo, in which the foreign office again inquires as to the truth of the reports of the bad treatment of the Chinese laborers now in Cuba, and asks for an early reply to both their notes. I have also seen the note received from the foreign office two days since, in which the ministers propose to meet all the foreign ministers at the Russian legation, and ask General Vlängaly to confer with them, (if the hour of 2 o'clock this afternoon will be convenient,) there to have a personal consultation upon the two points brought forward in connection with Spanish contracts for laborers. Owing to the heat of the season, however, I regret that I shall not be able to be present at the interview.

With regard to the inquiry as to the bad treatment of the Chinese laborers now in Cuba, it seems to me that it is necessary for a man to be on the spot, and personally learn for himself the truth by seeing and hearing what is done. I am only able to say that since the year 1849, when the business began at Canton of contracting for coolies to go to Cuba, up to this day, I have continually heard of the unjust and cruel treatment which they have there received, and that very few of those who fulfilled their term of service had ever come back to their homes. But as I have never visited those places, I cannot myself vouch for the truth of these charges. If the Chinese government wish to learn their real condition, the best way will be to send a special commissioner to Cuba, who shall carefully examine and ascertain for himself the mode of treating the laborers, which it will not be hard to do.

As to the question whether, if the Chinese emigrants are harshly treated in Cuba, the Chinese government will be justified in forbidding further engagement of its subjects to go there as laborers, I consider that it has that right, and can forbid it.

With compliments, &c.,

S. WELLS WILLIAMS.

[Inclosure 5 in No. 9—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 8th moon, 3d day. (September 24, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication respecting the questions at issue with the Spanish government about Chinese coolies in Cuba.

The foreign office has now appointed Chāu Lan-pin, a titular prefect, who had charge of the pupils sent abroad, (to the United States,) to be a special commissioner to go to Cuba to inquire into and manage the matter, and has associated with him A. Macpherson, now commissioner of customs at Hankow, and A. Huber, now commissioner of customs at Tien-Tsin, who are to join him and proceed to Havana at once.

These appointments were reported to the throne on the 21st, and His Majesty's rescript has been received approving of them.

In making these appointments known to your excellency, it seems to me also proper to say, that as these commissioners on reaching Havana will be unacquainted with the people and places, I hope that you will make known to the proper officers at Washington their purpose in going, to the end that directions may be given to the American consuls at that port, and elsewhere in Cuba, to afford them such assistance on their arrival as will further the attainment of the objects of their visit.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires to China.

[Inclosure 6 in No. 2.]

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 25, 1873.

SIR: I was honored by the receipt of your Imperial Highness's dispatch of yesterday, in which you inform me that three commissioners, Messrs. Chān Lan-pin, A. Macpherson, and A. Huber, have been appointed to go to Cuba, there to inquire into the treatment of Chinese laborers; and as they will on arrival be unacquainted with the people and places, the hope is expressed that I will move the United States Government to advise its consular officers in that island to afford them such assistance as will further their object.

During the twenty and more years since Chinese laborers began to be carried to Cuba from Kwangtung Province, the report of the hardships they have suffered there has never ceased, and no one knows their extent. It is, therefore, a source of great satisfaction to me to learn from this dispatch that a commission has been appointed to proceed there and inquire carefully into the truth of the reports. Such a course evinces a regard for the Chinese now there, and is an act suitable to the national character and will elevate the reputation of China.

I will not fail to inform the Government I have the honor to represent of these things, and to request that directions may be given to the American consuls in the island to give such assistance to the commission on its arrival as they may be able.

I avail myself of this occasion to renew the assurance of my respect.

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, &c.

[Inclosure 7 in No. 2.—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 8th moon, 17th day. (October 8, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

It appears that, in relation to the appointment of Chān Lan-pin, a law-adviser in the board of punishments, to go to Cuba as commissioner to inquire into the condition of Chinese laborers, his promotion to the full grade he now holds was not clearly made known in my previous dispatch. He is an officer advanced to the fourth grade, and is specially privileged to wear a peacock's plume.

By Chinese rule the law-advisers in each board rank with the intendants of circuit in the provinces; and as Chān has now been promoted to the fourth grade, his parity with an intendant and his imperial appointment as envoy to go to Spanish countries will make him of equal rank to the Spanish officers living in Cuba, and to the salaried consuls of the United States residing there.

It is proper that I inform you of this, so there may be entire accord with them in managing the affair.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires to China.

[Inclosure 8 in No. 9—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 9th moon, 4th day. (October 24, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

On the 9th of this month, M. Otin, Spanish chargé d'affaires, wrote to the Yamun as follows:

"I inclose several articles of an agreement to be discussed between us, which, if accepted without alteration, can be signed and sealed by us, but if there be any parts to be amended please inform me," &c.

