





GIFT OF  
MILDRED HORNER













# Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

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## OFFICIAL COMMUNICATIONS AND SPEECHES RELATING TO PEACE PROPOSALS 1916-1917

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## PREFATORY NOTE

On December 12, 1916, the Imperial German Chancellor, von Bethmann-Hollweg, delivered an address in the Reichstag in which he stated the willingness of the German Empire, under certain conditions, to consider the question of peace with its enemies. In the same speech the Chancellor read to the Reichstag the text of a note which the Imperial Government had submitted, through certain neutral Governments, for consideration by the Entente Powers. An identical note was likewise submitted on the same date, through the same channels, by Germany's allies. The Entente Powers, by way of reply to these overtures, stated in similar official form the conditions upon which they would consider the question of peace with their enemies. Certain neutral Powers took advantage of these expressions of the respective belligerents to set forth their views as to the international situation.

It has been thought advisable at this time to collect the various official statements, and to issue them for convenience in a pamphlet, arranged in chronological order but without expression of individual opinion or commentary. The documents themselves have been taken from official sources whenever available.

JAMES BROWN SCOTT,

*Director of the Division of International Law.*

WASHINGTON, D. C.,

*February 19, 1917.*



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OFFICIAL COMMUNICATIONS AND SPEECHES RELAT-  
ING TO PEACE PROPOSALS, 1916-1917

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Extract from the Speech of Chancellor von Bethmann-Hollweg in  
the German Reichstag, December 12, 1916<sup>1</sup>

The Reichstag had been adjourned for a long period, but fortunately it was left to the discretion of the President as to the day of the next meeting. This discretion was caused by the hope that soon happy events in the field would be recorded, a hope fulfilled quicker, almost, than expected. I shall be brief, for actions speak for themselves.

[Here the Chancellor referred to the entrance of Roumania into the war, and its intended effect on the western front.]

The situation was serious. But with God's help our troops shaped conditions so as to give us security which not only is complete but still more so than ever before. The western front stands. Not only does it stand, but in spite of the Roumanian campaign it is fitted out with larger reserves of men and material than it had been formerly. The most effective precautions have been taken against all Italian diversions. And while on the Somme and on the Carso the drum-fire resounded, while the Russians launched troops against the eastern frontier of Transylvania, Field Marshal von Hindenburg captured the whole of western Wallachia and the hostile capital of Bucharest, leading with unparalleled genius the troops that in competition with all the allies made possible what hitherto was considered impossible.

And Hindenburg does not rest. Military operations progress. By strokes of the sword at the same time firm foundations for our economic needs have been laid. Great stocks of grain, victuals, oil, and other goods fell into our hands in Roumania. Their transport has begun. In spite of scarcity, we could have lived on our own supplies, but now our safety is beyond question.

To these great events on land, heroic deeds of equal importance are added by our submarines. The spectre of famine, which our enemies intended to appear before us, now pursues them without mercy. When, after the termination of the first year of the war, the Emperor addressed the nation in a public appeal, he said: "Having witnessed such great events, my heart was filled with awe and determination." Neither our Emperor nor our nation ever changed their minds in this respect.

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<sup>1</sup>*The New York Times*, December 13, 1916.

Neither have they now. The genius and heroic acts of our leaders have fashioned these facts as firm as iron. If the enemy counted upon the weariness of his enemy, then he was deceived.

The Reichstag, by means of the national auxiliary war service law, helped to build a new offensive and defensive bulwark in the midst of the great struggle. Behind the fighting army stands the nation at work—the gigantic force of the nation, working for the common aim.

The empire is not a besieged fortress, as our adversaries imagined, but one gigantic and firmly disciplined camp with inexhaustible resources. That is the German Empire, which is firmly and faithfully united with its brothers in arms, who have been tested in battle under the Austro-Hungarian, Turkish, and Bulgarian flags.

Our enemies now ascribed to us a plan to conquer the whole world, and then desperate cries of anguish for peace. But not confused by these asseverations, we progressed with firm decision, and we thus continue our progress, always ready to defend ourselves and fight for our nation's existence, for its free future, and always ready for this price to stretch out our hand for peace.

Our strength has not made our ears deaf to our responsibility before God, before our own nation, and before humanity. The declarations formerly made by us concerning our readiness for peace were evaded by our adversaries. Now we have advanced one step further in this direction. On August 1, 1914, the Emperor had personally to take the gravest decision which ever fell to the lot of a German—the order for mobilization—which he was compelled to give as a result of the Russian mobilization. During these long and earnest years of the war the Emperor has been moved by a single thought: how peace could be restored to safeguard Germany after the struggle in which she has fought victoriously.

Nobody can testify better to this than I who bear the responsibility for all actions of the Government. In a deep moral and religious sense of duty toward his nation and, beyond it, toward humanity, the Emperor now considers that the moment has come for official action toward peace. His Majesty, therefore, in complete harmony and in common with our allies, decided to propose to the hostile powers to enter peace negotiations. This morning I transmitted a note to this effect to all the hostile powers through the representatives of those powers which are watching over our interests and rights in the hostile States. I asked the representatives of Spain, the United States, and Switzerland to forward that note.

The same procedure has been adopted to-day in Vienna, Constanti-



nople, and Sofia. Other neutral States and his Holiness the Pope have been similarly informed.

[The Chancellor then read the note.<sup>1</sup>]

Gentlemen, in August, 1914, our enemies challenged the superiority of power in the world war. To-day we raise the question of peace, which is a question of humanity. We await the answer of our enemies with that serenity of mind which is guaranteed to us by our exterior and interior strength, and by our clear conscience. If our enemies decline to end the war, if they wish to take upon themselves the world's heavy burden of all these terrors which hereafter will follow, then even in the least and smallest homes every German heart will burn in sacred wrath against our enemies, who are unwilling to stop human slaughter in order that their plans of conquest and annihilation may continue.

In the fateful hour we took a fateful decision. It has been saturated with the blood of hundreds of thousands of our sons and brothers who gave their lives for the safety of their home. Human wits and human understanding are unable to reach to the extreme and last questions in this struggle of nations, which has unveiled all the terrors of earthly life, but also the grandeur of human courage and human will in ways never seen before. God will be the judge. We can proceed upon our way.

#### **Peace Note of Germany and Her Allies, December 12, 1916<sup>2</sup>**

The most terrific war experienced in history has been raging for the last two years and a half over a large part of the world—a catastrophe which thousands of years of common civilization was unable to prevent and which injures the most precious achievements of humanity.

Our aims are not to shatter nor annihilate our adversaries. In spite of our consciousness of our military and economic strength and our readiness to continue the war (which has been forced upon us) to the bitter end, if necessary; at the same time, prompted by the desire to avoid further bloodshed and make an end to the atrocities of war, the four allied powers propose to enter forthwith into peace negotiations.

The propositions which they bring forward for such negotiations, and which have for their object a guarantee of the existence, of the honor and liberty of evolution for their nations, are, according to their

<sup>1</sup>See *infra*.

<sup>2</sup>*The New York Times*, December 13, 1916.

firm belief, an appropriate basis for the establishment of a lasting peace.

The four allied powers have been obliged to take up arms to defend justice and the liberty of national evolution. The glorious deeds of our armies have in no way altered their purpose. We always maintained the firm belief that our own rights and justified claims in no way control the rights of these nations.

The spiritual and material progress which were the pride of Europe at the beginning of the twentieth century are threatened with ruin. Germany and her allies, Austria-Hungary, Bulgaria, and Turkey, gave proof of their unconquerable strength in this struggle. They gained gigantic advantages over adversaries superior in number and war material. Our lines stand unshaken against ever-repeated attempts made by armies.

The last attack in the Balkans has been rapidly and victoriously overcome. The most recent events have demonstrated that further continuance of the war will not result in breaking the resistance of our forces, and the whole situation with regard to our troops justifies our expectation of further successes.

If, in spite of this offer of peace and reconciliation, the struggle should go on, the four allied powers are resolved to continue to a victorious end, but they solemnly disclaim responsibility for this before humanity and history. The Imperial Government, through the good offices of your Excellency, asks the Government of [here is inserted the name of the neutral power addressed in each instance] to bring this communication to the knowledge of the Government of [here are inserted the names of the belligerents].

#### **Note of the German Government to the Vatican regarding the Peace Proposals, December 12, 1916<sup>1</sup>**

According to instructions received, I have the honor to send to your Eminence a copy of the declaration of the Imperial Government to-day, which, by the good offices of the powers intrusted with the protection of German interests in the countries with which the German Empire is in a state of war, transmits to these States, and in which the Imperial Government declares itself ready to enter into peace negotiations. The Austro-Hungarian, Turkish, and Bulgarian Governments also have sent similar notes.

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<sup>1</sup>*The New York Times*, December 13, 1916.

The reasons which prompted Germany and her allies to take this step are manifest. For two years and a half a terrible war has been devastating the European Continent. Unlimited treasures of civilization have been destroyed. Extensive areas have been soaked with blood. Millions of brave soldiers have fallen in battle and millions have returned home as invalids. Grief and sorrow fill almost every house.

Not only upon the belligerent nations, but also upon neutrals, the destructive consequences of the gigantic struggle weigh heavily. Trade and commerce, carefully built up in years of peace, have been depressed. The best forces of the nation have been withdrawn from the production of useful objects. Europe, which formerly was devoted to the propagation of religion and civilization, which was trying to find solutions for social problems, and was the home of science and art and all peaceful labor, now resembles an immense war camp, in which the achievements and works of many decades are doomed to annihilation.

Germany is carrying on a war of defence against her enemies, which aim at her destruction. She fights to assure the integrity of her frontiers and the liberty of the German Nation, for the right which she claims to develop freely her intellectual and economic energies in peaceful competition and on an equal footing with other nations. All the efforts of their enemies are unable to shatter the heroic armies of the (Teutonic) allies, which protect the frontiers of their countries, strengthened by the certainty that the enemy shall never pierce the iron wall.

Those fighting on the front know that they are supported by the whole nation, which is inspired by love for its country and is ready for the greatest sacrifices and determined to defend to the last extremity the inherited treasure of intellectual and economic work and the social organization and sacred soil of the country.

Certain of our own strength, but realizing Europe's sad future if the war continues; seized with pity in the face of the unspeakable misery of humanity, the German Empire, in accord with her allies, solemnly repeats what the Chancellor already has declared, a year ago, that Germany is ready to give peace to the world by setting before the whole world the question whether or not it is possible to find a basis for an understanding.

Since the first day of the Pontifical reign his Holiness the Pope has unswervingly demonstrated, in the most generous fashion, his solicitude

for the innumerable victims of this war. He has alleviated the sufferings and ameliorated the fate of thousands of men injured by this catastrophe. Inspired by the exalted ideas of his ministry, his Holiness has seized every opportunity in the interests of humanity to end so sanguinary a war.

The Imperial Government is firmly confident that the initiative of the four powers will find friendly welcome on the part of his Holiness, and that the work of peace can count upon the precious support of the Holy See.

**Austrian Official Statement regarding the Peace Proposals,  
December 12, 1916<sup>1</sup>**

When in the summer of 1914 the patience of Austria-Hungary was exhausted by a series of systematically-continued and ever-increasing provocations and menaces, and the monarchy, after almost fifty years of unbroken peace, found itself compelled to draw the sword, this weighty decision was animated neither by aggressive purposes nor by designs of conquest, but solely by the bitter necessity of self-defense, to defend its existence and safeguard itself for the future against similar treacherous plots of hostile neighbors.

That was the task and aim of the monarchy in the present war. In combination with its allies, well tried in loyal comradeship in arms, the Austro-Hungarian army and fleet, fighting, bleeding, but also assailing and conquering, gained such successes that they frustrated the intentions of the enemy. The Quadruple Alliance not only has won an immense series of victories, but also holds in its power extensive hostile territories. Unbroken is its strength, as our latest treacherous enemy has just experienced.

Can our enemies hope to conquer or shatter this alliance of powers? They will never succeed in breaking it by blockade and starvation measures. Their war aims, to the attainment of which they have come no nearer in the third year of the war, will in the future be proved to have been completely unattainable. Useless and unavailing, therefore, is the prosecution of the fighting on the part of the enemy.

The powers of the Quadruple Alliance, on the other hand, have effectively pursued their aims, namely, defence against attacks on their existence and integrity, which were planned in concert long since, and

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<sup>1</sup>*The New York Times*, December 13, 1916.

the achievement of real guarantees, and they will never allow themselves to be deprived of the basis of their existence, which they have secured by advantages won.

The continuation of the murderous war, in which the enemy can destroy much, but can not—as the Quadruple Alliance is firmly confident—alter fate, is ever more seen to be an aimless destruction of human lives and property, an act of inhumanity justified by no necessity and a crime against civilization.

This conviction, and the hope that similar views may also be begun to be entertained in the enemy camp, has caused the idea to ripen in the Vienna Cabinet—in full agreement with the Governments of the allied (Teutonic) powers—of making a candid and loyal endeavor to come to a discussion with their enemies for the purpose of paving a way for peace.

The Governments of Austria-Hungary, Germany, Turkey, and Bulgaria have addressed to-day identical notes to the diplomatic representatives in the capitals concerned who are intrusted with the promotion of enemy nationals, expressing an inclination to enter into peace negotiations and requesting them to transmit this overture to enemy States. This step was simultaneously brought to the knowledge of the representatives of the Holy See in a special note, and the active interest of the Pope for this offer of peace was solicited. Likewise the accredited representatives of the remaining neutral States in the four capitals were acquainted with this proceeding for the purpose of informing their Governments.

Austria and her allies by this step have given new and decisive proof of their love of peace. It is now for their enemies to make known their views before the world.

Whatever the result of its proposal may be, no responsibility can fall on the Quadruple Alliance, even before the judgment seat of its own peoples, if it is eventually obliged to continue the war.

#### **Extracts from the Speech of Premier Briand in the French Chamber of Deputies, December 13, 1916<sup>1</sup>**

[TRANSLATION]

It is after proclaiming her victory on every front that Germany,

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<sup>1</sup>France: *Journal Officiel du 14 décembre 1916, Chambre—Séance du 13 décembre*, p. 3638.

feeling that she can not win, throws out to us certain phrases about which I can not refrain from making a few remarks.

You have read the speech of Mr. von Bethmann-Hollweg, the Chancellor of the German Empire. On this speech, of which I have not yet received the official text, I can not express myself officially. These so-called proposals have not yet been presented to any of the Governments, and it is rather doubtful whether, under existing conditions, those who have been asked to act as intermediaries will accept so delicate a task, which may disturb many a conscience.

On this as on all matters I cannot express an official opinion until we and our Allies have thoroughly considered and discussed the question, and reached a full and complete agreement. But I have the right, indeed the duty, to warn you against this possible poisoning of our country.

When I see Germany arming herself to the teeth, mobilizing her entire civil population at the risk of destroying her commerce and her industries, of breaking up her homes of which she is so proud; when I see the fires of all her factories burning red in the manufacture of war material; when I see her, in contravention of the law of nations, conscripting men in their own countries and forcing them to work for her, if I did not warn my country, I should be culpable indeed!

Observe, gentlemen, that what they are sending us from over there is an invitation to discuss peace. It is extended to us under conditions that are well known to you: Belgium invaded, Serbia invaded, Roumania invaded, ten of our Departments invaded! This invitation is in vague and obscure terms, in high-sounding words to mislead the minds, to stir the conscience, and to trouble the hearts of peoples who mourn for their countless dead. Gentlemen, this is a crucial moment. I discern in these declarations the same cry of conscience, ever striving to deceive neutrals and perhaps also to blind the eyes of those among the German people whose vision is still unimpaired. "It was not we," say these declarations, "who let loose this horrible war."

There is one cry constantly on German lips: "We were attacked; we are defending ourselves; we are the victims!" To this cry I make answer for the hundredth time: "No; you are the aggressors; no matter what you may say, the facts are there to prove it. The blood is on your heads, not on ours."

Furthermore, the circumstances in which these proposals are made are such that I have the right to denounce them as a crafty move, a clumsy snare. When, after reading words like the following, "We wish to give to our peoples every liberty they need, every opportunity



to live and to prosper that they may desire," I note in the same document that what our enemies so generously offer to other nations is a sort of charitable promise not to crush them, not to annihilate them, I exclaim: "Is that what they dare to offer, after the Marne, after the Yser, after Verdun, to France who stands before them glorious in her strength?"

We must think over a document like that; we must consider what it represents at the moment it is thrown at the world and what its aim is.

The things I am telling you are merely my personal impressions. I would not be talking thus, were it not my duty to put my country on her guard against what might bring about her demoralization. It is not that I doubt her clear-sightedness or her perspicacity. I am quite sure that she will not allow herself to be duped. But, nevertheless, even before the proposals are officially laid before us, I have the right to say to you that they are merely a ruse, an attempt to weaken the bonds of our alliance, to trouble the conscience and to undermine the courage of our people.

Therefore, gentlemen, with apologies for having spoken at such length—but you will not reproach me for having taken up this question—I conclude with the statement that the French Republic will do no less now than did the Convention, under similar circumstances, at an earlier period of our history.