It was wholly on account of what we had heard respecting the condition of Chinese laborers in Cuba that we agreed to discuss the subject with the Spanish chargé d'affaires at a meeting of all the foreign ministers, at which they desired the Chinese government to send a commission of inquiry to Cuba. On the 2d ultimo a memorial was presented to appoint Chên Lan-pin, a brevet law-examiner, to proceed there and make full examination into the condition of the Chinese laborers, to which His Majesty's gracious assent was given. His appointment was notified to M. Otin and all the other ministers; and it is certainly incumbent on this government to wait until its commission has been there and has made a report before taking any further action in relation to emigration; and there is no necessity at this stage of discussing the protocol submitted by the chargé d'affaires of Spain, which, moreover, does not agree in all respects with what was adopted at the conference of August 1st.

These statements were embodied in the reply sent on the 13th instant to M. Otin, who two days afterwards answered as follows:

"I have received your dispatch of the 13th, the contents of which are so much at variance with what was agreed upon at the Russian legation, that I can no longer transact public business with the Yamun. I have accordingly requested the dean of the diplomatic body in Peking to attend to it for me, and I beg you to henceforth regard me simply as a private individual."

On the same day a dispatch from Baron Holloben was received, stating "that M. Otin, the Spanish chargé d'affaires, has transferred his legation to me as dean of the diplomatic body, and all matters connected with Spain will be attended to by me until further notice."

In regard to this whole affair, I can confidently say that in all our intercourse with foreign ministers the Yamun has always tried to maintain a spirit of cordiality and candor; and even when we have been disappointed in not arranging everything, we have never cherished the least feeling of distrust respecting the motives of others. In the present instance, as M. Otin seems to us to be mistaken and have misapprehended several points, we have addressed him unofficially, recapitulating the circumstances, and carefully defining our position in the matter, so as to dissipate his distrust.

The general conference which was held upon this question with all the ministers renders it desirable to communicate these things to them, as they will hear rumors of them, and I therefore inclose copies of two dispatches from M. Otin, one from the German chargé d'affaires, and three papers in reply from the Yamun, and submit the whole correspondence for your examination.

His Excellency S. W. WILLIAMS,

United States Chargé d'Affaires.

[Inclosure 1 in 8 in No. 9—Translation.]

M. Otin to the Yamun, containing a draught of a protocol.

OCTOBER 9, 1873.

To His Imperial Highness Prince Kung, and the Members of the Foreign Office:

I have the honor to inclose the draught of a protocol in five articles for your consideration, which, if they are found to be such as you can agree to, we can then sign and seal. They contain nothing different from what was agreed to at the conference at the Russian legation on the 1st of August; and I respectfully request your highness and their excellencies to examine them with a view to their adoption. If there are some points which can advantageously be altered, please inform me. But before this affair can be properly settled, it is necessary that the unfounded rumors relating to the high authorities in Cuba should be fully discussed; and to this end I beg your highness and their excellencies to send me true copies of the dispatches of the United States consul at Amoy, and of the American minister, Mr. Low, containing these calumnious* charges, so that I can examine them.

* See note at end, page 215.

PROTOCOL.

The undersigned, prince and ministers of the Tsung-li-Yamun, and the chargé d'affaires for Spain, (M. Otin,) after having discussed the means of conciliating the difficulties between the governments of China and Spain, with regard to emigration to Cuba, have agreed to the following points:

1st. The Chinese government will appoint a delegate to proceed to the island of Cuba to investigate the veracity of the facts denounced connected with Chinese emigration. This Chinese delegate shall be assisted in his investigation by two Spanish delegates, one from the foreign office, and one from the colonial office of Madrid.

2d. The governments of China and of Spain will request the governments of England, Germany, France, Russia, and the United States, as mediating powers, to instruct their respective consuls or consuls-general at Havana to join the above-mentioned Chinese and Spanish delegates in their labors, forming altogether a mixed commission of investigation.

3d. This commission shall draw up a report on the facts alleged and on the general condition of the Chinese in Cuba, according to the prevalent opinion, by majority of votes.

4th. Pending the report of the commission, emigration by contract to Cuba shall be suspended; but it is clearly understood that if the said report shows that the facts imputed were incorrect, the Chinese government shall at once re-establish emigration by contract to the island of Cuba according to the regulations in force; and shall furthermore pay to the government of Spain an indemnity for the losses and damages that Cuban land-owners and their agents might have sustained since January last by the prohibition.

5th. The amount of such indemnity shall be fixed by common understanding, by the Tsung-li-Yamun and the Spanish legation in China; and failing to agree, the matter shall be submitted to the representatives in Peking of the five mediating powers.

Done at Peking, October, 1873.

[Inclosure 2 in 8 in No. 9—Translation.]

Foreign Office to Mr. Otin.

TUNGCHI, 12th year, 8th moon, 22d day. (October 13, 1873.)

Prince Kung and the members of the foreign office herewith send a reply.

On the 9th instant we had the honor to receive your dispatch, in which you state: "I now inclose for your examination the articles of an agreement, and if there be nothing to alter in them, we can sign and seal them; if there be certain parts which you wish to modify or alter, you can inform me, and at the same time [please] send a copy of the communications from the United States consul, and Mr. Low, the American minister, with it, for my use," &c.

In regard to this, we may observe that, as you did not consider the declarations of the American minister and the United States consul in regard to the treatment of the coolies in Cuba and Havana to be supported by sufficient evidence, you then proposed that the question should be jointly discussed at a general meeting of all the foreign ministers. Thereupon they requested the Yamun to send a commissioner to Cuba, who could inquire into the facts; and you yourself urged that he should be appointed very soon, inasmuch as you were on the point of returning home.

We therefore, on the 21st ultimo, memorialized [the Throne] to this effect, that Càn Lau-Pin, a brevet law-examiner in the board of punishment, of the 4th rank, should be appointed to proceed thither and inquire into the condition of the Chinese laborers, and that Messrs. Macpherson and Huber, two commissioners of the customs-service, be associated with him in this service. We were honored by his majesty's rescript, "Let it be as requested;" which in due course was made known to your excellency and all the other foreign ministers. We also received their replies, as is on record.

Seeing that Chinese subjects are now employed abroad as laborers, it is proper that the Chinese government should send a commission to learn their condition; and in that case the members of the commission should take their own mode of learning the facts in the case, which they can then the better minutely report to the Yamun for its action. If this be not allowed, then the various statements on this point contained in the dispatches of Mr. Low and the United States consul must be regarded as reliable proof, and what need was there for the Chinese government in that case to send a special agent?

In what manner the question of the laborers in Cuba is to be acted upon must, of course, now remain in abeyance until this commission has returned and made its full report to the Yamun.

It is therefore unnecessary to take any deliberate steps with regard to the acceptance of the articles now offered by you; and, moreover, they do not altogether agree with what was decided upon at the conference held at the Russian legation on the 1st of August last.

The subjects discussed in the dispatches from the American minister and consul relate to the most important points touching the lives of our people; and they were all laid before you and the other ministers at the Russian legation last summer in the original documents. The dispatch from the consul was also inclosed in a dispatch to Mr. Peyrerá last year, so that it appears unnecessary now to make another copy of them for you.

This is the purpose for which this reply is now sent.

His Excellency F. OTIN,
Spanish Chargé d'Affaires to China.

[Inclosure 3 in 8 in No. 9.—Translation.]

Mr. Otin to the Yamun.

PEKING, October 14, 1873.

To His Highness Prince Kung and the Ministers of the Yamun:

I have had the honor to receive the dispatch of yesterday's date from your highness, &c., and have carefully examined it.

In it you say that the articles which I submitted to you are totally unlike * the points which were generally agreed upon at the Russian legation on the 1st August. I can, therefore, henceforth have no further transactions of a public nature with the Yamun; and have accordingly requested the dean of the diplomatic body to attend to all Spanish affairs on my behalf. I shall remain in Peking only on my private affairs until I start on my journey, and have to request that I may henceforth be regarded by the Yamun as only a private individual, in which position, if I have any business, I shall ask the good offices of the dean of the diplomatic body to attend to it.

I have, &c.

F. OTIN.

[Inclosure 4 in 8 in No. 9.]

This is Baron Holleben's dispatch to the Yamun, informing the minister that he was the intermediary on Spanish affairs.

PEKING, October 15, 1873.

[Inclosure 5 in 8 in No. 9.—Translation.]

Foreign Office to Mr. Otin.

[Caveat of the Yamun.]

TUNGCHI, 12th year, 8th moon, 27th day. (October 18, 1873.)

The Yamun begs to reply to his excellency M. Otin, Spanish chargé d'affaires.

On the 15th instant we received your excellency's dispatch, in which you informed us that, as ours of the 13th instant was at open variance with the agreement arrived at in the Russian legation, you could no longer transact business with us, and had accordingly handed over the business of the Spanish legation to the dean of the diplomatic body at Peking, and requested us henceforth to consider you as a private individual.

On the same day we also received the dispatch of M. Holleben, the German chargé d'affaires, stating that M. Otin had transferred the affairs of the Spanish legation to him as dean of the diplomatic body, and requested us, therefore, until further notice, to address him on any point connected with Spanish affairs.

In relation to this we beg to observe that, in all our consultations and transactions with the foreign representatives, we have always endeavored to maintain friendly relations; and in cases of difference of opinion and unexpected misunderstanding, we have, in order the better to speedily adjust the difference, always tried to preserve equanimity and calmness of mind. We have not, in consequence of disagreement on a single point, harbored general distrust on all points.