#### **Russian semi-official Statement regarding the German Peace Proposals, December 14, 1916<sup>1</sup>**

The new appeal of our enemies is not their first attempt to throw the responsibilities of the war, which they have let loose, upon the Entente Powers. In order to obtain the support of the German people, who are tired of the war, the Berlin Government has many times had recourse to fallacious words of peace, and has frequently, in order to animate its troops, offered prospects of early peace. It had already promised peace when Warsaw was taken and Serbia was conquered, forgetting that such promises, if unfulfilled, would create profound distrust.

In its further efforts, which were similar and due to the same interested considerations, the German Government was obliged to carry this question outside Germany, and all the world recalls these attempts,

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<sup>1</sup>*The Times*, London, December 15, 1916.

notably its *ballons d'essai* which were sent up in neutral countries, particularly the United States. Seeing the inanity of such methods, which deceived no one, Germany attempted to create a peace atmosphere which would allow her to consolidate her aggressive and Imperialist tendencies, while sowing discord between the Allies, by seeking to make public opinion believe that separate *pourparlers* were in progress between her and the Entente Powers.

That was the period of the persistent reports of a separate peace. Seeing, however, that the Allies rejected with strong unanimity all these attempts, our enemies had to think of a more serious plan. They are to-day making, in spite of their confidence in their military and economic power, an appeal to the United States, Spain, and Switzerland, announcing their anxiety to enter into negotiations for peace.

The lack of sincerity and the object of the German proposal are evident. The enemy Governments have need of heroic measures to complete the gaps in their armies. The German Government, in order to lift up the hearts of its people and to prepare it for fresh sacrifices, is striving to create a favourable atmosphere with the following thesis:—"We are struggling for our existence. We are proposing peace. It is refused us. Therefore, the responsibility for the continuation of the war falls upon our enemies."

The object pursued by Germany is, however, clear. She speaks of respect for the rights of other nations, but at the same time she has already introduced in Belgium, Serbia, Montenegro, and Poland a regime of terror and violence. As for the future, Germany has proclaimed the illusory independence of Poland, she proposes to divide Serbia between Bulgaria and Austria, economically to subjugate Belgium, and to cede to Bulgaria part of Roumanian territory. Everywhere the idea of the hegemony of Germany predominates, and the latest speeches of Herr von Bethmann-Hollweg show up the true aspirations of the German Government.

But to-day, when the Entente Powers have proclaimed their unshakable determination to continue the war to a successful end and to prevent Germany from establishing her hegemony, no favourable ground exists for peace negotiations. Our enemies knew of the speeches of Mr. Lloyd George, M. Briand, Signor Boselli, and the statement of M. Trepoff. They were therefore sure that their proposal was unacceptable. It is so not because the Entente Powers, the friends of peace, are not inclined that way, but because the peace offered by Germany is a snare for public opinion. That is why the enemy Governments carefully avoid mentioning the conditions of peace.

We are sure that this new enterprise of the disturbers of the peace will lead no one astray, and that it is condemned to failure like previous efforts. The Entente Powers would assume a terrible responsibility before their peoples, before all humanity, if they suspended the struggle against Germany's latest attempt to profit by the present situation to implant her hegemony in Europe. All the innumerable sacrifices of the Allies would be nullified by a premature peace with an enemy who is exhausted but not yet brought down.

The firm determination of the Entente Powers to continue the war to final triumph can be weakened by no illusory proposals of the enemy.

**Extract from the Speech of Nicolas Pokrovsky, Russian Minister for Foreign Affairs, in the Duma, December 15, 1916<sup>1</sup>**

I am addressing you immediately on having been appointed to the post of Minister for Foreign Affairs, and am, naturally, not in a position to give you a detailed statement on the political situation of the day. But I feel constrained to inform you without delay and with the supreme authorization of his Imperial Majesty of the attitude of the Russian Government with regard to the application of our enemies, of which you heard yesterday through the telegrams of the news agencies.

Words of peace coming from the side which bears the whole burden of responsibility for the world conflagration, which it started, and which is unparalleled in the annals of history, however far back one may go, were no surprise to the Allies. In the course of the two and a half years that the war has lasted Germany has more than once mentioned peace. She spoke of it to her armies and to her people each time she entered upon a military operation which was to prove "decisive." After each military success, calculated with a view to creating an impression, she put out feelers for a separate peace on one side and another and conducted an active propaganda in the neutral Press. All these German efforts met with the calm and determined resistance of the Allied Powers.

Now, seeing that she is powerless to make a breach in our unshakable alliance, Germany makes an official proposal to open peace negotiations. In order properly to appreciate the meaning of this proposal one must consider its intrinsic worth and the circumstances

<sup>1</sup>*The Times*, London, December 16, 1916.

in which it was made. In substance the German proposal contains no tangible indications regarding the nature of the peace which is desired. It repeats the antiquated legend that the war was forced upon the Central Powers, it speaks of the victorious Austro-German armies, and the irresistibility of their defence, and then, proposing the opening of peace negotiations, the Central Powers express the conviction that the offers which they have to make will guarantee the existence, honour, and free development of their own peoples, and are calculated to establish a lasting peace. That is all the communication contains, except a threat to continue the war to a victorious end, and, in the case of refusal, to throw the responsibility for the further spilling of blood on our Allies.

What are the circumstances in which the German proposal was made? The enemy armies devastated and occupy Belgium, Serbia and Montenegro, and a part of France, Russia and Roumania. The Austro-Germans have just proclaimed the illusory independence of a part of Poland, and are by this trying to lay hands on the entire Polish nation. Who, then, with the exception of Germany, could derive any advantage under such conditions by the opening of peace negotiations?

But the motives of the German step will be shown more clearly in relief if one takes into consideration the domestic conditions of our enemies. Without speaking of the unlawful attempts of the Germans to force the population of Russian Poland to take arms against its own country, it will suffice to mention the introduction of general forced labour in Germany to understand how hard is the situation of our enemies. To attempt at the last moment to profit by their fleeting territorial conquests before their domestic weakness was revealed—that was the real meaning of the German proposal. In the event of failure they will exploit at home the refusal of the Allies to accept peace in order to rehabilitate the tottering morale of their populations.

But there is another senseless motive for the step they have taken. Failing to understand the true spirit which animates Russia, our enemies deceive themselves with the vain hope that they will find among us men cowardly enough to allow themselves to be deceived if even for a moment by lying proposals. That will not be. No Russian heart will yield. On the contrary, the whole of Russia will rally all the more closely round its august Sovereign, who declared at the very beginning of the war that he “would not make peace until the last enemy soldier had left our country.”

Russia will apply herself with more energy than ever to the realization of the aims proclaimed before you on the day when you reassembled, especially to the positive and general collaboration which constitutes the only sure means of arriving at the end which we all have at heart—namely, the crushing of the enemy. The Russian Government repudiates with indignation the mere idea of suspending the struggle and thereby permitting Germany to take advantage of the last chance she will have of subjecting Europe to her hegemony. All the innumerable sacrifices already made would be in vain if a premature peace were concluded with an enemy whose forces have been shaken, but not broken, an enemy who is seeking a breathing space by making deceitful offers of a permanent peace. In this inflexible decision, Russia is in complete agreement with all her valiant Allies. We are all equally convinced of the vital necessity of carrying on the war to a victorious end, and no subterfuge by our enemies will prevent us from following this path.

**Resolution of the Russian Duma against acceptance of the German Peace Proposals, December 15, 1916<sup>1</sup>**

The Duma having heard the statement of the Minister for Foreign Affairs is unanimously in favour of a categorical refusal by the Allied Governments to enter under present conditions into any peace negotiations whatever. It considers that the German proposals are nothing more than a fresh proof of the weakness of the enemy, and are a hypocritical act from which the enemy expects no real success, but by which he seeks to throw upon others the responsibility for the war and for what has happened during it, and to exculpate itself before public opinion in Germany.

The Duma considers that a premature peace would not only be a brief period of calm, but would involve the danger of another bloody war and renewed deplorable sacrifices on the part of the people.

It considers that a lasting peace will be possible only after a decisive victory over the military power of the enemy, and after the definite renunciation by Germany of the aspirations which render her responsible for the world war and for the horrors by which it is accompanied.

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<sup>1</sup>*The Times*, London, December 16, 1916.

**Speech of Arthur Henderson, unofficial Member of the British Cabinet, London, December 16, 1916<sup>1</sup>**

The British people, with their national love of peace, were anxious that the real meaning of the German proposals should be appreciated. But the Government knew nothing concerning the text of the proposals, and Germany's motives must for the present remain a matter of speculation. But, judging from past and from recent events, we might anticipate, without over-assumption, that any proposals Germany might put forward would not err on the side of magnanimity.

Any proposals put forward must be examined with the greatest possible care. We of all people must not forget that Germany was prepared for peace with this country as late as August, 1914. But on what conditions? That we were prepared to betray France and acquiesce in the violation of the neutrality of Belgium, which Germany, like ourselves, had on oath sworn to maintain. The lesson to be learned from her present desire for peace was that any proposal received must be scrutinized in the light of our obligations to our Allies, to whom we were pledged to make no separate peace. However convenient it might be for Germany to ignore her responsibility in this great war, however far she might ignore her responsibilities to small nationalities, it was loyalty on our part to our brave and loyal comrades that must bind us to the end.

Subject to these considerations, the people of this country were prepared to-day, as in August, 1914, to accept peace, provided that that peace was both just and permanent. But there was one supreme condition—namely, that the principles governing any decision must be those on which we entered, and on which we were continuing, the war. We entered the war in defence of small nationalities, to defend France from wanton aggression, and to preserve our own security. Indemnity for the past was not enough unless we had guarantees for the future; and guarantees for the future were not enough without ample reparation for all that Belgium, France, Serbia and Poland had suffered. The peace into which we entered must contain guarantees for its own duration. Germany might have such a peace if she furnished us with proof of her good intentions.

But, he concluded, if her present overtures are merely a pretence; if it is shown that she is merely arranging an armistice, to enable her to obtain a breathing-space that will furnish her with the opportunity to lay fresh plans of aggression, then I say, whatever may be the temp-

<sup>1</sup>*The Times*, London, December 16, 1916.



tation to the people of these islands, we must set our faces like the steel you work upon against her proposals.

**Extract from the Speech of Baron Sonnino, Italian Minister for Foreign Affairs, in the Chamber of Deputies, December 18, 1916<sup>1</sup>**

The Government knows absolutely nothing regarding the specific conditions of the enemy's peace proposals and regards as an enemy manoeuvre the rumours secretly spread about them. We must remember that none of the Allies could in any way take into consideration any condition offered to it separately. The reply of the Allies will be published as soon as it has been agreed upon.

We all desire a lasting peace, but we consider as such an ordered settlement of which the duration does not depend upon the strength of the chains binding one people to another, but on a just equilibrium between States and respect for the principle of nationality, the rights of nations, and reasons of humanity and civilization. While intensifying our efforts to beat the enemy, we do not aim at an international settlement by servitude and predominance implying the annihilation of peoples and nations. If a serious proposal was made on a solid basis for negotiations satisfying the general demands of justice and civilization, no one would oppose an *a priori* refusal to treat, but many things indicate that that is not the case now. The tone of boasting and insincerity characterizing the preamble to the enemy notes inspires no confidence in the proposals of the Central Empires. The Governments of the Allies must avoid the creation for their populations by a false mirage of vain negotiations of an enormous deception, followed by cruel disappointment.

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<sup>1</sup>*The Times*, London, December 19, 1916.

President Wilson's Peace Note, December 18, 1916<sup>1</sup>*The Secretary of State to Ambassador W. H. Page*<sup>2</sup>

[TELEGRAM]

DEPARTMENT OF STATE,  
*Washington, December 18, 1916.*

The President directs me to send you the following communication to be presented immediately to the Minister of Foreign Affairs of the Government to which you are accredited:

"The President of the United States has instructed me to suggest to His Majesty's Government a course of action with regard to the present war which he hopes that the British Government will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

"The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by the recent overtures of the Central Powers. It is in fact in no way associated with them in its origin and the President would have delayed offering it until those overtures had been answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.<sup>3</sup>

<sup>1</sup>Official prints of the Department of State.

<sup>2</sup>Same *mutatis mutandis* to the American Diplomatic Representatives accredited to all the belligerent Governments and to all neutral Governments for their information.

<sup>3</sup>In the note addressed to the Representatives of the Central Powers, this paragraph reads as follows:

"The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by a desire to play a part in connection with the recent overtures of the Central Powers. It has in fact been in no way suggested by them in its origin and the President would have delayed offering it until those overtures had been independently answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances."

"The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them. He is indifferent as to the means taken to accomplish this. He would be happy himself to serve or even to take the initiative in its accomplishment in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

"He takes the liberty of calling attention to the fact that the objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. 1 Each side desires to make the rights and privileges of weak peoples and small States as secure against aggression or denial in the future as the rights and privileges of the great and powerful States now at war. 2 Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this and against aggression of selfish interference of any kind. 3 Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions. 4 but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

"In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to coöperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command. But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its con-

clusion, lest the situation of neutral nations, now exceedingly hard to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

“The President therefore feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations as well as those at war are ready to play their full responsible part. If the contest must continue to proceed towards undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle.

“The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

“The leaders of the several belligerents have, as has been said, stated those objects in general terms. But, stated in general terms, they seem the same on both sides. Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guarantees, what political or territorial changes or readjustments, what stage of military success even, would bring the war to an end.

“It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

“The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near

the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world."

LANSING.

**Extracts from the Speech of Lord Curzon in the House of Lords,  
December 19, 1916<sup>1</sup>**

I hope I shall not be wrong if I state my belief that the friendly welcome which has been accorded to the present Government, not least by your Lordships, has been due to the conviction that a greater and more concentrated effort, more effective and universal organisation, a more and adequate and rapid use of the resources not only of ourselves alone, but of our Allies, are required if we are to carry the war to the successful termination we all desire. This country is not merely willing to be led, but is almost calling to be driven. They desire the vigorous prosecution of the war, a sufficient and ample return for all the sacrifices they have made, reparation by the enemy for his countless and inconceivable crimes, security that those crimes shall not be repeated, and that those sacrifices shall not have been made in vain. They desire that the peace of Europe shall be re-established on the basis of a free and independent existence of nations great and small. They desire as regards ourselves that our own country shall be free from the menace which the triumph of German arms, and still more the triumph of the German spirit, would entail. It is to carry out these intentions that the present Government has come into existence, and by its success or failure in doing so will it be judged.

At the very moment when she is talking of peace Germany is making the most stupendous efforts for the prosecution of the war, and to find new men. She is squeezing possibly the last drop out of the manhood of her nation. She is compelling every man, woman, and boy, between sixteen and sixty, to enter the service of the State. At the same time, with a callous ferocity and disregard of international law, she is driving the population of the territory she has occupied into compulsory service. She is even trying to get an army out of Poland by offering it the illusory boon of "independence." That is the nature of the challenge we have to meet. It has been our object to establish such a system of re-

<sup>1</sup>*The Morning Post*, London, December 20, 1916.

cruiting as will ensure that no man is taken for the Army who is capable of rendering more useful service in industry. We ought to have power to see that every man who is not taken into the Army is employed on national work. At present it is only on men fit for military service the nation has the right to call. Unfit men, exempted men, are surely under the same moral obligation. We need to make a swift and effective answer to Germany's latest move, and in my opinion it is not too much to ask the people of this country to take upon themselves in a few months and as free men the obligations which Germany is imposing on herself. As our Army grows our need of munitions grows. A large part of our labour for munition purposes is at present immobile, and we have no power to transfer men from where they are wasting their strength to places where they can be of great service. We have not the organisation for transferring them as volunteers. These are the powers we must take, and this is the organisation we must complete. The matter is not new. It was considered by the War Committee of the late Government and others, and it was decided that the time had come for the adoption of universal national service. It was one of the first matters taken up by the present Government.

Having dealt so far with the domestic programme of the Government I will now refer to the military and political situations. While I do not believe in painting too rosy a picture of affairs, I think we ought not to take a gloomy view. It is true that Germany has captured the capital of Roumania, but your Lordships must not imagine that she has gained all the success even in Roumania that the words of the Imperial Chancellor would appear to suggest. It may be a consolation to your Lordships to know that the oil refineries and stocks in that part of Roumania which is now in the occupation of the Germans were destroyed before the arrival of the Germans. It would be invidious if I were to discuss the cause of Roumania's failure. It is one of the tragic incidents of the war. The only military Power which could come to the assistance of Roumania was Russia. Russia has done all in her power. The utmost we could do was to send supplies, as we did, and to engage the common enemy by an active offensive from our military base at Salonica. What changes have taken place in the external aspect of the war during the present year?