In relation to this coolie question, after obtaining the imperial sanction to the ap-

*The expression in the Chinese text for this discrepancy is far stronger than in the preceding dispatch from the Chinese authorities, almost equivalent to a declaration of antagonism; while theirs was disagreement, like the two parts of a check.—NOTE BY S. W. W.

pointment of Chān Lau-pin to go as our commissioner to inquire into the facts, (an appointment made after consulting with you,) we informed you of our action, and requested you to advise your government and invite its co-operation. And when, on the 9th of this month, you personally handed us a dispatch, we replied to it in the same form, with all convenient speed, according to the real facts.

In all this intercourse we have always treated you as becomes a minister plenipotentiary, and have never failed in due respect toward you; so that it certainly must be some misunderstanding which leads you, in your last dispatch, to request us to consider you as merely a private individual.

If, however, you wish to hand over the affairs of the Spanish legation to another minister, because you intend shortly to return home on account of important business, this is a common occurrence in all legations; but the purport and expressions of your last communication are not altogether in accordance with friendly relations.

We ought properly to reply to it in an official dispatch, but having now had it and the dispatch of the German chargé d'affaires, we have preferred to address you in a private note first, stating our views, and shall be gratified to receive your reply, wishing you at the same time every happiness.

Cards of—

PAO-YUN,
MAO CHANG HI,
And five others.

His Excellency F. OTIN,
Spanish Chargé d'Affaires to China.

[Inclosure 6 in 8 in No. 9.—Translation.]

Foreign Office to Mr. Otin.

[Official caveat of Chinese.]

TUNGCHI, 12th year, 9th moon, 2d day, (October 22, 1873.)

Prince Kung and the members of the Yamun herewith send a reply.

On the 15th instant, we had the honor to receive a note from your excellency, stating that, as our dispatch of the 13th instant was openly at variance with the agreement arrived at in the Russian legation, you could no longer enter into official transactions with us, and that you had, therefore, requested the dean of the diplomatic body to take charge of Spanish affairs.

On the same day we also received a dispatch from M. de Holleben, German chargé d'affaires, requesting us to address him, until further notice, on any questions regarding Spanish affairs.

As we were, however, inclined to suppose that some misunderstanding on your excellency's part must be at the bottom of all this, we in the first place addressed to you our letter of the 19th instant. But as we received the next day another letter from the German chargé d'affaires, in which he told us that you had put our dispatch to you into his hands; that he and you had jointly opened and read it, and had then requested him to inform us that the reason why you had handed over the affairs of the Spanish legation to the dean of the diplomatic body was neither because you were in a great hurry to go back to Spain, nor because you cherished a distrust of us, but simply because you had deemed it to be useless to continue official transactions with us after we, in our dispatch of the 13th instant, had flatly declined the propositions which you had submitted to us.

We now beg to say, with regard to your excellency's dispatch of the 15th instant, that, though you may choose to make use of such phraseology, we may, on our part, assert that, in all our relations with any foreign power, we have never entertained sentiments of this kind.

Since you began to discharge the duties of acting minister for Spain, we have always treated you with all the respect due to a minister plenipotentiary; and as now M. de Holleben tells us in his note that you do not cherish a distrust of us, this would seem to prove that you are yourself also aware that we have really always treated you with the respect due to a minister plenipotentiary, and that we have never been guilty of any discourtesy toward you.

Referring to our dispatch of the 13th of October, we beg to observe that, just because Spain and China have been on friendly terms for so many years, we thought it to be our duty in this, as in all other matters, to state our candid opinions fully, according to the actual circumstances, and beg you, therefore, to take this into mature consideration.

His Excellency F. OTIN,
Spanish Chargé d'Affaires.

proper Chinese officers, who would be enabled to make their representations to the competent authorities, in case complaints did exist; then Mr. Ti-Hung-chang answers with great assurance, that if foreigners went to Pern their statements could not be believed; that if Chinese commissioners went, they would be detained there by the Peruvians and prevented from coming back; and that no Chinese mandarin would go. Finally, the viceroy ended as he began, by doubting all I said.

He suddenly changed the conversation by asking me whether I had visited the customs Taotai. I replied that I had not, and that as I had just announced officially my arrival to him, (the viceroy,) I expected the Taotai's first visit. On this point also there was a disagreeable discussion; and on his direct question, whether I proposed to visit the Taotai, I replied, "No; not until he visits me."

Afterward, Ti-Hung-chang asked me at what house I was stopping, and then for how long I had taken it; to which I answered I had not taken it for any fixed time. He next told me that he would return my visit to-morrow (26th) at 10 o'clock; and the conversation ended.

I have purposely entered into these details so that you may appreciate exactly the facts. In view of my last dispatch to you, written at Shanghai, and of the circumstances I now communicate, I earnestly hope you will adopt such a course as your good judgment may suggest, in order to point out to the Peking government the mistaken, and to them injurious, path they have adopted, due exclusively to the very peculiar and extraordinary manner of transacting diplomatic affairs in China.

I have come to this empire with a most honorable mission, which my government has intrusted to me. This mission directly interests the Chinese people, at least as much as it does Pern. There exists a misunderstanding between the two governments in regard to certain occurrences, true or false, which belong to the past. I am now here, which makes it possible that an understanding may be arrived at for the future between both parties.

Only a few miles separate me from the central government to which I am accredited; but before I reach Peking I meet an officer, a very high one it is true, of China, who abruptly commences to treat with me about my business, without the least knowledge of it or of my country, without telling me that he is duly authorized to negotiate with me, and who ends by saying (an Asiatic, or rather, Chinese fashion, probably,) that he doubts my statements.

I now hope that, as the season of the year does not allow me to remain indefinitely at Tien-tsin, and if I am to conduct my negotiations at Peking, I must know it within a very short time, you will do me a real service by finding out and letting me know the intentions and the way of proceeding of the Chinese government, who in any case ought to know that I have not come to beg favors of them nor to submit to their caprices.

It is painful to me to have to trouble you in this manner, but I am convinced that the present minister of the United States, who knows so profoundly the history of the middle kingdom, and who has so ably described the development of foreign intercourse in this empire, will take interest in assisting to disentangle an international situation such as probably has never presented itself before.

I shall always be happy to hear from you, officially or privately, begging you to address your communications to care of the consulate of the United States.

Thanking you again for your kind action,

I am, my dear sir, &c.,

AURELIO GA. Y GARCIA.

Hon. S. WELLS WILLIAMS, *&c.*

P. S.—Having learned here that M. de Geofroy, minister of the French Republic, has returned to Peking, I also write to him to-day on the subject of the present letter.

No. 137.

Mr. Williams to Mr. Fish.

No. 12.]

LEGATION OF THE UNITED STATES,
Peking, November 24, 1873. (Received January 26, 1874.)

SIR: In continuance of my recent dispatch, (No. 9, of 6th November,) I have now the honor to send you the remaining papers connected with the adjustment of the differences between the Spanish chargé d'affaires and this government.

Soon after the date of Baron Holleben's letter of the 24th ultimo, and

the interview with the Yamun on the 30th, referred to in my dispatch, at which the draft of a protocol in two articles was presented on behalf of M. Otin, the Chinese officials, having had time to reconsider their declinature of that mode of arranging the matter, sent an informal note, signed by the prince, on the 7th instant, accepting it in substance. (Inclosure 1;) their conference with Messrs. Macpherson and Huber had probably tended, too, to convince them that M. Otin's proposal did not necessarily interfere with the freedom of their own commission, but was a courtesy required by the intercourse of nations, the rejection of which would only recoil on themselves.

The Spanish chargé d'affaires thereupon resumed his official relations with the prince, and a circular-note to this effect was issued on the 12th. (Inclosure 2.) The hesitation and unwillingness of the officials to admit, or even discuss, the articles of the first protocol were, I think, chiefly owing to their impression that, if a Spanish officer was in any way connected with their deputies, it must necessarily neutralize the whole investigation. However, every point having been cleared up, and the terms of agreement settled, a protocol in four articles was signed on the 21st instant, between M. Otin and three members of the Yamun. It insures the entire freedom of the Chinese commission when it reaches Cuba, and in the Chinese text asks the good offices and support of the local authorities in the same terms that it asks the advice of the foreign consuls. In the English text the support of the former is even more explicitly granted.

In his letter of the 21st instant, (inclosure 3,) sending me the two versions of his agreement, (inclosure 4,) he has requested my aid in the arbitration which may be necessary on the return of the commission and reception of its report. I have agreed to act on the matter, (inclosure 5,) as have also the other ministers, excepting the Russian, who is just now absent. One of the questions which will certainly be brought forward then will be the amount of indemnity to be paid by this government for damage and loss incurred by the alleged violation of its treaty obligations to allow Spanish agents to contract for coolies. This protocol carefully omits the word indemnity, but the fourth and fifth articles of the other contain the pith of what the Chinese will resist if it is demanded, as they look upon it as a mulct, because they have tried to protect their subjects from misery and disappointment by forbidding contract-emigration to Cuba.

M. Otin has left Peking to spend the winter in Shanghai and return in the spring, when he expects the return of the commission. Messrs. Macpherson and Huber are now there, ready to leave by the next American mail. I can only here repeat my strong desire that you will give all the countenance and help to this commission which can properly be given to it; but especially that you will bear me out in my promise given to Prince Kung in my reply of September 5, (dispatch No. 9, inclosure 5,) and instruct the United States consul-general at Havana to aid it in going into a thorough inquiry of the matter.