I distrust statistics, at any rate, in casualties in war, nor do I attach too much importance to the fact that since July 1 the combined armies

of France and England have taken 105,000 German prisoners, 150 heavy guns, 200 field guns, and 15,000 machine guns. There have been much more important consequences than this. The Allies have established an incontestable superiority not merely in the fighting strength and stamina of their men, but in artillery and the air. It is clear that the morale of the Germans is greatly shaken and that their forces are sick of it. Evidence is accumulating of the bad interior condition of Germany, in some cases the admitted hunger and in some cases almost starvation, and the progressive physical deterioration of her people. The outlook is not quite so good for the Central Powers as they would have us believe, and our attitude need not be one of despondency or alarm. It is at this moment that Germany has come forward with offers of peace, or rather I can not fairly use the word offer, but rather let me say vague adumbrations and indications of peace. What has been the course of events? First there has been the speech of the Imperial Chancellor in the Reichstag. Next there is the note to the Powers. The note proclaims the indestructible strength of the Central Powers and proclaims that Germany is not only undefeated, but undefeatable. It advances the plea that Germany was constrained to take up arms for the defence of her existence. It avows German respect for the rights of other nations—and expresses a desire to stem the flood of blood, and finally, after this remarkable preamble, it declares that they propose to enter even now, in the hour of their triumph, they propose, as an act of condescension, to enter into peace negotiations. As regards peace, is there a single one of the Allied Powers who would not welcome peace if it is to be a genuine peace, a lasting peace, a peace that could be secured on honorable terms, a peace that would give guarantees for the future? Is there a single Government, statesman, or individual who does not wish to put an end to this conflict, which is turning half the world into a hell and wrecking the brightest prospects of mankind? In what spirit is it proposed and from whom does it come?

Is this the spirit in which your Lordships think that peace proposals should be made? Does it hold out a reasonable prospect of inducing the Allies to lay down their arms? Is there any indication of German desire to make reparation and to give guarantees for the future? So far as we can judge from that speech, and it is all we have to judge by, the spirit which breathes in every word is the spirit of German militarism. While that speech is being made Belgian deportation is going on. It is said that the "peace of God passeth understanding." Surely the

same thing can be said in a different sense of the peace which Germany proposes. We know nothing of that. We have only the menacing tone of the note and the speech which accompanied it. Let me put one more reflection before you. Let no one think for a moment that it is merely by territorial restitution or by reversion to the *status quo ante* that the objects for which the Allies are fighting will be obtained. We are fighting, it is true, to recover for Belgium, France, Russia, Serbia, and Roumania the territories which they have lost, and to secure reparation for the cruel wrongs they have experienced. But you may restore to them all, and more than all, they have lost, you may pile on indemnities which no treasury in Europe could produce, and yet the war would have been in vain if we had no guarantees and no securities against a repetition of Germany's offense. We are not fighting to destroy Germany. Such an idea has never entered into the mind of any thinking human being in this country. But we are fighting to secure that the German spirit shall not crush the free progress of nations and that the armed strength of Germany, augmented and fortified, shall not dominate the future. We are fighting that our grandchildren and our great-grandchildren shall not have, in days when we have passed away, to go again through the experience of the years 1914 to 1917. This generation has suffered in order that the next may live. We are ready enough for peace when these guarantees have been secured and these objects attained. Till then we owe it to the hundreds of thousands of our fellow-countrymen and our Allies, who have shed their blood for us, to be true to the trust of their splendid and uncomplaining sacrifice and to endure to the end.

**Extracts from the Speech of Premier Lloyd George in the House of Commons, December 19, 1916<sup>1</sup>**

I am afraid I shall have to claim the indulgence of the House in making the observations which I have to make in moving the second reading of this Bill. I am still suffering a little from my throat. I appear before the House of Commons to-day with the most terrible responsibility that can fall upon the shoulders of any living man as the chief adviser of the Crown in the most gigantic war in which this country has ever been engaged, a war upon the events of which its destiny depends. It is the greatest war ever waged. The burdens are the heaviest that have been cast upon this or any other country,

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<sup>1</sup>*The Times*, London, December 20, 1916.



and the issues which hang on it are the gravest that have been attached to any conflict in which humanity has ever been involved.

The responsibilities of the new Government have been suddenly accentuated by a declaration made by the German Chancellor, and I propose to deal with that at once. The statement made by him in the German Reichstag has been followed by a note presented to us by the United States of America without any note or comment. The answer that will be given by the Government will be given in full accord with all our brave Allies. Naturally there has been an interchange of views, not upon the note, because it has only recently arrived, but upon the speech which propelled it, and, inasmuch as the note itself is practically only a reproduction or certainly a paraphrase of the speech, the subject-matter of the note itself has been discussed informally between the Allies, and I am very glad to be able to state that we have each of us, separately and independently, arrived at identical conclusions. I am very glad that the first answer that was given to the statement of the German Chancellor was given by France and by Russia. They have the unquestioned right to give the first answer to such an invitation. The enemy is still on their soil. Their sacrifices have been greater. The answer they have given has already appeared in all the papers, and I simply stand here to-day on behalf of the Government to give a clear and definite support to the statement which they have already made. Let us examine what the statement is and examine it calmly. Any man or set of men who wantonly or without sufficient cause prolong a terrible conflict like this would have on his soul a crime that oceans could not cleanse. Upon the other hand it is equally true that any man or set of men who from a sense of weariness or despair abandoned the struggle without achieving the high purpose for which he had entered into it would have been guilty of the costliest act of poltroonery ever perpetrated by any statesman. I should like to quote the very well-known words of Abraham Lincoln under similar conditions:—"We accepted this war for an object, a worthy object, and the war will end when that object is attained. Under God I hope it will never end until that time." Are we likely to achieve that object by accepting the invitation of the German Chancellor? That is the only question we have to put to ourselves.

There has been some talk about proposals of peace. What are the proposals? There are none. To enter, on the invitation of Germany, proclaiming herself victorious, without any knowledge of the proposals she proposes to make, into a conference is to put our heads

into a noose with the rope end in the hands of Germany. This country is not altogether without experience in these matters. This is not the first time we have fought a great military despotism that was overshadowing Europe, and it will not be the first time we shall have helped to overthrow military despotism. We have an uncomfortable historical memory of these things, and we can recall when one of the greatest of these despots had a purpose to serve in the working of his nefarious schemes. His favorite device was to appear in the garb of the Angel of Peace, and he usually appeared under two conditions. When he wished for time to assimilate his conquests or to reorganize his forces for fresh conquests, or, secondly, when his subjects showed symptoms of fatigue and war weariness the appeal was always made in the name of humanity. He demanded an end to bloodshed, at which he professed himself to be horrified, but for which he himself was mainly responsible. Our ancestors were taken in once, and bitterly they and Europe rue it. The time was devoted to reorganizing his forces for a deadlier attack than ever upon the liberties of Europe, and examples of that kind cause us to regard this note with a considerable measure of reminiscent disquietude.

We feel that we ought to know, before we can give favourable consideration to such an invitation, that Germany is prepared to accede to the only terms on which it is possible for peace to be obtained and maintained in Europe. What are those terms? They have been repeatedly stated by all the leading statesmen of the Allies. My right hon. friend has stated them repeatedly here and outside, and all I can do is to quote, as my right hon. friend the leader of the House did last week, practically the statement of the terms put forward by my right hon. friend—

“Restitution, reparation, guarantee against repetition”—so that there shall be no mistake, and it is important that there should be no mistake in a matter of life and death to millions.

Let me repeat again—complete restitution, full reparation, effectual guarantee. Did the German Chancellor use a single phrase to indicate that he was prepared to accept such a peace? Was there a hint of restitution, was there any suggestion of reparation, was there any invitation of any security for the future that this outrage on civilization would not be again perpetrated at the first profitable opportunity? The very substance and style of this speech constitutes a denial of peace on the only terms on which peace is possible. He is not even conscious now that Germany has committed any offence against the rights of free nations. Listen to this from

the note:—"Not for an instant have they (they being the Central Powers) swerved from the conviction that respect of the rights of other nations is not in any degree incompatible with their own rights and legitimate interests." When did they discover that? Where was the respect for the rights of other nations in Belgium and Serbia? That was self-defence! Menaced, I suppose, by the overwhelming armies of Belgium, the Germans had been intimidated into invading Belgium, and the burning of Belgian cities and villages, to the massacring of thousands of inhabitants, old and young, to the carrying of the survivors into bondage. Yea, and they were carrying them into slavery at the very moment when this note was being written about the unswerving conviction as to the respect for the root of the rights of other nations. Are these outrages the legitimate interest of Germany? We must know. That is not the moment for peace. If excuses of this kind for palpable crimes can be put forward two and a half years after the exposure by grim facts of the guarantee, is there, I ask in all solemnity, any guarantee that similar subterfuges will not be used in the future to overthrow any treaty of peace you may enter into with Prussian militarism.

This note and that speech prove that not yet have they learned the very alphabet of respect for the rights of others. Without reparation, peace is impossible. Are all these outrages against humanity on land and on sea to be liquidated by a few pious phrases about humanity? Is there to be no reckoning for them? Are we to grasp the hand that perpetrated these atrocities in friendship without any reparation being tendered or given? I am told that we are to begin, Germany helping us, to exact reparation for all future violence committed after the war. We have begun already. It has already cost us so much, and we must exact it now so as not to leave such a grim inheritance to our children. As much as we all long for peace, deeply as we are horrified with war, this note and the speech which heralded it do not afford us much encouragement and hope for an honourable and lasting peace. What hope is given in that speech that the whole root and cause of this great bitterness, the arrogant spirit of the Prussian military caste, will not be as dominant as ever if we patch up peace now? Why, the very speech in which these peace suggestions are made resound to the boast of Prussian military triumph. It is a long pæan over the victories of von Hindenburg and his legions. The very appeal for peace was delivered ostentatiously from the triumphal chariot of Prussian militarism.

We must keep a steadfast eye upon the purpose for which we entered the war, otherwise the great sacrifices we have been making will be in vain. The German note states that it was for the defence of their existence and the freedom of national development that the Central Powers were constrained to take up arms. Such phrases even deceive those who pen them. They are intended to delude the German nation into supporting the designs of the Prussian military caste. Who ever wished to put an end to their national existence or the freedom of their national development? We welcomed their development as long as it was on the paths of peace—the greater their development upon that road, the greater would all humanity be enriched by their efforts. That was not our desire, and it is not our purpose now.

The Allies entered this war to defend Europe against the aggression of Prussian military domination, and, having begun it, they must insist that the only end is the most complete and effective guarantee against the possibility of that caste ever again disturbing the peace of Europe. Prussia, since she got into the hands of that caste, has been a bad neighbour, arrogant, threatening, bullying, shifting boundaries at her will, taking one fair field after another from weaker neighbours, and adding them to her own domain. With her belt ostentatiously full of weapons of offence, and ready at a moment's notice to use them, she has always been an unpleasant, disturbing neighbour in Europe. She got thoroughly on the nerves of Europe. There was no peace near where she dwelt. It is difficult for those who are fortunate enough to live thousands of miles away to understand what it has meant to those who live near. Even here, with the protection of the broad seas between us, we know what a disturbing factor the Prussians were with their constant naval menace.

But even we can hardly realize what it has meant to France and to Russia. Several times there were threats directed to them even within the lifetime of this generation which presented the alternative of war or humiliation. There were many of us who hoped that internal influences in Germany would have been strong enough to check and ultimately to eliminate these feelings. All our hopes proved illusory, and now that this great war has been forced by the Prussian military leaders upon France, Russia, Italy, and ourselves, it would be folly, it would be a cruel folly, not to see to it that this swashbuckling through the streets of Europe to the disturbance of all harmless and peaceful citizens shall be dealt with now as an offence against the law of nations. The mere word that

led Belgium to her own destruction will not satisfy Europe any more. We all believed it. We all trusted it. It gave way at the first pressure of temptation, and Europe has been plunged into the vortex of blood.

We will therefore wait until we hear what terms and guarantees the German Government offer other than those, better than those, surer than those, which she so lightly broke. Meantime, we shall put our trust in an unbroken Army rather than in a broken faith.

For the moment I do not think it would be advisable for me to add anything upon this particular invitation. A formal reply will be delivered by the Allies in the course of the next few days. I shall therefore proceed with the other part of the task which I have in front of me. What is the urgent task in front of the Government? To complete, and make even more effective, the mobilization of all our national resources—a mobilization which has been going on since the commencement of the war—so as to enable the nation to bear the strain, however prolonged, and to march through to victory, however lengthy, and however exhausted may be the task. It is a gigantic task.

Let me give this word of warning, if there be any who have given their confidence to the new Administration in expectation of a speedy victory, they will be doomed to disappointment. I am not going to paint a gloomy picture of the military situation. If I did it would not be a true picture. But I must paint a stern picture, because that accurately represents the facts.

There is a time in every prolonged and fierce war when in the passion and rage of conflict men forget the high purpose with which they entered it. This is a struggle for international right, international honour, international good faith—the channel along which peace, honour, and good will must flow amongst men. The embankment laboriously built up by generations of men against barbarism has been broken, and had not the might of Britain passed into the breach, Europe would have been inundated with a flood of savagery and unbridled lust of power. The plain sense of fair-play amongst nations, the growth of an international conscience, the protection of the weak against the strong by the stronger, the consciousness that justice has a more powerful backing in this world than greed, the knowledge that any outrage upon fair dealing between nations, great or small, will meet with prompt and meritable chastisement—these constitute the causeway along which humanity

was progressing slowly to higher things. The triumph of pressure would sweep it all away and leave mankind to struggle helpless in the morass. That is why since this war began I have known but one political aim; and for it I have fought with a single eye—that is the rescue of mankind from the most overwhelming catastrophe that has ever yet menaced its well-being.

**Extracts from the Speech of Former Premier Asquith in the House of Commons, December 19, 1916<sup>1</sup>**

I think what I have said is sufficient to show that the use we have made of the methods open to us—naval, military, and economic—has not been ineffectual, and if further proof were required it is to be found in the so-called peace proposals which have been somewhat clumsily projected into space from Berlin. It is true that these proposals are wrapped up in the familiar dialect of Prussian arrogance, but how comes it that a nation which, after two years of war, professes itself conscious of military superiority and confident of ultimate victory should begin to whisper, nay, not to whisper, but to shout so that all the world can hear it, the word “peace”? Is it a sudden access of chivalry? Why and when has the German Chancellor become so acutely sensitive to what he calls the dictates of humanity? No; without being uncharitable we may well look elsewhere for the origin of this pronouncement. It is born of military and economic necessity. When I moved the last Vote of Credit I said there was no one among us who did not yearn for peace, but that it must be an honourable and not a shamefaced peace; it must be a peace that promised to be durable and not a patched-up and precarious compromise; it must be a peace which achieved the purpose for which we entered on the war. Such a peace we would gladly accept. Anything short of it we were bound to repudiate by every obligation of honour, and above all by the debt we owe to those, and especially to the young, who have given their lives for what they and we believed to be a worthy cause. Since I spoke two months ago their ranks have been sadly and steadily reinforced. I should like to refer in passing for a moment to one of them, a friend and colleague of mine, Lord Lucas. Apart from the advantages of birth and fortune he was a man of singularly winning personality, fine intelligence, and with the strongest sense of public duty. He worked inconspicuously but hard in the early days of the Territorial Army. He served for some years at the War Office and afterwards became a member of the Cabinet. At the time of the

<sup>1</sup>*The Morning Post*, London, December 20, 1916.

Coalition he stood aside without a murmur and volunteered straight away for the Royal Flying Corps. Now he has met his death in a gallant reconnoitering raid over the German lines. He was not, I think, more than forty. He had a full and fruitful life. Nor can we or ought we forget the countless victims, both among our own people and among the Allies, of the ruthless and organised violation of the humane restrictions by which both on land and sea the necessary horrors of war have been hitherto mitigated. For my own part I say plainly and emphatically that I see nothing in the note of the German Government which gives me the least reason to believe that they are in a mood to give to the Allies what the last time I spoke I declared to be essential—reparation and security.

If they are in the right mood—if they are prepared to give us reparation for the past and security for the future, let them say so. While I was at the head of the Government, on several occasions I indicated, I believe, in quite unambiguous language, the minimum of the Allies' demands, before they put up their swords, as well as the general character of the ultimate international status upon which our hopes and desires are set. I have no longer authority to speak for the Government or the nation, but I do not suppose the House or the country are going back from what I said in their name and on their behalf. It is not we that stand in the way of peace when we decline, as I hope we shall, to enter blindfold into the parleys which start from nothing, and therefore can lead to nothing. Peace we all desire, but peace can only come—peace, I mean, that is worthy the name and that satisfies the definition of the word—peace will only come on the terms that atonement is made for past wrongs, that the weak and the downtrodden are restored, and that the faith of treaties and the sovereignty of public law are securely enthroned over the nations of the world.

**Speech of Bonar Law, Chancellor of the Exchequer, in the House of Commons, December 21, 1916<sup>1</sup>**

The House will readily understand that I am divided between two desires. It is the general desire of the House, I think, that we should rise to-morrow, and if that is to be done it is quite impossible that a subject so vast as that which we have just been discussing can be properly debated to-night. I am going to try to set an example by saying very little indeed on the burning questions which have been

<sup>1</sup>*The Times*, London, December 22, 1916.

raised in the course of the debate. In regard to the speech of the hon. member who has just sat down, I at least who have only run vicarious risks have no right to throw taunts at a man who has had his place in the fighting line. At the same time, I am compelled to say that if the spirit of the speech to which we have just listened were to permeate this country, then, in my belief, all the blood and treasure which have been spent in this war will have been spent in vain. I do not think that he or anyone needs to impress upon us what are the horrors of this war.

If there were ever any who love war for itself—I have always hated it—if there were any whose imaginations were moved by the pomp and panoply of war, we know better now what it is. It is not glorious victories, or the hope of them, that is moving the hearts of the people of this country. What we think of is the men—our own nearest relations—who are suffering the hardships which have been pointed out to us. What we are thinking of are the desolate homes to which life will never return again in this world. What we are thinking of are the maimed and wounded whom we see going about our streets. We do not love war, and if I saw any prospect of securing the objects for which we have been fighting by a peace to-morrow, there is no man in this House who would welcome it more gladly than I would.