The energy shown by the Canton authorities in arresting kidnapers, and putting the people on their guard against the wiles practiced to get them down to Macao, which has so materially reduced the coolie-traffic there, is, in a great measure, owing to Mr. Low's information, given to the government here, and his remonstrances at their apathy over the great wrongs committed by native brokers. Now that the Emperor has gone further, and sent a special commission of inquiry as a further step in these efforts to restrict, if he cannot abolish, emigration by contract, it is very desirable that every encouragement be afforded its members in

prosecuting their inquiries. If the moral support and experience of the consuls of the five powers be honestly enlisted on their side, it will do much to effect an untrammelled examination, and neutralize the jealousy or intimidation which the rulers or the planters in Cuba might otherwise show. The first proposal of M. Otin to appoint two Spanish assessors, and make up a mixed commission, composed of Chinese, Spanish, and consular members, would have crippled all fair inquiry; and the Yaman was right in rejecting the proposal. But I am afraid, after all, that the Cuban authorities will endeavor in some way to make the inquiry partial, and keep the coolies out of the reach of their countrymen, or frighten them from telling the truth; and herein the foreign consuls, especially the American and British, can, it appears to me, help them materially.

Now that this government, after much urging and hesitation, has organized a commission of inquiry into the condition of its subjects abroad, it is very desirable that what is good in the effort may, by its success, so far justify the wisdom which planned it as to lead to further similar designs and attempts.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 12.—Translation.]

9th moon, 18th day. (November 7, 1873.)

Prince Kung presents his compliments.

In relation to the commission about to be sent to inquire into the condition of the coolies in Cuba, it now appears that there has been a difference of views between us in some particulars, but there is a way in which the affair can now be arranged without difficulty.

The commissioners now appointed shall conduct their investigation uncontrolled by any one, but they shall confer with all the foreign ministers in Peking before leaving, as to the mode of procedure. When the commission returns it will present a clear report to the foreign office, which, after it has been carefully examined in all its details and verbal explanations, will be submitted to the body of resident ministers for their discussion. The manner of settling the affair between China and Spain must then come up for their careful consideration, for which we shall have to be further indebted.

As I write to inform you of this, I also beg to wish you happiness, and inclose my card.

Card of PRINCE KUNG.

[Inclosure 2 in No. 12.—Translation.]

Foreign office to Mr. Williams.

9th moon, 23d day. (November 12.)

The members of the foreign office present their compliments.

We have lately received a dispatch from Mr. Otin, Spanish chargé d'affaires, in which he says: The points of disagreement between the foreign office and myself have now all been submitted to the dean of the diplomatic body in Peking, who has carefully examined them and brought about an honorable and fair accord upon them all. In consequence of this, I have resumed the post and duties of acting minister of Spain.

We have replied to Mr. Otin in the same sense, acknowledging him as chargé d'affaires for Spain, and beg now, by this note, particularly to thank you, sir, for the trouble which you have taken in this affair.

Wishing you daily happiness as we write, we inclose our cards.

Cards of PAO-YUM,
MAO CHANG-HI,
and five other ministers.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

[Inclosure 3 in No. 12.—Translation.]

*Señor Otin to Mr. Williams.*LEGATION OF SPAIN,
Peking, November 21, 1873.

M. le Chargé d'Affaires and dear Colleague: I have the honor to transmit to you herewith the bases agreed upon by the Tsungli Yamun and the legation of Spain for a definitive arrangement of our differences upon the subject of Chinese emigration under contract to the island of Cuba.

The kind mediation which you have already had the goodness to extend to us, with a view to reconciliation, now encourages me to solicit the cooperation of your experience in the conference of arbitration which is to give solution to this matter, and to beg you to obtain from Cuba, in such manner as you may deem proper, all the information which shall seem to you calculated to throw light upon this question.

Be pleased to accept, &c.,

F. OTIN.

Mr. S. WELLS WILLIAMS,
Chargé d'Affaires of the United States, &c.

[Inclosure 4 in No. 12.—Translation.]

Copy of protocol.

In the matter of Chinese emigration to Cuba, the two powers (China and Japan) have agreed on the following points:

1st. China may send a commission to Cuba to ascertain the condition of Chinese coolies. The officers thus deputed by China will prosecute their inquiries in Cuba independently and by themselves, but may ask the advice of foreign consuls and the good offices and support of the Spanish authorities.

2d. The two powers (Spain and China) will in advance request the representatives at Peking of England, Russia, France, the United States, and Germany to take the whole question into consideration, and, when the time arrives, arbitrate thereon.

3d. When the report of the Chinese officers shall have been received, the Chinese foreign board will communicate a copy of it to each of the arbitrators and to the Spanish representative; the original document will be lodged with the arbitrators at the time of arbitration. Consular reports concerning the condition of coolies, if intended to be used in evidence, are to be communicated to the Chinese foreign board and to the Spanish representative; if not thus communicated they are not to be used as evidence.

4th. The correspondence between the Spanish representative and the Chinese foreign board on the question of Cuba, coolies is to be handed to the arbitrating ministers, in order that all the points therein discussed may be together placed before the arbitrators for common and definitive settlement.