But what is the position? The hon. gentleman says—I hope no one will think that in quoting his words I have any party view in mind—“Let us trust to the old Liberal traditions; let us trust to the good hearts of those we are dealing with.” Why are we in this war to-day? Why are we suffering the terrible agonies which this nation is enduring? It is because we did trust Germany; because we did believe that the crimes which have been committed by them would never be committed by any human being. It is all very well to say, “Let us get terms of peace.” Can you get any terms of peace more binding than the treaty to protect the neutrality of Belgium? Can you come to any conclusion upon paper or by promise which will give us greater security than we had before this war broke out? Where are we to find them? I hope that not this country alone, but all the neutral nations of the world, will understand the position that has now arisen. Germany has made a proposal of peace. On what basis? On the basis of her victorious army.

The hon. member who spoke last tells us that if we win the victory there will be conscription for ever in this country. But what will be the position if peace is settled on the basis of a victorious German army? Is there any man in this House who has honestly considered not merely the conditions in which this war was forced on



the world, but the way in which the war has been carried on—is there any man in this House who honestly believes that the dangers and miseries from which we have suffered can be cured in any other way than by making the Germans realize that frightfulness does not pay, and that their militarism is not going to rule the world?

I ask the House to realize what it is we are fighting for. We are not fighting for territory; we are not fighting for the greater strength of the nations who are fighting. We are fighting for two things, to put it in a nutshell: We are fighting for peace now, but we are also fighting for security for peace in the time to come. When this German peace proposal comes before us, not only based on German victories, but when they claim that they are acting on humanitarian grounds, when they treat it, to put it at the best, from their point of view, as if they and the Allies were at least equal—let the House consider what has happened in this war. Let them consider the outrages in Belgium, the outrages on sea and land, the massacres in Armenia, which Germany could have stopped at a word, if she had wished to do so.

Let them realize that this war will have been fought in vain, utterly in vain, unless we can make sure that it shall never again be in the power of a single man or of a group of men to plunge the world into miseries such as I have described.

When the hon. gentleman talks about peace on these terms, I ask anyone in this House or in the country this question: Is there to be no reparation for the wrong? Is the peace to come on this basis, that the greatest crime in the world's history is to go absolutely unpunished? It is not vindictiveness to say that. It is my firm belief that unless all the nations of the world can be made to realize that these moral forces of which the hon. gentleman spoke have to be shown in action—unless we realize that, there never can be an enduring peace in this world. I am not afraid of my countrymen. We have been told that the troops at the front will fight to the end, to secure what they think is necessary as a result of this war. I am sure that they will. I am sure also that our fellow countrymen at home who up till now have made few sacrifices, except the sacrifice of those dear to them, are determined in this matter, and that if they can be made to believe, as I am sure they can, that the objects for which we are fighting can be secured, then there is no sacrifice which they will not be prepared to make. I am afraid I have said more than I intended when I rose, but I could not refrain from expressing what I felt on this subject.

**Swiss Reply to President Wilson's Peace Note, December 23, 1916<sup>1</sup>**

The President of the United States of America, with whom the Swiss Federal Council, guided by its warm desire that the hostilities may soon come to an end, has for a considerable time been in touch, had the kindness to apprise the Federal Council of the peace note sent to the Governments of the Central and Entente Powers. In that note President Wilson discusses the great desirability of international agreements for the purpose of avoiding more effectively and permanently the occurrence of catastrophes such as the one under which the peoples are suffering to-day. In this connection he lays particular stress on the necessity for bringing about the end of the present war. Without making peace proposals himself or offering mediation, he confines himself to sounding as to whether mankind may hope to have approached the haven of peace.

The most meritorious personal initiative of President Wilson will find a mighty echo in Switzerland. True to the obligations arising from observing the strictest neutrality, united by the same friendship with the States of both warring groups of powers, situated like an island amidst the seething waves of the terrible world war, with its ideal and material interests most sensibly jeopardized and violated, our country is filled with a deep longing for peace, and ready to assist by its small means to stop the endless sufferings caused by the war and brought before its eyes by daily contact with the interned, the severely wounded, and those expelled, and to establish the foundations for a beneficial cooperation of the peoples.

The Swiss Federal Council is therefore glad to seize the opportunity to support the efforts of the President of the United States. It would consider itself happy if it could act in any, no matter how modest a way, for the *rapprochement* of the peoples now engaged in the struggle, and for reaching a lasting peace.

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<sup>1</sup>*The New York Times*, December 25, 1916.

**Swiss Peace Note in support of President Wilson, December 23, 1916<sup>1</sup>**

The President of the United States of America has just addressed to the Governments of the Entente and to the Central Powers a note in favour of peace. He has been good enough to communicate it to the Swiss Federal Council, which, inspired by the ardent desire to see an early cessation of hostilities, got into touch with him as long as five weeks ago.

In this note President Wilson recalls how desirable it is to come to international agreements with a view to avoiding, in a permanent and sure manner, such catastrophes as those which the peoples have to suffer to-day. Before all, he insists upon the necessity of putting an end to the present war. He himself does not formulate peace proposals, nor does he propose his mediation. He limits himself to sounding the belligerents in order to ascertain whether humanity may hope to-day that it has advanced towards a beneficent peace.

The generous personal initiative of President Wilson will not fail to awaken a profound echo in Switzerland. Faithful to the duties which the strictest observation of neutrality imposes upon her, united by the same friendship to the two groups of Powers at present at war, isolated in the midst of the frightful *mêlée* of the peoples, seriously threatened and affected in her spiritual and material interests, our country longs for peace.

Switzerland is ready to aid with all her feeble strength in putting an end to the sufferings of war which she sees being endured every day by the interned, the seriously wounded, and the deported. She, too, is willing to lay the foundations for a fruitful collaboration of the peoples. That is why the Swiss Federal Council seizes with joy the opportunity to support the efforts of the President of the United States of America. She would esteem herself happy if she

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<sup>1</sup>*The Times*, London, December 26, 1916. Addressed to all the belligerent Governments. Norway, Sweden and Denmark likewise addressed these Governments in support of President Wilson, in an identical note of December 22, 1916, no official text of which is available. These notes were briefly acknowledged by the Entente Allies on January 17, 1917, the four States being referred for fuller reply to the joint note to President Wilson of January 10, 1917. *Ibid.*, January 18, 1917. For the replies of the Central Governments to the Swiss note, see *post*, pp. 36, 37. Germany, on January 1, 1917, briefly acknowledged the Scandinavian note, concluding with the remark: "It depends upon the reply of the Entente whether the attempt to give back to the world the blessings of peace will be crowned with success." *The New York Times*, January 4, 1917. For the Austro-Hungarian reply to the Scandinavian note, see *post*, p. 45.

could, even in the most modest measure, work for the *rapprochement* of the nations at war and the establishment of a lasting peace.

German Reply to President Wilson's Peace Note, December 26,  
1916<sup>1</sup>

*Ambassador Gerard to the Secretary of State*

[TELEGRAM—PARAPHRASE]

AMERICAN EMBASSY,  
*Berlin, December 26, 1916.*

X Mr. Gerard reports receipt of a note from the German Foreign Office, dated December 26, 1916, as follows:

"FOREIGN OFFICE,  
*Berlin, December 26, 1916.*

"With reference to the esteemed communication of December 21, Foreign Office No. 15118, the undersigned has the honor to reply as follows: To His Excellency the Ambassador of the United States of America, Mr. James W. Gerard.

"The Imperial Government has accepted and considered in the friendly spirit which is apparent in the communication of the President, noble initiative of the President looking to the creation of bases for the foundation of a lasting peace. The President discloses the aim which lies next to his heart and leaves the choice of the way open. A direct exchange of views appears to the Imperial Government as the most suitable way of arriving at the desired result. The Imperial Government has the honor, therefore, in the sense of its declaration of the 12th instant, which offered the hand for peace negotiations, to ~~propose the speedy assembly, on neutral ground, of delegates of the warring States.~~

"It is also the view of the Imperial Government that the great work for the prevention of future wars can first be taken up only after the ending of the present conflict of exhaustion. The Imperial Government is ready, when this point has been reached, to cooperate with the United States at this sublime task.

"The undersigned, while permitting himself to have recourse to good offices of His Excellency the Ambassador in connection with the transmission of the above reply to the President of the United

<sup>1</sup>Official print of the Department of State.

States, avails himself of this opportunity to renew the assurances of his highest consideration.

“ZIMMERMAN.”

**Austro-Hungarian Reply to President Wilson's Peace Note,  
December 26, 1916<sup>1</sup>**

*Ambassador Penfield to the Secretary of State*

[TELEGRAM]

AMERICAN EMBASSY,  
*Vienna, December 26, 1916.*

Following, dated December 26, received to-day from Austro-Hungarian Ministry for Foreign Affairs:

“AIDE MEMOIRE

“In reply to the *aide memoire* communicated on the 22d instant by His Excellency the American Ambassador, containing the proposals of the President of the United States of America for an exchange of views among the powers at present at war for the eventual establishment of peace, the Imperial and Royal Government desires particularly to point out that in considering the noble proposal of the President it is guided by the same spirit of amity and complaisance as finds expression therein.

“The President desires to establish a basis for a lasting peace without wishing to indicate the ways and means. The Imperial and Royal Government considers a direct exchange of views among the belligerents to be the most suitable way of attaining this end. Adverting to its declaration of the 12th instant, in which it announced its readiness to enter into peace negotiations, it now has the honor to propose that representatives of the belligerent powers convene at an early date at some place on neutral ground.

“The Imperial and Royal Government likewise concurs in the opinion of the President that only after the termination of the present war will it be possible to undertake the great and desirable work of the prevention of future wars. At an appropriate time it will be willing to cooperate with the United States of America for the realization of this noble aim.”

PENFIELD.

<sup>1</sup>Official print of the Department of State.

**Turkish Reply to President Wilson's Peace Note, December 26, 1916<sup>1</sup>**

*Ambassador Elkus to the Secretary of State*

[TELEGRAM]

AMERICAN EMBASSY,

*Constantinople, December 26, 1916.*

In reply to the President's message communicated to the Sublime Porte on the 23d instant, Minister for Foreign Affairs handed me to-day a note of which the following is a translation:

"MR. AMBASSADOR: In reply to the note which Your Excellency was pleased to deliver to me under date of the twenty-third instant, number 2107, containing certain suggestions of the President of the United States, I have the honor to communicate to Your Excellency the following:

"The generous initiative of the President, tending to create bases for the reestablishment of peace, has been received and taken into consideration by the Imperial Ottoman Government in the same friendly obliging (?) which manifests itself in the President's communication. The President indicates the object which he has at heart and leaves open the choice of that path leading to this object. The Imperial Government considers a direct exchange of ideas as the most efficacious means of attaining the desired result.

"In conformity with its declaration of the twelfth of this month, in which it stretched forth its hand for peace negotiations, the Imperial Government has the honor of proposing the immediate meeting, in a neutral country, of delegates of the belligerent powers.

"The Imperial Government is likewise of opinion that the great work of preventing future wars can only be commenced after the end of the present struggle between the nations. When this moment shall have arrived the Imperial Government will be pleased [to] collaborate with the United States of America and with the other neutral powers in this sublime task.

"(Signed) HALIL."  
ELKUS.

**Austro-Hungarian Reply to the Swiss Peace Note, December 27, 1916<sup>2</sup>**

[TRANSLATION]

The undersigned, Minister for Foreign Affairs, has had the honor

<sup>1</sup>Official print of the Department of State.

<sup>2</sup>*Le Figaro*, Paris, December 28, 1916.

to receive the esteemed note of December 23d, in which the Minister Plenipotentiary of Switzerland, Dr. Burckhardt, was good enough to communicate to us, under instructions, the desire of the Swiss Federal Council to endorse the initiative taken by the President of the United States with the belligerent Governments for the purpose of ending the present war and of effectively providing against all war in the future.

The noble efforts of President Wilson received a most cordial welcome from the Imperial and Royal Government, to which it gave expression in the note delivered yesterday to the American Ambassador at Vienna, a copy of which is attached hereto with the request that the Minister of Switzerland be good enough to bring this document to the attention of the Swiss Federal Council.

The undersigned, Minister for Foreign Affairs, permits himself to add that the Imperial and Royal Government views the endorsement by the Federal Government of the efforts of President Wilson as the expression of the noble and humanitarian sentiments which Switzerland has manifested since the beginning of the war with regard to all the belligerent Powers and which it has put in practice in so generous and friendly a manner.

#### **German Reply to the Swiss Peace Note, December 28, 1916<sup>1</sup>**

The Imperial Government has taken note of the fact that the Swiss Federal Council, as a result of its having placed itself in communication some time ago with the President of the United States of America, is also ready to take action side by side with them towards bringing about an understanding between the belligerent nations and towards the attainment of a lasting peace. The spirit of true humanity by which the step of the Swiss Federal Council is inspired is fully appreciated and esteemed by the Imperial Government.

The Imperial Government has informed the President of the United States that a direct exchange of views seems to them to be the most suitable means of obtaining the desired result. Led by the same considerations which caused Germany on December 12 to offer her hand for peace negotiations, the German Government has proposed an immediate meeting of delegates of all the belligerents at a neutral

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<sup>1</sup>*The Times*, London, December 29, 1916.

place. In agreement with the President of the United States the Imperial Government is of opinion that the great work of preventing future wars can only be taken in hand after the present world war has terminated. As soon as that moment has come they will be joyfully ready to cooperate in this sublime task.

If Switzerland, which, faithful to the country's noble traditions in mitigating the sufferings caused by the present war, has deserved imperishable merit, will also contribute to safeguarding the world's peace, the German nation and Government will highly welcome that.

**Scandinavian Reply to President Wilson's Peace Note,  
December 29, 1916<sup>1</sup>**

' It is with the liveliest interest that the Norwegian Government has learned of the proposals which the President of the United States has just made with the purpose of facilitating measures looking toward the establishment of a durable peace, while at the same time seeking to avoid any interference which could cause offense to legitimate sentiments.

The Norwegian Government would consider itself failing in its duties toward its own people and toward humanity if it did not express its deepest sympathy with all efforts which would contribute to put an end to the ever-increasing suffering and the moral and material losses. It has every hope that the initiative of President Wilson will arrive at a result worthy of the high purpose which inspires it.

**Entente Reply to the Peace Note of Germany and Her Allies,  
December 30, 1916<sup>2</sup>**

The Allied Governments of Russia, France, Great Britain, Japan, Italy, Serbia, Belgium, Montenegro, Portugal and Roumania, united for the defence of the freedom of nations and faithful to their undertakings not to lay down their arms except in common accord, have decided to return a joint answer to the illusory peace proposals which

<sup>1</sup>*The New York Times*, December 30, 1916. Identical note of Norway, Sweden and Denmark.

<sup>2</sup>*The Times*, London, January 1, 1917.



have been addressed to them by the Governments of the enemy Powers through the intermediary of the United States, Spain, Switzerland, and the Netherlands.

As a prelude to any reply, the Allied Powers feel bound to protest strongly against the two material assertions made in the note from the enemy Powers, the one professing to throw upon the Allies the responsibility of the war, and the other proclaiming the victory of the Central Powers.

The Allies can not admit a claim which is thus untrue in each particular, and is sufficient alone to render sterile all attempt at negotiations.

The Allied nations have for 30 months been engaged in [*subissent*—have had to endure] a war which they had done everything to avoid. They have shown by their actions their devotion to peace. This devotion is as strong to-day as it was in 1914; and after the violation by Germany of her solemn engagements, Germany's promise is no sufficient foundation on which to re-establish the peace which she broke.

A mere suggestion, without statement of terms, that negotiations should be opened, is not an offer of peace. The putting forward by the Imperial Government of a sham [*prétendue*—pretended] proposal, lacking all substance and precision, would appear to be less an offer of peace than a war manœuvre.

It is founded on a calculated misinterpretation of the character of the struggle in the past, the present, and the future.

As for the past, the German note takes no account of the facts, dates, and figures which establish that the war was desired, provoked, and declared by Germany and Austria-Hungary.

At the Hague Conference it was the German delegate who refused all proposals for disarmament. In July, 1914, it was Austria-Hungary who, after having addressed to Serbia an unprecedented ultimatum, declared war upon her in spite of the satisfaction which had at once been accorded. The Central Empires then rejected all attempts made by the Entente to bring about a pacific solution of a purely local conflict. Great Britain suggested a Conference, France proposed an International Commission, the Emperor of Russia asked the German Emperor to go to arbitration, and Russia and Austria-Hungary came to an understanding on the eve of the conflict; but to all these efforts Germany gave neither answer nor effect. Belgium was invaded by an Empire which had guaranteed her neutrality and which has had the assurance to proclaim that treaties were "scraps of paper" and that "necessity knows no law."

At the present moment these sham [*prétendues*—pretended] offers on the part of Germany rest on a “War Map” of Europe alone, which represents nothing more than a superficial and passing phase of the situation, and not the real strength of the belligerents. A peace concluded upon these terms would be only to the advantage of the aggressors, who, after imagining that they would reach their goal in two months, discovered after two years that they could never attain it.

As for the future, the disasters caused by the German declaration of war and the innumerable outrages committed by Germany and her Allies against both belligerents and neutrals demand penalties [*sanctions*—retribution], reparation, and guarantees; Germany avoids the mention of any of these.

In reality these overtures made by the Central Powers are nothing more than a calculated attempt to influence the future course of the war, and to end it by imposing a German peace.

The object of these overtures is to create dissension in public opinion [*troubler l'opinion*—disturb opinion] in allied countries. But that public opinion has, in spite of all the sacrifices endured by the Allies, already given its answer with admirable firmness, and has denounced the empty pretence [*vide*—emptiness] of the declaration of the Enemy Powers.

They have the further object of stiffening public opinion in Germany and in the countries allied to her; one and all, already severely tried by their losses, worn out by economic pressure and crushed by the supreme effort which has been imposed upon their inhabitants.

They endeavour to deceive and intimidate public opinion in neutral countries whose inhabitants have long since made up their minds where the initial responsibility rests, have recognized existing responsibilities, and are far too enlightened to favour the designs of Germany by abandoning the defence of human freedom.

Finally, these overtures attempt to justify in advance in the eyes of the world a new series of crimes—submarine warfares, deportations, forced labour and forced enlistment of inhabitants against their own countries, and violations of neutrality.

Fully conscious of the gravity of this moment, but equally conscious of its requirements, the Allied Governments, closely united to one another and in perfect sympathy with their peoples, refuse to consider a proposal which is empty and insincere.

Once again the Allies declare that no peace is possible so long as they have not secured reparation of violated rights and liberties,

recognition of the principle of nationalities, and of the free existence of small states; so long as they have not brought about a settlement calculated to end, once and for all, forces [*causes*—causes] which have contributed a perpetual menace to the nations [*qui depuis si longtemps ont menacé les nations*—which have so long threatened the nations], and to afford the only effective guarantees for the future security of the world. . .

In conclusion, the Allied Powers think it necessary to put forward the following considerations, which show the special situation of Belgium after two and a half years of war.

In virtue of international treaties, signed by five great European Powers, of whom Germany was one, Belgium enjoyed, before the war, a special status, rendering her territory inviolable and placing her, under the guarantee of the Powers, outside all European conflicts. She was however, in spite of these treaties, the first to suffer the aggression of Germany. For this reason the Belgian Government think it necessary to define the aims which Belgium has never ceased to pursue, while fighting side by side with the Entente Powers for right and justice.

Belgium has always scrupulously fulfilled the duties which her neutrality imposed upon her. She has taken up arms to defend her independence and her neutrality violated by Germany, and to show that she remains faithful [*et pour rester fidèle*—and to be true] to her international obligations. On August 4, 1914, in the Reichstag, the German Chancellor admitted that this aggression constituted an injustice contrary to the laws of nations and pledged himself in the name of Germany to repair it.

During two and a half years this injustice has been cruelly aggravated by the proceedings of the occupying forces, which have exhausted the resources of the country, ruined its industries, devastated its towns and villages, and have been responsible for innumerable massacres, executions and imprisonments. At this very moment, while Germany is proclaiming peace and humanity to the world, she is deporting Belgian citizens by thousands and reducing them to slavery.

Belgium before the war asked for nothing but to live in harmony with all her neighbours. Her King and her Government have but one aim—the re-establishment of peace and justice [*droit*—right]. But they only desire [desire only] a peace which would assure to their country legitimate reparation, guarantees, and safeguards for the future.

**Bulgarian Reply to President Wilson's Peace Note, December 30, 1916<sup>1</sup>**

*Consul General Murphy to the Secretary of State*

[TELEGRAM]

AMERICAN CONSULATE GENERAL,  
*Sofia, December 30, 1916.*

Referring circular eighteenth.

Bulgarian foreign minister responds following:

"I have had the honor to receive the letter you were pleased to address to me on the 28th of this month to acquaint me with the step taken by Mr. President Wilson in favor of peace, and I hasten to communicate to you the following answer of the Bulgarian Government:

"The generous initiative of the President of the United States tending to create bases for the restoration of peace, was cordially received and taken into consideration by the Royal Government in the same friendly spirit which is evidenced by the presidential communication. The President indicates the object he has at heart and leaves open the choice of the way leading to that object. The Royal Government considers a direct exchange of views to be the most efficacious way to attain the desired end. In accordance with its declaration of the 12th of December inst., which extends a hand for peace negotiations, it has the honor to propose an immediate meeting at one place of delegates of the belligerent powers. The Royal Government shares the view that the great undertaking which consists in preventing future war can only be initiated after the close of present conflict of nations. When that time comes, the Royal Government will be glad to cooperate with the United States of America and other neutral nations in that sublime endeavor.

"Be pleased to accept, Mr. Consul General, the assurances of my high consideration.

"(Signed) DOCTOR RADOSLAVOFF."  
MURPHY.

**King Constantine's Reply to President Wilson's Peace Note, December 30, 1916<sup>2</sup>**

I wish to express, Mr. President, feelings of sincere admiration and lively sympathy for the generous initiative you have just taken

<sup>1</sup>Official print of the Department of State.

<sup>2</sup>*The New York Times*, January 1, 1917. For the formal reply of the Greek Government, see *post*, p. 67.

with the view to ascertaining whether the moment is not propitious for a negotiable end of the bloody struggle raging on earth.

Coming from the wise statesman who, in a period so critical for humanity, is placed at the head of the great American Republic, this humanitarian effort, dictated by a spirit of high political sagacity and looking to an honorable peace for all, can not but contribute greatly toward hastening re-establishment of normal life and assuring through a stable state of international relations the evolution of humanity toward that progress wherein the United States of America always so largely shares.

[Here follows a recital of the trials Greece has suffered from the war.]

Such are the conditions in which your proposals find my country. This short and necessarily incomplete recital is not made with the purpose of criticism of the cruel blows at her sovereignty and neutrality from which Greece has been forced to suffer the effects. I have merely wished to show you, Mr. President, how much the soul of Greece at this moment longs for peace, and how much it appreciates your proposals, which constitute so important a step in the course of the bloody world tragedy of which we are witnesses.

CONSTANTINE.

#### **Spanish Reply to President Wilson's Peace Note, December 30, 1916<sup>1</sup>**

His Majesty's Government has received through your embassy a copy of the note which the President of the United States has presented to the belligerent powers, expressing the desire that an early opportunity should be sought for obtaining from all the nations now at war a declaration as to their intentions so far as regards the bases upon which the conflict might be terminated. This copy is accompanied by another note, signed by yourself, and dated December 22, in which your embassy, in accordance with the instructions of your Government, says, in the name of the President, that the moment seems to be opportune for action on the part of his Majesty's Government, and that it should, if it thinks fit, support the attitude adopted by the Government of the United States.

With regard to the reasonable desire manifested by the latter Government to be supported in its proposition in favor of peace, the Gov-

<sup>1</sup>*Current History*, New York, February, 1917, p. 792.

ernment of his Majesty, considering that the initiative has been taken by the President of the North American Republic, and that the diverse impressions which it has caused are already known, is of opinion that the action to which the United States invites Spain would not have efficacy, and the more so because the Central Empires have already expressed their firm intention to discuss the conditions of peace solely with the belligerent powers.

Fully appreciating that the noble desire of the President of the United States will always merit the gratitude of all nations, the Government of his Majesty is decided not to dissociate itself from any negotiation or agreement destined to facilitate the humanitarian work which will put an end to the present war, but it suspends its action, reserving it for the moment when the efforts of all those who desire peace will be more useful and efficacious than is now the case, if there should then be reasons to consider that its initiative or its intervention would be profitable.

Until that moment arrives the Government of his Majesty regards it as opportune to declare that in all that concerns an understanding between the neutral powers for the defense of their material interests affected by the war, it is disposed now, as it has been since the beginning of the present conflict, to enter into negotiations which may tend toward an agreement capable of uniting all the non-belligerent powers which may consider themselves injured or may regard it as necessary to remedy or diminish such injuries.

**Declaration of Premier Radoslavoff in the Bulgarian Sobranje,  
December 30, 1916<sup>1</sup>**

I can assure you that Bulgaria's work has been brought to a successful conclusion. To those who assert that we are asking too much I reply that we are no Chauvinists, but that we are aware of the aspirations of the Bulgarian people. You know from the Royal Manifesto issued when war was declared what Bulgarian aspirations are. I am not obliged to reply to each speaker individually.

[Dr. Radoslavoff declared that the peace proposals had been received with enthusiasm in neutral countries. Besides Switzerland and the Scandinavian countries, he understood that Holland and Spain were preparing to support the *démarche* of President Wilson. Bulgaria's

<sup>1</sup>*The Times*, London, January 2, 1917.

alliance with the Central Empires and Turkey had not weakened. They were ready to conclude peace because they wished to see an end of war. They would make concessions in the name of humanity and for the welfare of all nations.]

**Austro-Hungarian Reply to the Scandinavian Peace Note, January 1, 1917<sup>1</sup>**

The Austro-Hungarian Government is glad to state that its views in this matter agree with yours. It has sympathetically accepted President Wilson's suggestions, and therefore with satisfaction sees Sweden, Denmark, and Norway support President Wilson's initiative.

**Statement of Emile Vandervelde, Belgian Minister of State, on the Peace Proposals<sup>2</sup>**

From clandestine inquiries which I have been able to make among the popular leaders in the occupied part of Belgium since the publication of the German peace proposals I believe that the Belgian people are in complete accord with their Government in the attitude it has assumed towards the Chancellor's note. There must be no annexation if the peace following this war is to prevent other wars. That is one of the reasons why it would be futile even to comment upon the suggestion from German sources that the Germans are willing to abandon Belgium in exchange for the Belgian Congo.

There is no complaint of your President's action among the Belgian people. We believe that Mr. Wilson acted wholly in the spirit of humanitarianism, and that the steps he has taken will help rather than harm our cause. A comparison of the Allies' expression of views and our enemies' will suffice, I think, to convince the United States of the insincerity of Germany's attitude and the impossibility of discussing her present proposals.

It is very possible, however, that as her need for peace, which I believe to be very great, grows more pronounced, Germany will come

<sup>1</sup>*The New York Times*, January 2, 1917. See footnote, *ante*, p. 33.

<sup>2</sup>*The Times*, London, January 9, 1917.

forward with more reasonable proposals. It would then become necessary for us to scrutinize such future offers as closely as we have those already formulated and declined.

The incredible, brutal slave traffic in which the Germans are now engaged in Belgium, against which your Government has raised its voice, has only served to increase my compatriots' horror of a peace imposed by Berlin.

**Chinese Reply to President Wilson's Peace Note, January 9, 1917<sup>1</sup>**

*Minister Reinsch to the Secretary of State*

[TELEGRAM]

AMERICAN LEGATION,  
*Peking, January 9, 1917.*

Minister for Foreign Affairs has written as follows in answer to my note transmitting the President's note to the belligerent powers:

"I have examined, with the care which the gravity of the questions raised demands, the note concerning peace which President Wilson has addressed to the Governments of the Allies and the Central Powers now at war and the text of which Your Excellency has been good enough to transmit to me under instructions of your Government.

"China, a nation traditionally pacific, has recently again manifested her sentiments in concluding treaties concerning the pacific settlement of international disputes, responding thus to the (. . . )<sup>2</sup> of the peace conferences held at The Hague.

"On the other hand the present war, by its prolongation, has seriously affected the interests of China more so perhaps than those of other powers which have remained neutral. She is at present at a time of reorganization which demands economically and industrially the cooperation of foreign countries, cooperation which a large number of them are unable to accord on account of the war in which they are engaged.

"In manifesting her sympathy for the spirit of the President's note, having in view the ending as soon as possible of the hostilities, China

<sup>1</sup>Official print of the Department of State.

<sup>2</sup>Apparent omission.



is but acting in conformity with not only her interest but also with her profound sentiments.

“On account of the extent which modern wars are apt to assume and the repercussion which they bring about, their effects are no longer limited to belligerent states. All countries are interested in seeing wars becoming as rare as possible. Consequently China can not but show satisfaction with the views of the Government and people of the United States of America who declare themselves ready and even eager to cooperate when the war is over by all proper means to assure the respect of the principle of the equality of nations whatever their power may be and to relieve them of the peril of wrong and violence. China is ready to join her efforts with theirs for the attainment of such results which can only be obtained through the help of all.”

REINSCH.

**Entente Reply to President Wilson's Peace Note, January 10, 1917<sup>1</sup>**

*Ambassador Sharp to the Secretary of State*



[TELEGRAM]

AMERICAN EMBASSY,  
*Paris, January 10, 1917.*

The following is the translation of the French note:

“The Allied Governments have received the note which was delivered to them in the name of the Government of the United States on the nineteenth of December, 1916. They have studied it with the care imposed upon them both by the exact realization which they have of the gravity of the hour and by the sincere friendship which attaches them to the American people.

“In general way they wish to declare that they pay tribute to the elevation of the sentiment with which the American note is inspired and that they associate themselves with all their hopes with the project for the creation of a league of nations to insure peace and justice throughout the world. They recognize all the advantages for the cause of humanity and civilization which the institution of international agreements, destined to avoid violent conflicts between nations would prevent; agreements which must imply the sanctions necessary to insure their execution and thus to prevent an apparent security from only facilitating new aggressions. But a discussion of future arrange-

<sup>1</sup>Official print of the Department of State.

ments destined to insure an enduring peace presupposes a satisfactory settlement of the actual conflict; the Allies have as profound a desire as the Government of the United States to terminate as soon as possible a war for which the Central Empires are responsible and which inflicts such cruel sufferings upon humanity. But they believe that it is impossible at the present moment to attain a peace which will assure them reparation, restitution and such guarantees to which they are entitled by the aggression for which the responsibility rests with the Central Powers and of which the principle itself tended to ruin the security of Europe; a peace which would on the other hand permit the establishment of the future of European nations on a solid basis. The Allied nations are conscious that they are not fighting for selfish interests, but above all to safeguard the independence of peoples, of right and of humanity

“The Allies are fully aware of the losses and suffering which the war causes to neutrals as well as to belligerents and they deplore them; but they do not hold themselves responsible for them, having in no way either willed or provoked this war, and they strive to reduce these damages in the measure compatible with the inexorable exigencies of their defense against the violence and the wiles of the enemy. ◀

“It is with satisfaction therefore that they take note of the declaration that the American communication is in nowise associated in its origin with that of the Central Powers transmitted on the eighteenth of December by the Government of the United States. They did not doubt moreover the resolution of that Government to avoid even the appearance of a support, even moral, of the authors responsible for the war.

“The Allied Governments believe that they must protest in the most friendly but in the most specific manner against the assimilation established in the American note between the two groups of belligerents; this assimilation, based upon public declarations by the Central Powers, is in direct opposition to the evidence, both as regards responsibility for the past and as concerns guarantees for the future; President Wilson in mentioning it certainly had no intention of associating himself with it.

“If there is an historical fact established at the present date, it is the willful aggression of Germany and Austria-Hungary to insure their hegemony over Europe and their economic domination over the world. Germany proved by her declaration of war, by the immediate violation of Belgium and Luxemburg and by her manner of conducting the war, her simulating contempt for all principles of humanity and all

respect for small States; as the conflict developed the attitude of the Central Powers and their Allies has been a continual defiance of humanity and civilization. Is it necessary to recall the horrors which accompanied the invasion of Belgium and Servia, the atrocious *régime* imposed upon the invaded countries, the massacre of hundreds of thousands of inoffensive Armenians, the barbarities perpetrated against the populations of Syria, the raids of Zeppelins on open towns, the destruction by submarines of passenger steamers and of merchantmen even under neutral flags, the cruel treatment inflicted upon prisoners of war, the juridical murders of Miss Cavel, of Captain Fryatt, the deportation and the reduction to slavery of civil populations, *et cetera*? The execution of such a series of crimes perpetrated without any regard for universal reprobation fully explains to President Wilson the protest of the Allies.

"They consider that the note which they sent to the United States in reply to the German note will be a response to the questions put by the American Government, and according to the exact words of the latter, constitute 'a public declaration as to the conditions upon which the war could be terminated.'

"President Wilson desires more: he desires that the belligerent powers openly affirm the objects which they seek by continuing the war; the Allies experience no difficulty in replying to this request. Their objects in the war are well known; they have been formulated on many occasions by the chiefs of their divers Governments. Their objects in the war will not be made known in detail with all the equitable compensations and indemnities for damages suffered until the hour of negotiations. But the civilized world knows that they imply in all necessity and in the first instance the restoration of Belgium, of Servia, and of Montenegro and the indemnities which are due them; 2 the evacuation of the invaded territories of France, of Russia and of Roumania with just reparation; 3 the reorganization of Europe guaranteed by a stable régime and founded as much upon respect of nationalities and full security and liberty economic development, which all nations, great or small, possess, as upon territorial conventions and international agreements suitable to guarantee territorial and maritime frontiers against unjustified attacks; 4 the restitution of provinces or territories wrested in the past from the Allies by force or against the will of their populations, the liberation of Italians, of Slavs, of Roumanians and of Tcheco Slovaques from foreign domination; 5 the enfranchisement of populations subject to the bloody tyranny of the Turks; 6 the expulsion from Europe of the Ottoman

Empire decidedly (. . .)<sup>1</sup> to western civilization. The intentions of His Majesty the Emperor of Russia regarding Poland have been clearly indicated in the proclamation which he has just addressed to his armies. It goes without saying that if the Allies wish to liberate Europe from the brutal covetousness of Prussian militarism, it never has been their design, as has been alleged, to encompass the extermination of the German peoples and their political disappearance. That which they desire above all is to insure a peace upon the principles of liberty and justice, upon the inviolable fidelity to international obligation with which the Government of the United States has never ceased to be inspired.