Done at Peking the 21st of November, 1873.

Sealed and signed.

F. OTIN.

(In Chinese, Mao Chang-hi, Ching-lin and Chieng-how.)

[Inclosure 5 in No. 12.]

*Mr. Williams to Mr. Otin.*LEGATION OF THE UNITED STATES,
Peking, November 24, 1873.

M. le Chargé d'Affaires, and Dear Colleague:

I have the honor to acknowledge the receipt of your letter of the 21st instant, and to thank you for the copy of the protocol which you signed that day with the three ministers for the foreign office, defining the status and procedure of the commission and the mode of final arbitration.

I beg to congratulate you upon this basis of agreement, which fully meets my view of the understanding arrived at on the 1st of August. The elucidation of the results of Chinese emigration to Cuba during the last twenty-five years will have much effect upon the whole question of contract-labor, and every one who has a regard for the welfare of his fellow-men must desire to see a full and untrammelled inquiry into the matter.

I shall be very willing to lend my aid in the final settlement of the points which may still come up between the Spanish and Chinese governments after the return of the commission, and help to bring this perplexing question to a peaceful and just conclusion.

I avail myself of this occasion to renew the expression of my great regard.

S. WELLS WILLIAMS.

Señor Don FRANCISCO OTIN,
Chargé d'Affaires for Spain.

No. 336.

Mr. Watson to Mr. Fish.

NEWPORT, R. I., July 30, 1874. (Received August 3.)

SIR: In reply to your letter of the 27th instant, which I received last evening, I have the honor to inform you that I telegraphed to you this morning as follows: "The boundary-line between Labrador is a line drawn due north and south from the Bay or Harbor of Ance Sablon, inclusive, as far as fifty-second degree of north latitude. (See Imperial Statutes 6, George IV, cap. 59.) Labrador is under the jurisdiction of Newfoundland."

I informed you at the same time that I should communicate to you the dispatch on the subject which I expect from Lord Dufferin, so soon as I receive it.

I regret much if you have been put to any inconvenience by the delay in replying to your note to Sir Edward Thornton, of the 19th of June last.

I have, &c.,

R. G. WATSON.

No. 337.

Mr. Watson to Mr. Fish.

WASHINGTON, September 3, 1874. (Received September 5.)

SIR: With reference to the conversation which I had the honor to hold with you to-day on the subject of the recent suppression of the coolie trade at Macao, and the suspicions which, in consequence of the subsequent increase of the Chinese emigration to San Francisco, are entertained lest a portion of this emigration should surreptitiously be diverted to Peru or Cuba, I do myself the honor to transmit to you herewith for your information the copy of a dispatch and its inclosure which has been addressed to Lord Carnarvon by the governor of Hong-Kong.

I have, &c.,

R. G. WATSON.

[Inclosure.]

Sir A. E. Kennedy to the Earl of Carnarvon.

GOVERNMENT HOUSE,
Hong-Kong, May 22, 1874.

MY LORD: Adverting generally to the correspondence between the government of Hong-Kong and Her Majesty's government on the subject of the Macao coolie trade, I have the honor to transmit, for your lordship's information, a return of the number of coolies shipped from Hong-Kong to San Francisco between 9th January and the 16th May, 1874, showing a total of 7,591, and to this return may be added the ships now preparing for departure, carrying 930 and 231 respectively, making a total of 8,802 shipped in less than five months.

I confess that I cannot but regard this growing trade with suspicion, and I think the attention of Her Majesty's consuls in America, Cuba, and Peru should be called to it.

The direct trade in coolies between Macao and the two latter countries being for the present prohibited, attempts to meet their demands will surely be made through indirect channels.

Judging from the personal knowledge I possess of San Francisco, and the char-

acter of the persons engaged in the transport of coolies between Hong-Kong and San Francisco, I can see no insuperable obstacle to the export of coolies from the latter port (or even their transshipment) to Peru and Cuba.

This course would be less lucrative to coolie traders than the direct trade from Macao, which is at present prohibited, but it would still yield a large profit.

Having regard to the urgent demand for coolies in Cuba and Peru, and the abundant means of supply here, and the enormous profits of the carrying trade, it must be expected that no means will be left untried to continue the traffic, which is, I fear, only for a time suspended at Macao, where there are still a number of coolie ships under the Peruvian flag lying idle.

In the case of the *Florescia*, lately reported on by me, I am informed on authority which I cannot doubt, that the coolies to load her outside the harbor of Hong-Kong were absolutely contracted for, and ready at Macao for shipment.

Had this venture succeeded, the remaining ships at Macao would undoubtedly have followed her example.

I am happy to believe that I am supported by all respectable persons, and the public opinion of Hong-Kong, in the repressive measures which have been adopted to avert the scandals of the coolie trade from our port.