"United in the pursuits of this supreme object the Allies are determined, individually and collectively, to act with all their power and to consent to all sacrifices to bring to a victorious close a conflict upon which they are convinced not only their own safety and prosperity depends but also the future of civilization itself."

SHARP.

**Belgian Note supplementary to the Entente Reply to President Wilson's Peace Note, January 10, 1917<sup>2</sup>**

*Ambassador Sharp to the Secretary of State*

[TELEGRAM]

AMERICAN EMBASSY,  
*Paris, January 10, 1917.*

Copy of Belgian note as follows:

"The Government of the King, which has associated itself with the answer handed by the President of the French Council to the American Ambassador on behalf of all, is particularly desirous of paying tribute to the sentiment of humanity which prompted the President of the United States to send his note to the belligerent powers and it highly esteems the friendship expressed for Belgium through his kindly intermediation. It desires as much as Mr. Woodrow Wilson to see the present war ended as early as possible.

"But the President seems to believe that the statesmen of the two opposing camps pursue the same objects of war. The example of Belgium unfortunately demonstrates that this is in no wise the fact.

<sup>1</sup>Apparent omission.

<sup>2</sup>Official print of the Department of State.

Belgium has never, like the Central Powers, aimed at conquests. The barbarous fashion in which the German Government has treated, and is still treating, the Belgium nation, does not permit the supposition that Germany will preoccupy herself with guaranteeing in the future the rights of the weak nations which she has not ceased to trample under foot since the war, let loose by her, began to desolate Europe. On the other hand, the Government of the King has noted with pleasure and with confidence the assurances that the United States is impatient to cooperate in the measures which will be taken after the conclusion of peace, to protect and guarantee the small nations against violence and oppression.

“Previous to the German ultimatum, Belgium only aspired to live upon good terms with all her neighbors; she practiced with scrupulous loyalty towards each one of them the duties imposed by her neutrality. In the same manner she has been rewarded by Germany, for the confidence she placed in her, through which, from one day to the other, without any plausible reason, her neutrality was violated, and the Chancellor of the Empire when announcing to the Reichstag this violation of right and of treaties, was obliged to recognize the iniquity of such an act and predetermine that it would be repaired. But the Germans, after the occupation of Belgian territory, have displayed no better observance of the rules of international law or the stipulations of the Hague Convention. They have, by taxation, as heavy as it is arbitrary, drained the resources of the country; they have intentionally ruined its industries, destroyed whole cities, put to death and imprisoned a considerable number of inhabitants. Even now, while they are loudly proclaiming their desire to put an end to the horrors of war, they increase the rigors of the occupation by deporting into servitude Belgian workers by the thousands.

“If there is a country which has the right to say that it has taken up arms to defend its existence, it is assuredly Belgium. Compelled to fight or to submit to shame, she passionately desires that an end be brought to the unprecedented sufferings of her population. But she could only accept a peace which would assure her, as well as equitable reparation, security and guarantees for the future.

“The American people, since the beginning of the war, has manifested for the oppressed Belgian nation, its most ardent sympathy. It is an American committee, the Commission for Relief in Belgium which, in close union with the Government of the King and the National Committee, displays an untiring devotion and marvelous activity in re-victualling Belgium. The Government of the King is happy

to avail itself of this opportunity to express its profound gratitude to the Commission for Relief as well as to the generous Americans eager to relieve the misery of the Belgian population. Finally, nowhere more than in the United States have the abductions and deportations of Belgian civilians provoked such a spontaneous movement of protestation and indignant reproof.

"These facts, entirely to the honor of the American nation, allow the Government of the King to entertain the legitimate hope that at the time of the definitive settlement of this long war, the voice of the Entente Powers will find in the United States a unanimous echo to claim in favor of the Belgian nation, innocent victim of German ambition and covetousness, the rank and the place which its irreproachable past, the valor of its soldiers, its fidelity to honor and its remarkable faculties for work assign to it among the civilized nations."

SHARP.



#### German Note to Neutral Powers relative to the Entente Reply to the Peace Proposals, January 11, 1917<sup>1</sup>

The Imperial Government is aware that the Government of the United States of America, the Royal Spanish Government, and the Swiss Government have received the reply of their enemies to the note of December 12, in which Germany, in concert with her allies, proposed to enter forthwith into peace negotiations. Our enemies rejected this proposal, arguing that it was a proposal without sincerity and without meaning. The form in which they couched their communication makes a reply to them impossible. But the German Government thinks it important to communicate to the neutral Powers its view of the state of affairs.

The Central Powers have no reason to enter again into a controversy regarding the origin of the world war. History will judge on whom the blame of the war falls. Its judgment will as little pass over the encircling policy of England, the *revanche* policy of France, and Russia's aspiration after Constantinople as over the provocation by Serbia, the Serajevo murders, and the complete Russian mobilization, which meant war on Germany.

Germany and her allies, who were obliged to take up arms to defend their freedom and their existence, regard this, which was

<sup>1</sup>The Times, London, January 13, 1917.

How don't  
they!

their war aim, as attained. On the other hand, the enemy Powers have departed more and more from the realization of their plans, which, according to the statements of their responsible statesmen, are directed, among other things, toward the conquest of Alsace-Lorraine and several Prussian provinces, the humiliation and diminution of Austria-Hungary, the disintegration of Turkey, and the dismemberment of Bulgaria. In view of such war aims, the demand for reparation, restitution, and guarantees in the mouth of our enemies sounds strange.

Our enemies describe the peace offer of the four allied powers as a war manœuvre. Germany and her allies most emphatically protest against such a falsification of their motives, which they openly stated. Their conviction was that a just peace acceptable to all belligerents was possible, that it could be brought about, and that further bloodshed could not be justified. Their readiness to make known their peace conditions without reservation at the opening of negotiations disproves any doubt of their sincerity.

Our enemies, in whose power it was to examine the real value of our offer neither made any examination nor made counter-proposals. Instead of that, they declared that peace was impossible so long as the restoration of violated rights and liberties, the acknowledgment of the principle of nationalities, and the free existence of small States were not guaranteed. The sincerity which our enemies deny to the proposal of the four allied Powers can not be allowed by the world to these demands if it recalls the fate of the Irish people, the destruction of the freedom and independence of the Boer Republics, the subjection of Northern Africa by England, France and Italy, the suppression of foreign nationalities in Russia, and, finally, the oppression of Greece, which is unexampled in history.

Moreover, in regard to the alleged violation of international rights by the four allied Powers, those Powers which, from the beginning of the war, have trampled upon right and torn up the treaties on which it was based have no right to protest. Already in the first weeks of the war England had renounced the Declaration of London, the contents of which her own delegates had recognized as binding in international law, and in the further course of the war she most seriously violated the Declaration of Paris, so that, owing to arbitrary measures, a state of lawlessness began in the war at sea. The starvation campaign against Germany and the pressure on neutrals exercised in England's interest are no less grossly contrary to the rules of international law than to the laws of humanity.

Equally inconsistent with international law and the principles of civilization is the employment of coloured troops in Europe and the extension of the war to Africa, which has been brought about in violation of existing treaties. It undermines the reputation of the white race in this part of the globe. The inhumane treatment of the prisoners, especially in Africa and Russia, the deportation of the civil population from East Prussia, Alsace-Lorraine, Galicia, and the Bukovina are further proofs of our enemies' disregard for right and civilization.

At the end of their note of December 30, our enemies refer to the special position of Belgium. The Imperial Government is unable to admit that the Belgian Government has always observed its obligations. Already before the war Belgium was under the influence of England and leaned towards England and France, thereby herself violating the spirit of the treaties which guaranteed her independence and neutrality.

Twice the Imperial Government declared to the Belgian Government that it was not entering Belgium as an enemy, and entreated it to save the country from the horrors of war. In this case it offered Belgium a guarantee for the full integrity and independence of the kingdom and to pay for all the damage which might be caused by German troops marching through the country. It is known that in 1887 the Royal British Government was determined not to oppose on these conditions the claiming of a right of way through Belgium. The Belgian Government refused the repeated offer of the Imperial Government. On it and on those Powers who induced it to take up this attitude falls the responsibility for the fate which befell Belgium.

The accusation about German war methods in Belgium and the measures which were taken there in the interest of military safety have been repeatedly repudiated as untrue by the Imperial Government. It again emphatically protests against these calumnies.

Germany and her allies made an honest attempt to terminate the war and pave the way for an understanding among the belligerents. The Imperial Government declares that it solely depended on the decision of our enemies whether the road to peace should be taken or not. The enemy Governments have refused to take this road. On them falls the full responsibility for the continuation of bloodshed.

But the four allied Powers will prosecute the fight with calm trust and confidence in their good cause until a peace has been gained which guarantees to their own peoples honour, existence, freedom,



and development, and gives all the Powers of the European Continent the benefit of working united in mutual esteem at the solution of the great problems of civilization.

**Extracts from the Austro-Hungarian Note to Neutral Powers relative to the Entente Reply to the Peace Proposals, January 11, 1917<sup>1</sup>**

In the years preceding the Austro-Hungarian ultimatum to Serbia the Monarchy displayed sufficient proof of its forbearance toward the ever-increasing hostility, aggressive intentions, and intrigues of Serbia until the moment when finally the notorious murders at Serajevo made further indulgence impossible.

The question as to on which side the military situation is the stronger appears idle, and may confidently be left to the judgment of the world. The four allied powers now look on their purely defensive war aims as attained, while their enemies travel further and further from the realization of their plans.

For the enemy to characterize our peace proposals as meaningless before peace negotiations were begun, and so long as, therefore, our peace conditions are unknown, is merely to make an arbitrary assertion. We had made full preparations for the acceptance of our offer to make known our peace conditions on entering into the negotiations. We declared ourselves ready to end the war by a verbal exchange of views with the enemy Governments, and it depended solely on our enemies' decision whether peace were brought about or not.

Before God and mankind we repudiate responsibility for continuance of the war.

**Premier Lloyd George's Guildhall Address, January 11, 1917<sup>2</sup>**

The Chancellor of the Exchequer, in his extremely lucid and impressive speech, has placed before you the business side of his proposal, and I think you will agree with me, after his explanation of his scheme, that he has offered for subscription a Loan which contains all the essential ingredients of an attractive investment. They are the most

<sup>1</sup>*The New York Times*, January 13, 1917.

<sup>2</sup>*The Times*, London, January 12, 1917.

generous terms the Government could offer without injury to the taxpayer. I agree that the Chancellor of the Exchequer, was right in offering such liberal terms, because it is important that we should secure a big loan now—not merely in order to enable us to finance the war effectively, but as a demonstration of the continued resolve of this country to prosecute it. And it is upon that aspect of the question that I should like to say a few words.

The German Kaiser a few days ago sent a message to his people that the Allies had rejected his peace offer. He did so in order to drug those whom he can no longer drag. Where are those offers? We have asked for them. We have never seen them. We were not offered terms; we were offered a trap baited with fair words. They tempted us once, but the Lion has his eyes open now. We have rejected no terms that we have ever seen. Of course, it would suit them to have peace at the present moment on their own terms. We all want peace; but when we get it, it must be a real peace. The Allied Powers separately, and in council together, have come to the same conclusion. Knowing well what war means, knowing especially what this war means in suffering, in burdens, in horror, they have decided that even war is better than peace—peace at the Prussian price of domination over Europe. We made that clear in our reply to Germany; we made it still clearer in our reply to the United States of America. Before we attempt to rebuild the temple of peace we must see now that the foundations are solid. They were built before upon the shifting sands of Prussian faith; henceforth, when the time for rebuilding comes, it must be on the rock of vindicated justice.

I have just returned from a council of war of the four great Allied countries upon whose shoulders most of the burden of this terrible war falls. I can not give you the conclusions: there might be useful information in them for the enemy. There were no delusions as to the magnitude of our task; neither were there any doubts about the result. I think I could say what was the feeling of every man there. It was one of the most business-like conferences that I ever attended. We faced the whole situation, probed it thoroughly, looked the difficulties in the face, and made arrangements to deal with them—and we separated more confident than ever. All felt that if victory were difficult, defeat was impossible. There was no flinching, no wavering, no faint-heartedness, no infirmity of purpose. There was a grim resolution at all costs that we must achieve the high aim with which we accepted the challenge of the Prussian military caste

and rid Europe and the world for ever of its menace. No country could have refused that challenge without loss of honour. No one could have rejected it without impairing national security. No one could have failed to take it up without forfeiting something which is of greater value to every free and self-respecting people than life itself.

These nations did not enter into the war light-heartedly. They did not embark upon this enterprise without knowing what it really meant. They were not induced by the prospect of an easy victory. Take this country. The millions of our men who enrolled in the Army enlisted after the German victories of August, 1914—when they knew the accumulative and concentrated power of the German military machine. That is when they placed their lives at the disposal of their country. What about other nations? They knew what they were encountering, that they were fighting an organization which had been perfected for generations by the best brains of Prussia, perfected with one purpose—the subjugation of Europe. And yet they faced it. Why did they do it? I passed through hundreds of miles of the beautiful lands of France and of Italy, and as I did so I asked myself this question, Why did the peasants leave by the million these sunny vineyards and cornfields in France—why did they quit these enchanting valleys, with their comfort, and their security, their calm in Italy—in order to face the dreary and wild horrors of the battlefield? They did it for one purpose and one purpose only. They were not driven to the slaughter by kings. These are great democratic countries. No Government could have lasted twenty-four hours that had forced them into an abhorrent war. Of their own free will they embarked upon it, because they knew a fundamental issue had been raised which no country could have shirked without imperilling all that has been won in the centuries of the past and all that remains to be won in the ages of the future.

That is why, as the war proceeds, and the German purpose becomes more manifest, the conviction has become deeper in the minds of these people that they must break their way through to victory in order to save Europe from unspeakable despotism. That was the spirit which animated the Allied Conference at Rome last week.

But I will tell you one thing that struck me, and strikes me more and more each time that I visit the Continent and attend these conferences. That is the increasing extent to which the Allied peoples are looking to Great Britain. They are trusting to her rugged strength, to her great resources, more and more. To them she

looks like a great tower in the deep. She is becoming more and more the hope of the oppressed and the despair of the oppressor, and I feel more and more confident that we shall not fail the people who put their trust in us. When that arrogant Prussian caste flung the signature of Britain to a treaty into the waste-paper basket as if it were of no account, they knew not the pride of the land they were treating with such insolent disdain. They know it now. Our soldiers and sailors have taught them to respect it.

You have heard the eloquent account of the Chancellor of the Exchequer of the achievements of our soldiers. Our sailors are gallantly defending the honour of our country on the high seas of the world. They have strangled the enemy's commerce, and will continue to do so, in spite of all the piratical devices of the foe. In 1914 and 1915, for two years, a small, ill-equipped Army held up the veterans of Prussia with the best equipment in Europe. In 1916 they hurled them back, and delivered a blow from which they are reeling. In 1917 the Armies of Britain will be more formidable than ever in training, in efficiency, and in equipment, and you may depend upon it that if we give them the necessary support they will cleave a road to victory through all the dangers and perils of the next few months.

But we must support them. They are worth it. Have you ever talked to a soldier who has come back from the front? There is not one of them who will not tell you how he is encouraged and sustained by hearing the roar of the guns behind him. This is what I want to see: I want to see cheques hurtling through the air, fired from the city of London, from every city, town, village, and hamlet throughout the land, fired straight into the intrenchments of the enemy. Every well-directed cheque, well loaded, properly primed, is a more formidable weapon of destruction than a 12-in. shell. It clears the path of the barbed wire entanglements for our gallant fellows to march through. A big loan helps to ensure victory. A big loan will also shorten the war. It will help to save life; it will help to save the British Empire; it will help to save Europe; it will help to save civilization. That is why we want the country to rise to this occasion, and show that the old spirit of Britain, represented by this great British meeting, is still as alive and as alert and as potent as ever.

I want to appeal to the men at home, and to the women also. They have done their part nobly. A man who has been Munitions Minister for twelve months must feel a debt of gratitude to the women

for what they have done. They have helped to win, and without them we could not have done it. I want to make a special appeal, or, rather, to enforce the special appeal of the Chancellor of the Exchequer. Let no money be squandered in luxury and indulgence which can be put into the fight—and it can, every penny of it. Every ounce counts in this fight. Do not waste it. Do not throw it away. Put it there to help the valour of our brave young boys. Back them up. Let us contribute to assist them. Have greater pride in them than in costlier garments. They will feel prouder of their mothers to-day, and their pride in them will grow in years to come when the best garments will have rotted. It will glisten and glitter. It will improve with the years. They can put it on with old age and say, "This is something I contributed in the Great War," and they will be proud of it.

Men and women of England, Scotland, Wales and Ireland, the first charge—the first charge—upon all your surplus money over your needs for yourselves and your children should be to help those gallant young men of ours who have tendered their lives for the cause of humanity. The more we get the surer the victory. The more we get the shorter the war. The more we get the less it will cost in treasure, and the greatest treasure of all, brave blood. The more we give the more will the nation gain. You will enrich it by your contributions—by your sacrifices. Extravagance—I want to bring this home to every man and woman throughout these Islands—extravagance during the war costs blood—costs blood. And what blood? Valiant blood—the blood of heroes. It would be worth millions to save one of them. A big loan will save myriads of them; help them not merely to win; help them to come home to shout for the victory which they have won. It means better equipment for our troops. It means better equipment for the Allies as well, and this—and I say it now for the fiftieth, if not for the hundredth time—is a war of equipment. That is why we are appealing for your subscriptions. We can do that. Most of us could not do more. But what we can do it is our duty, it is our pride to do.

I said it was a war of equipment. Why are the Germans pressing back our gallant Allies in Roumania? It is not that they are better fighters. They are certainly not. The Roumanian peasant has proved himself to be one of the doughtiest fighters in the field when he has a chance, poor fellow, and he never had much. As for the Russian, the way in which with bare breast he has fought for two years and a half, with inferior guns, insufficient rifles, inadequate sup-

plies of ammunition, is one of the world's tales of heroism. Let us help to equip them, and there will be another story to tell soon.

That is why I am glad to follow the Chancellor of the Exchequer in the appeal which he has made to the patriotism of our race. But with true Scottish instincts he put the appeal to produce first. He laid it down as a good foundation for patriotism and reserved that for his peroration. I shall reverse the order, belonging to a less canny race. I want to say it is a good investment. After all, the old country is the best investment in the world. It was a sound concern before the war; it will be sounder and safer than ever after the war, and especially safer. I do not know the nation that will care to touch it after the war. They had forgotten what we were like in those days; it will take them a long time to forget this lesson. It will be a safer investment than ever and a sounder one.

Have you been watching what has been going on? Before the war we had a good many shortcomings in our business, our commerce and our industry. The war is setting them all right in the most marvelous way. You ask great business men like my friend Lord Pirrie, whom I see there in the corner, what is going on in the factories throughout Great Britain and Ireland. Old machinery scrapped, the newest and the best set up; slipshod, wasteful methods also scrapped, hampering customs discontinued; millions brought into the labour market to help to produce who before were merely consumers. I do not know what the National Debt will be at the end of this war but I will make this prediction. Whatever it is, what is added in real assets to the real riches of the nation will be infinitely greater than any debt that we shall ever acquire. The resources of the nation in every direction developed, directed, perfected, the nation itself disciplined, braced up, quickened, we have become a more alert people. We have thrown off useless tissues. We are a nation that has been taking exercise. We are a different people.

I will tell you another difference. The Prussian menace was a running mortgage which detracted from the value of our national security. Nobody knew what it meant. We know pretty well now. You could not tell whether it meant a mortgage of hundreds of millions, or thousands of millions, and I know you could not tell it would not mean ruin. That mortgage will be cleared off forever and there will be a better security, a better, sounder, safer security, at a better rate of interest. The world will then be able, when the war is over, to attend to its business. There will be no war or rumours of war to disturb and to distract it. We can build up;

we can reconstruct; we can till and cultivate and enrich; and the burden and terror and waste of war will have gone. The best security for peace will be that nations will band themselves together to punish the first peace-breaker. In the armouries of Europe every weapon will be a sword of justice. In the government of men every army will be the constabulary of peace.

There were men who hoped to see this achieved in the ways of peace. We were disappointed. It was ordained that we should not reach that golden era except along a path which itself was paved with gold, yea, and cemented with valiant blood. There are myriads who have given the latter, and there are myriads more ready for the sacrifice if their country needs it. It is for us to contribute the former. Let no man and no woman, in this crisis of their nation's fate, through indolence, greed, avarice, or selfishness, fail. And if they do their part, then, when the time comes for the triumphal march through the darkness and the terror of night into the bright dawn of the morning of the new age, they will each feel that they have their share in it.

#### British Note of January 13, 1917, amplifying the Entente Reply to President Wilson's Peace Note<sup>1</sup>

In sending you a translation of the Allied note I desire to make the following observations, which you should bring to the notice of the United States Government.

I gather from the general tenour of the President's note that, while he is animated by an intense desire that peace should come soon and that when it comes it should be lasting, he does not, for the moment at least, concern himself with the terms on which it should be arranged. His Majesty's Government entirely share the President's ideals; but they feel strongly that the durability of the peace must largely depend on its character and that no stable system of international relations can be built on foundations which are essentially and hopelessly defective.

This becomes clearly apparent if we consider the main conditions which rendered possible the calamities from which the world is now suffering. These were the existence of a Great Power consumed with the lust of domination in the midst of a community of nations ill-

<sup>1</sup>*The Times*, London, January 18, 1917.

prepared for defence, plentifully supplied, indeed, with international laws, but with no machinery for enforcing them, and weakened by the fact that neither the boundaries of the various States nor their internal constitution harmonized with the aspirations of their constituent races or secured to them just and equal treatment.

That this last evil would be greatly mitigated if the Allies secured the changes in the map of Europe outlined in their joint note is manifest, and I need not labour the point.

It has been argued, indeed, that the expulsion of the Turks from Europe forms no proper or logical part of this general scheme. The maintenance of the Turkish Empire was, during many generations, regarded by statesmen of world-wide authority as essential to the maintenance of European peace. Why, it is asked, should the cause of peace be now associated with a complete reversal of this traditional policy?

The answer is that circumstances have completely changed. It is unnecessary to consider now whether the creation of a reformed Turkey, mediating between hostile races in the Near East, was a scheme which, had the Sultan been sincere and the Powers united, could ever have been realized. It certainly can not be realized now. The Turkey of "Union and Progress" is at least as barbarous and is far more aggressive than the Turkey of Sultan Abdul Hamid. In the hands of Germany it has ceased even in appearance to be a bulwark of peace, and is openly used as an instrument of conquest. Under German officers Turkish soldiers are now fighting in lands from which they had long been expelled, and a Turkish Government controlled, subsidized, and supported by Germany has been guilty of massacres in Armenia and Syria more horrible than any recorded in the history even of those unhappy countries. Evidently the interests of peace and the claims of nationality alike require that Turkish rule over alien races shall, if possible, be brought to an end; and we may hope that the expulsion of Turkey from Europe will contribute as much to the cause of peace as the restoration of Alsace-Lorraine to France, of Italia Irredenta to Italy, or any of the other territorial changes indicated in the Allied note.

Evidently, however, such territorial rearrangements, though they may diminish the occasions of war, provide no sufficient security against its recurrence. If Germany, or rather, those in Germany who mold its opinions and control its destinies, again set out to dominate the world, they may find that by the new order of things the adventure is made more difficult, but hardly that it is made impossible. They



may still have ready to their hand a political system organized through and through on a military basis; they may still accumulate vast stores of military equipment; they may still perfect their methods of attack, so that their more pacific neighbours will be struck down before they can prepare themselves for defence. If so, Europe, when the war is over, will be far poorer in men, in money, and in mutual goodwill than it was when the war began, but it will not be safer; and the hopes for the future of the world entertained by the President will be as far as ever from fulfilment.

There are those who think that for this disease international treaties and international laws may provide a sufficient cure. But such persons have ill learned the lessons so clearly taught by recent history. While other nations, notably the United States of America and Britain, were striving by treaties of arbitration to make sure that no chance quarrel should mar the peace they desired to make perpetual, Germany stood aloof. Her historians and philosophers preached the splendors of war; Power was proclaimed as the true end of the State; the General Staff forged with untiring industry the weapons by which at the appointed moment Power might be achieved. These facts proved clearly enough that treaty arrangements for maintaining peace were not likely to find much favour at Berlin; they did not prove that such treaties, once made, would be utterly ineffectual. This became evident only when war had broken out; though the demonstration, when it came, was overwhelming. So long as Germany remains the Germany which, without a shadow of justification, over-ran and barbarously ill-treated a country it was pledged to defend, no State can regard its rights as secure if they have no better protection than a solemn treaty.

The case is made worse by the reflection that these methods of calculated brutality were designed by the Central Powers, not merely to crush to the dust those with whom they were at war, but to intimidate those with whom they were still at peace. Belgium was not only a victim—it was an example. Neutrals were intended to note the outrages which accompanied its conquest, the reign of terror which followed on its occupation, the deportation of a portion of its population, the cruel oppression of the remainder. And, lest the nations happily protected, either by British fleets or by their own, from German armies should suppose themselves safe from German methods, the submarine has (within its limits) assiduously imitated the barbarous practices of the sister service. The War Staffs of the Central Powers are well content to horrify the world if at the same time they can terrorize it.

If, then, the Central Powers succeed, it will be to methods like these that they will owe their success. How can any reform of international relations be based on a peace thus obtained? Such a peace would represent the triumph of all the forces which make war certain and make it brutal. It would advertise the futility of all the methods on which civilization relies to eliminate the occasions of international dispute and to mitigate their ferocity.

Germany and Austria made the present war inevitable by attacking the rights of one small State, and they gained their initial triumphs by violating the treaty-guarded territories of another. Are small States going to find in them their protectors or in treaties made by them a bulwark against aggression? Terrorism by land and sea will have proved itself the instrument of victory. Are the victors likely to abandon it on the appeal of neutrals? If existing treaties are no more than scraps of paper, can fresh treaties help us? If the violations of the most fundamental canons of international law be crowned with success, will it not be in vain that the assembled nations labour to improve their code? None will profit by their rules but the criminals who break them. It is those who keep them that will suffer.

Though, therefore, the people of this country share to the full the desire of the President for peace, they do not believe that peace can be durable if it be not based on the success of the Allied cause. For a durable peace can hardly be expected unless three conditions are fulfilled. I The first is that the existing causes of international unrest should be as far as possible removed or weakened. II The second is that the aggressive aims and the unscrupulous methods of the Central Powers should fall into disrepute among their own peoples. III The third is that behind international law and behind all treaty arrangements for preventing or limiting hostilities some form of international sanction should be devised which would give pause to the hardest aggressor. These conditions may be difficult of fulfilment. But we believe them to be in general harmony with the President's ideals, and we are confident that none of them can be satisfied, even imperfectly, unless peace be secured on the general lines indicated (so far as Europe is concerned) in the joint note. Therefore it is that this country has made, is making, and is prepared to make sacrifices of blood and treasure unparalleled in its history. It bears these heavy burdens, not merely that it may thus fulfil its treaty obligations, nor yet that it may secure a barren triumph of one group of nations over another. It bears them because it firmly believes that on the success of the Allies depend

~~the prospects of peaceful civilization and of those international reforms which the best thinkers of the New World, as of the Old, dare to hope may follow on the cessation of our present calamities.~~

I am, with great truth and respect, Sir, your Excellency's most obedient, humble servant,

ARTHUR JAMES BALFOUR.

**Kaiser Wilhelm's Proclamation to the German People, January 13, 1917<sup>1</sup>.**

Our enemies have dropped the mask. After refusing with scorn and hypocritical words of love for peace and humanity our honest peace offer, they now, in their reply to the United States, have gone beyond that and admitted their lust for conquest, the baseness of which is further enhanced by their calumnious assertions. Their aim is the crushing of Germany, the dismemberment of the Powers allied with us, and the enslavement of the freedom of Europe and the seas, under the same yoke that Greece, with gnashing of teeth, is now enduring. But what they, in thirty months of the bloodiest fighting and unscrupulous economic war could not achieve, they will also in all the future not accomplish.

Our glorious victories and our iron strength of will, with which our fighting people at the front and at home have borne all hardships and distress, guarantee that also in the future our beloved Fatherland has nothing to fear. Burning indignation and holy wrath will redouble the strength of every German man and woman, whether it is devoted to fighting, work, or suffering. We are ready for all sacrifices. The God who planted His glorious spirit of freedom in our brave people's heart will also give us and our loyal Allies, tested in battle, full victory over all the enemy lust for power and rage for destruction.

WILHELM, I. R.

**Statement of Francesco Ruffini, Italian Minister of Public Instruction, Rome, January 14, 1917<sup>2</sup>**

In the note of the Allies to President Wilson, they make a point which is understandable to neutrals, and particularly to America. Italy,

<sup>1</sup>*The Times*, London, January 15, 1917.

<sup>2</sup>*The New York Times*, January 16, 1917.

no less than her allies, awaits with calm confidence the realization of the aims set forth in that passage of the note which refers to the redemption of Italians subject to Austria. The German press seeks to depict Italy as desirous of conquests, but American public opinion, so far-seeing, so well educated to freedom and to a deep spirit of national unity, can not confound brutal lust of conquest with a justified claim to territories with populations like those of the Trentino, Istria and Dalmatia.

These territories have had only one civilization in their history, that of Italy, and only one great humiliation—which must cease—that of foreign domination which attempted to destroy the principle of nationality. America knows well that Italy, notwithstanding these just claims, abstained from any provocation before the European conflagration, being occupied only with her peaceful development. Austria was responsible for the outbreak of the conflict, having willed war with Serbia after provoking Italy one hundred times with violent persecution of Italians of Trent, Trieste, Fiume and Zara, whom she denied even the right to educate themselves in their own language.

Once the conflagration was ignited, Italy felt that fate called her to complete her national unity and resume her just and holy work and her wars of independence, which have been studied with such enthusiasm by your illustrious American historians. Only those who are ignorant of the history of Austria's violent usurpations were surprised by Italy's action, initiated by her victorious armies, or considered her just claims to be ambition for conquest. Italy faced the terrible sacrifices of blood and riches imposed by the war with that same religious spirit which animated all the deeds of her national resurrection, of which America's attainment of independence was so full.

Italy counts on the considered and tranquil judgment of American public opinion which, while justly desiring the return of peace, can not, if it examines the origin of the conflict and the problem raised thereby, wish that the European equilibrium, broken by violence in 1914, be replaced to-day by a premature and unfruitful peace containing the germs of graver conflicts in the future.

#### Persian Reply to President Wilson's Peace Note, January 15, 1917<sup>1</sup>

His Imperial Majesty's Government has instructed me to communicate to your Excellency that it experienced the utmost pleasure upon

<sup>1</sup>*The New York Times*, January 16, 1917.

receipt of the President's note of December 18, 1916, regarding peace terms transmitted through the United States plenipotentiary at Teheran, and to express to you the hope that a step so benevolent and humane will meet with the success it deserves.

I am further instructed to say that, notwithstanding we declared ourselves neutral, a large part of our country has been disturbed and devastated by the fighting of the belligerents within our boundaries. In view of this fact you can not doubt that we heartily welcome and indorse the move the President has made.

Furthermore, inasmuch as His Majesty's Government understands from the President's note that he desires the preservation of the integrity and freedom of the powers and the weaker nations, and in view of the firm friendship which has always existed between our two countries, it ardently hopes that the Government of the United States will assist our oppressed nation to maintain its integrity and rights, not only for the present, but whenever a peace conference shall take place.

**Extract from the Reply of the Greek Government to President  
Wilson's Peace Note, January 16, 1917<sup>1</sup>**

The Royal Government learns with the most lively interest of the steps which the President of the United States of America has just undertaken among the belligerents for the cessation of a long and cruel war which is ravishing humanity. Very sensitive to the communication made to it, the Royal Government deeply appreciates the generous courage as well as the extremely humanitarian and profoundly politic spirit which dictated that suggestion. The considerations given in it to the subject of the sufferings of neutral nations as a result of the colossal struggle, as well as guarantees which will be equally desired by both belligerent factions for the rights and privileges of all States, have particularly found a sympathetic echo in the soul of Greece. In fact, there is no country which, like Greece, has had to suffer from this war, while at the same time remaining a stranger to it.

Through circumstances exceptionally tragic, she has less than other neutral countries been able to escape a direct and pernicious effect from the hostilities between the belligerents. Her geographical posi-

<sup>1</sup>*The New York Times*, January 17, 1917. For the reply of King Constantine, see *ante*, p. 42.

tion contributed toward diminishing her power of resistance against violations of her neutrality and sovereignty, which she has been forced to submit to in the interest of self-preservation.

The Royal Government would certainly have made all haste to accede to the noble demand of the President of the United States of America, to help with all means in its power until success were achieved, if it were not entirely out of communication with one of the two belligerents, while toward the other it must await the solution of difficulties which seriously weigh upon the situation in Greece. But the Royal Government is following with all the intensity of its soul the precious effort of the President of the United States of America, hoping to see it completed at the earliest possible moment.

**President Wilson's Address to the Senate, January 22, 1917<sup>1</sup>**

Mr. President and gentlemen of the Senate: On the eighteenth of December last I addressed an identic note to the governments of the nations now at war requesting them to state, more definitely than they had yet been stated by either group of belligerents, the terms upon which they would deem it possible to make peace. I spoke on behalf of humanity and of the rights of all neutral nations like our own, many of whose most vital interests the war puts in constant jeopardy. The Central Powers united in a reply which stated merely that they were ready to meet their antagonists in conference to discuss terms of peace. The Entente Powers have replied much more definitely and have stated, in general terms, indeed, but with sufficient definiteness to imply details, the arrangements, guarantees, and acts of reparation which they deem to be the indispensable conditions of a satisfactory settlement. We are that much nearer a definite discussion of the peace which shall end the present war. We are that much nearer the discussion of the international concert which must thereafter hold the world at peace. In every discussion of the peace that must end this war it is taken for granted that that peace must be followed by some definite concert of power which will make it virtually impossible that any such catastrophe should ever overwhelm us again. Every lover of mankind, every sane and thoughtful man must take that for granted.