I have, &c.,

A. E. KENNEDY.

Governor.

[Inclosure 1 in No. 963.]

Circular Order of December 31, 1873, suspending the tax of one per cent. on exports.

[Translated from "La Gaceta de Madrid" of January 11, 1874.]

ILLUSTRIOUS SIR: The government of the republic has decided to suspend, until further orders, the collection of the extraordinary and temporary impost denominated *port and sea police dues* (*carga y policia naval*.) which decision has been communicated by telegraph to the provincial customs administrations.

By order of the aforesaid government, I inform you of this for the corresponding effects. May God guard you many years.

PEDREGAL,

The General Director of Customs.

MADRID, December 31, 1873.

[Inclosure 2 in No. 963.]

Decree of January 14, 1874, abolishing the export-tax called "Impuesta de carga y policia naval."

[Translated from "La Gaceta de Madrid" of January 15, 1874.]

MINISTRY OF FINANCE.

Decree.

The extraordinary war-impost, called that of "*carga y policia naval*," (port and marine police dues,) affects so many interests and trenches upon so many rights that it has been the object of reclamations, both from Spanish citizens and from foreign subjects. The government of the republic, which needs every recourse for the operations of the campaign, and which neither can nor should deprive itself of any source of revenue, however painful the sacrifice may be to those who pay the tax, finds itself, nevertheless, obliged to heed the sentiment of equity and the arguments of justice. It is evident that this impost, not yet collected, and, in fact, suspended by the very government that created it, is an obstacle to foreign commerce, augments the burdens that weigh on our mining industry, and is contrary to international treaties, without yielding any large return to the exchequer. As a war-tax, and therefore of a temporary character, it might have been justified, limiting it to merchandise exported under the Spanish flag by national producers; but in that case it would have acted adversely to our industry and our mercantile navy for the benefit of those of other countries.

The tax having been already reduced, and its collection not having yet been enforced in the custom-houses, the moment has come for its final suppression.

The government of the republic, in a council of ministers, and on the showing of the minister of finance, decrees the following:

Sole Article.—The temporary and extraordinary war-impost, denominated that of "*carga y policia naval*," is hereby suppressed.

Madrid, January fourteenth, one thousand eight hundred and seventy-four.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The Minister of Finance,

JOSÉ ECHEGARAY.

No. 548.

General Sickles to Mr. Fish.

No. 972.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 31, 1874. (Received March 20.)

SIR: I learn that, in consequence of information it had received, the Chinese government has appointed a commission to proceed to Cuba, and investigate the condition and treatment of the Chinamen held there in a sort of bondage, represented to be even worse than slavery, and

that, meanwhile, the further migration of these people to Cuba has been prohibited. It appears that the commission includes, besides a mandarin, an American and a Frenchman employed in the Chinese administration. These appointments, and especially that of the American, are regarded as offensive to Spanish dignity, and loud protests have come from Cuba against what is called an American intrigue to deprive the planters of Chinese laborers by means of an unfavorable report to be made by the investigating committee. I have reason to believe that this government, through its representative at Pekin, has remonstrated against the appointment of any other than native Chinese officials as members of the commission, and that Spain proposes to insist upon the removal of the restrictions imposed by China on the coolie-trade with the Spanish possessions in America.

I am, &c.,

D. E. SICKLES.

No. 549.

General Sickles to Mr. Fish.

No. 973.]

UNITED STATES LEGATION IN SPAIN,
Madrid, February 3, 1874. (Received March 20.)

SIR: I have the honor to forward herewith a copy and translation of a decree declaring the northern coast of Spain, from Cape de Peñas to Fuenterrabia, in a state of blockade. The ports of Gijon, Santander, and San Sebastian are excepted. The blockade includes some two hundred and fifty miles of coast.

It will be observed that the blockade is declared effective from the twentieth instant; that vessels bound for the open ports of Gijon, Santander, and San Sebastian are liable to search and detention, and to certain penalties denounced in the blockade regulations prescribed for the Spanish Pacific squadron November 26, 1864, and that no information is given as to what will be deemed "contraband of war." With reference to the rules of the Peruvian blockade of 1864, Mr. Layard informs me he applied at the state department for a copy of them, but they could not be found.

It seems, according to Article V, that the necessary war-vessels are ordered to the coast to make the blockade effective; but one may perhaps venture to intimate a doubt whether, considering the resources of the Spanish navy, the execution of these orders is practicable.

Under all the circumstances, it is not likely that the European powers will suffer the rich commerce of the Bay of Biscay to be subjected to annoyance and interruption by a blockade of this character.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

Decree of January 31, 1874, declaring the Biscayan ports of Spain in a state of blockade.

[Translated from "La Gaceta de Madrid," February 2, 1874.]

PREAMBLE.

Among the highest duties imposed upon the present government of the republic by public opinion, by the spontaneous and energetic act from which it sprung, by its own