I have sought this opportunity to address you because I thought that I owed it to you, as the council associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in

<sup>1</sup>*Congressional Record*, January 22, 1917, p. 1947.

my mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations.

It is inconceivable that the people of the United States should play no part in that great enterprise. To take part in such a service will be the opportunity for which they have sought to prepare themselves by the very principles and purposes of their polity and the approved practices of their Government ever since the days when they set up a new nation in the high and honorable hope that it might in all that it was and did show mankind the way to liberty. They can not in honor withhold the service to which they are now about to be challenged. They do not wish to withhold it. But they owe it to themselves and to the other nations of the world to state the conditions under which they will feel free to render it.

That service is nothing less than this, to add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world. Such a settlement can not now be long postponed. It is right that before it comes this Government should frankly formulate the conditions upon which it would feel justified in asking our people to approve its formal and solemn adherence to a League for Peace. I am here to attempt to state those conditions.

The present war must first be ended; but we owe it to candor and to a just regard for the opinion of mankind to say that, so far as our participation in guarantees of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by the guarantees of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards when it may be too late.

No covenant of cooperative peace that does not include the peoples of the New World can suffice to keep the future safe against war; and yet there is only one sort of peace that the peoples of America could join in guaranteeing. The elements of that peace must be elements that engage the confidence and satisfy the principles of the

American governments, elements consistent with their political faith and the practical convictions which the peoples of America have once for all embraced and undertaken to defend.

I do not mean to say that any American government would throw any obstacle in the way of any terms of peace the governments now at war might agree upon, or seek to upset them when made, whatever they might be. I only take it for granted that mere terms of peace between the belligerents will not satisfy even the belligerents themselves. Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

The terms of the immediate peace agreed upon will determine whether it is a peace for which such a guarantee can be secured. The question upon which the whole future peace and policy of the world depends is this: Is the present war a struggle for a just and secure peace, or only for a new balance of power? If it be only a struggle for a new balance of power, who will guarantee, who can guarantee, the stable equilibrium of the new arrangement? Only a tranquil Europe can be a stable Europe. There must be, not a balance of power, but a community of power; not organized rivalries, but an organized common peace.

Fortunately we have received very explicit assurances on this point. The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all,—may not be the same on both sides of the water. I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply, first of all, that it must be a peace without victory. It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter



memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

The equality of nations upon which peace must be founded if it is to last must be an equality of rights; the guarantees exchanged must neither recognize nor imply a difference between big nations and small, between those that are powerful and those that are weak. Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Equality of territory or of resources there of course can not be; nor any other sort of equality not gained in the ordinary peaceful and legitimate development of the peoples themselves. But no one asks or expects anything more than an equality of rights. Mankind is looking now for freedom of life, not for equipoises of power.

And there is a deeper thing involved than even equality of right among organized nations. No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. I take it for granted, for instance, if I may venture upon a single example, that statesmen everywhere are agreed that there should be a united, independent, and autonomous Poland, and that henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to a faith and purpose hostile to their own.

I speak of this, not because of any desire to exalt an abstract political principle which has always been held very dear by those who have sought to build up liberty in America, but for the same reason that I have spoken of the other conditions of peace which seem to me clearly indispensable,—because I wish frankly to uncover realities. Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

So far as practicable, moreover, every great people now struggling towards a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where this can not be done by the cession of territory, it can no doubt be done by the neutralization of direct rights of way under the general guarantee which will assure the peace itself. With a right comity of arrangement no nation need be shut away from free access to the open paths of the world's commerce.

And the paths of the sea must alike in law and in fact be free. The freedom of the seas is the *sine qua non* of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it.

It is a problem closely connected with the limitation of naval armaments opens the wider and perhaps more difficult question of the seas at once free and safe. And the question of limiting naval armaments opens the wider and perhaps more difficult question of the limitation of armies and of all programs of military preparation. Difficult and delicate as these questions are, they must be faced with the utmost candor and decided in a spirit of real accommodation if peace is to come with healing in its wings, and come to stay. Peace can not be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained. The statesmen of the world must plan for peace and nations must adjust and accommodate their policy to it as they have planned for war and made ready for pitiless contest and rivalry. The question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and of mankind.

I have spoken upon these great matters without reserve and with the utmost explicitness because it has seemed to me to be necessary if the world's yearning desire for peace was anywhere to find free

voice and utterance. Perhaps I am the only person in high authority amongst all the peoples of the world who is at liberty to speak and hold nothing back. I am speaking as an individual, and yet I am speaking also, of course, as the responsible head of a great government, and I feel confident that I have said what the people of the United States would wish me to say. May I not add that I hope and believe that I am in effect speaking for liberals and friends of humanity in every nation and of every program of liberty? I would fain believe that I am speaking for the silent mass of mankind everywhere who have as yet had no place or opportunity to speak their real hearts out concerning the death and ruin they see to have come already upon the persons and the homes they hold most dear.

And in holding out the expectation that the people and Government of the United States will join the other civilized nations of the world in guaranteeing the permanence of peace upon such terms as I have named, I speak with the greater boldness and confidence because it is clear to every man who can think that there is in this promise no breach in either our traditions or our policy as a nation, but a fulfilment, rather, of all that we have professed or striven for.

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world: that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose all act in the common interest and are free to live their own lives under a common protection.

I am proposing government by the consent of the governed; that freedom of the seas which in international conference after conference representatives of the United States have urged with the eloquence of those who are the convinced disciples of liberty; and that moderation of armaments which makes of armies and navies a power for order merely, not an instrument of aggression or of selfish violence.

These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward

looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail.

**Speech of Viscount Motono, Japanese Minister for Foreign Affairs,  
in the Diet, January 23, 1917<sup>1</sup>**

The great war which has been ravaging Europe for two years and a half is an event without precedent in the history of humanity. Without doubt it will have incalculable effect upon the destiny of nations in the future; on the issue of this war will hang the liberty of nations. The question is whether the small and the great nations of Europe will be subjugated by Germany or not.

You all know the origin of the present war. The impossible demands of Austria-Hungary upon Serbia were apparently the cause of the taking up of arms by European nations, but the real cause was Germany's ambition for world domination for which preparations were being made for many years past. Germany cherishing great ambitions for the distant future, had seized upon Tsingtau in 1898 with the view of gobbling up the whole of China in time. That this has been so nobody will contend to-day. The great pan-Germanist propaganda, the elaborate and marvelous military preparations, these are no longer a secret.

In the summer of 1914 Germany thought that the time had come for imposing upon the world a powerful German domination; she thought that in a couple of months there would be an end of her enemies' resistance. All calculations were baffled and now at the end of two years and a half she finds herself forced to pursue the struggle anew.

Japan, at the first appeal from Great Britain, did not hesitate for a moment in coming to her aid; she has loyally accomplished her duty by her ally, our army and navy succeeded in a few months in bringing to naught the German resistance in our part of the world. In destroying the bases of German activity in China, Japan has secured the order and tranquillity of the extreme East. In cooperating with Great Britain in the destroying of the German fleet in the Pacific and the Indian Oceans Japan has greatly contributed to the assuring of the safety of mercantile trade in these seas not only for Japan and Great Britain but for all nations, allied and neutral. At a time when our enemies do not recoil from the most horrible means of destroy-

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<sup>1</sup>Furnished by the Imperial Japanese Embassy at Washington.

ing the trade by sea of the nations, the Pacific and the Indian oceans are free from German brigandage. I am persuaded that the civilized world will do us justice for the services rendered by Japan to the cause of humanity at large.

In declaring war on Germany and in acceding to the Declaration of London of the 5th of September, 1914, Japan has made her position clear in the formidable struggle. We have taken part in this war not merely for the defence of our particular interests but also for the defence of those of our allies, as well as the interests of humanity in general.

It is necessary that righteousness and justice should emerge victorious out of this merciless struggle; it is necessary that the world should be given to live in all tranquillity after this cataclysm. In order to attain this noble end there must be before everything a victory complete and definitive for our allied powers. Without a complete victory it need scarcely be remarked that the peace of the Far East for which we have made all manner of sacrifices will remain in real danger. And for obtaining this victory a sacred union not only of all the governments but also of the peoples ranged on our side in defence of the inseparable rights of humanity, is an essential condition.

In consenting to take part in this war, Japan was under the obligation, in view of her particular position in Asia, of limiting from the beginning her sphere of military action; but after having faithfully accomplished the task incumbent upon her she has made and will ever make every effort toward the attainment of the final victory by her allies. The struggle between the allies and the common enemies is not one simply of military, and naval forces, but it is a struggle extending over all spheres of human activities. It is the reason why we should march forward in every direction in an accord as complete as possible. Hence it is that we have adhered to the resolutions of the Economic Conference of Paris. It is for that reason again that the Imperial Government have taken some administrative measures with a view to safeguarding our common interests in the matter of postal and telegraphic communications. It is also with that end in view that the Government are contemplating to take other and different measures in consequence of the Economic Conference. It was further for the purpose of keeping in more complete accord with our allies that the Imperial Government gave a prompt assent to the project of the response, proposed by the French Government in the name of the allies, to the German and American notes. The rea-

sons that caused our refusal toward the German proposal have been clearly stated in the identic note. The Imperial Government consider with the allied governments that the pretensions of the hostile governments are inadmissible and that the time has not yet come for entering upon peace negotiations. With your permission I will next say a few words in regard to our reply to the American note. While highly approving the elevated sentiments which inspired this *démarche* of the American Government, the allied governments did not feel bound to accede to the desire of peace expressed by that government. The reasons for this decision on their part were set forth in the note forwarded in Paris to the American Ambassador by the French Government in the name of the allied powers. In the reply to the American Government, the allied powers state a certain number of conditions which they consider it indispensable to impose on the hostile governments on the occasion of the conclusion of peace. The absence of all reference to the future disposition of the German colonies has justly attracted the attention of the Japanese public, neither has it escaped the notice of the Imperial Government. The reply to the American note by no means contains all the conditions of peace. The allied powers have reserved the right to present the conditions in detail at the time of the peace negotiations. This last point is indicated in the note to America. The Imperial Government, when they adhered to the project of the response to the American note, knew that the allied powers had not neglected to take into proper consideration the just claims which Japan would present at the peace negotiations. Nevertheless to clear away all misunderstanding on this point, we took the necessary measures, in sending our reply of adhesion to the French Government, for safeguarding our rights, and I am happy to be able to assure you that a most satisfactory understanding exists on this subject among all the allies at a moment when the allied powers have taken the decision of continuing the war until the victory of justice and righteousness as well as true peace of the world has been realized. I would most eagerly express our sentiments of the most sincere appreciation for the efforts displayed by Great Britain, France, Russia, Italy, Belgium, Serbia, Montenegro and Roumania. At the same time I would express our most profound admiration for their brave armies and navies. I also wish to testify to our hearty sympathy for the inhabitants of the regions fouled by the foot of the cruel and barbarous invaders and I am firmly persuaded that a future more glorious is in store for these unfortunate peoples.

It is needless for me to state that our alliance with Great Britain is the basis of our foreign policy. The present war has demonstrated the solidity as well as the benefits of this alliance. The Japanese and the British people have realized in the most evident manner the necessity of this alliance for the protection of the rights and interests of the two empires. It is at the same time an essential guaranty for the maintenance of the order and peace of the extreme Orient.

We must also felicitate ourselves upon the understanding signed between Japan and Russia in July, 1916. All the succeeding cabinets of Japan since the end of the Russian war have pursued the policy of *rapprochement* with that nation. The two governments of Japan and Russia saw the necessity of this policy immediately after the conclusion of peace. Inaugurated by our first entente in 1907, this policy has been uniformly pursued and enhanced by the successive ententes which finally led to the Convention of 1916, concluded amidst events destined to produce incalculable consequences upon Russia. This convention has had the effect of enlightening the public opinion of Russia to the perception of the sincerity of the Japanese sentiments. I do not hesitate to state to you that the government and people of Russia testify a profound sense of gratitude to Japan for the great services rendered to Russia in our furnishing her with ammunitions which facilitated her military operations. Having been a personal observer for more than two years of the evolution of the Russian mentality, I believe I am able to affirm to you that the Russian nation entertain the most sincere and frank amity toward Japan. Japan and Russia have great interests in common to be safeguarded in the Far East. This intimate accord between the two nations, no less than the Anglo-Japanese alliance, constitutes an indispensable guaranty for peace in our part of the world in spite of the troubled times amidst which we find ourselves.

I am happy to be able to state to you that our relations with the neutral powers are more than ever cordial. I am persuaded that all the neutral nations will do us full justice for the immense service done by our navy for their foreign commerce. If we had not, in concert with the British navy, destroyed the German fleet in the Pacific, where would the maritime commerce of the neutral countries be, especially of countries such as America, Australia and China, which border upon the Pacific? I am firmly convinced that all the neutral powers that have profited by the security of the seas assured by the two navies, will recognize the justice of what I have just stated to you.

You are aware that Japan has always preserved the most sincerely amicable relations with the government and the people of America, though from time to time there have been light clouds which have cast a shadow upon our relations though ever so little. These clouds have generally been dissipated by the common good-will of the two governments. There certainly have been questions about which the two governments could not come to a complete accord, but that will be the case between even the best of allies. However, when one faces the most thorny questions in a friendly and frank spirit, with the will of solving them in an amicable and conciliatory manner, there will surely be found a way to an understanding. It is this end that the two governments have always pursued to the great satisfaction of our two countries. It affords me great pleasure to state that there have been symptoms of more real sympathy manifested of late between the countries. As one instance we have been approached by the American capitalists for cooperation in financial affairs in China. The Imperial Government are watching with lively interest the further development of the economic *rapprochement* between the two countries.

I would not speak of all the events that have come to pass in China in recent years, which must be still fresh in your memory. We must recognize that as the result of these events there has been created a certain atmosphere which is not altogether desirable. It is for the good of our two countries that this state of things should absolutely disappear. In view of the great political and economic interests which Japan possesses in China, it has always been the sincere desire of this country to see her neighbor developed along the paths of modern civilization and we have spared no efforts for that purpose. It was for that purpose also that we sent to China a number of civil and military advisors, and that we concurred with other countries in furnishing China with the financial means of accomplishing reforms of every kind and also that we undertook the education and instruction of the young Chinese students who are coming to Japan by thousands. Nobody would contradict me when I say that China certainly is indebted much to Japan in her work of reorganization pursued for several years. Why is it that in spite of all our well-meant efforts, China seems often to regard us with mistrust and even animosity? There may be many causes for that, but the chief reason, to my mind, is the tendency on the part of the Japanese towards interference in China's internal quarrels since the overthrow of the Manchu Dynasty and the establishment of the republican *régime*. There have since been formed in China a number of political parties, for one or another



of which parties there have been some Japanese who have expressed sympathy. These persons have developed marked tendency towards a desire to help these political parties to obtain power according as their own political opinions or personal sympathy dictate. I am persuaded that all these persons are perfectly sincere in their desire of helping our neighboring friends, but the results were deplorable. To what did our attitude at the moment of the formation of the Republic lead, and to what did all the movements inimical to the President lead? You are aware of it so well that I need not dwell upon it. But what I have to state is that in the wake of all these facts we have had no other results than to invite, on the one hand, the animosity of our neighbors and, on the other, to cause other nations' misunderstanding of the real intentions of Japan. I do not hesitate to state that the present Cabinet absolutely repudiate this mode of action. We desire to maintain the most cordial relations with China. We desire nothing more than the gradual accomplishment by China of all her schemes of reform, and we shall leave nothing undone in order to help her in the task, if she so desires. Endeavors shall not be wanting on our part to make China comprehend the sincerity of our sentiments toward her, though it must always remain with China whether she should have faith in us or not. We have not the least intention, I formally declare hereby, of favoring this or that political party in China; all we desire is the maintenance of cordial relations of amity with China herself and not with any political party. It is essential that China should develop herself smoothly along the path of progress and we dread nothing more than the possible disintegration of China through her continued troubles. We must put forth every effort to prevent that sad possibility, for nothing is more indispensable than that China should maintain her independence and territorial integrity. The other point to which the government must call your attention is the special position occupied by Japan in certain portions of China. I am speaking especially of South Manchuria and East Inner Mongolia. Our special situation in these parts has been acquired at the cost of immense sacrifice and immeasurable efforts on our part and on the strength of this circumstance our rights and interests in these parts have been consecrated by treaties and arrangements. It is therefore the most elementary duty of the Imperial Government toward the nation to safeguard these rights and interests. In the same way it is necessary that China should comprehend that it is not only a matter of compliance with international duty that China should respect these rights and interests of Japan, but it would be

nothing more than the realization of the good understanding between our two countries.

If China would continue, as we sincerely desire she would, relations of the greatest confidence and amity with Japan, it is necessary that she should follow the same lines of conduct as those we intend to follow with her. It is on this condition alone that anything like a firm understanding can exist between us. The Imperial Government have the strongest conviction that if the Chinese Government understood the pure and clear intentions of Japan, China would not have any objection to Japan's sincere policy of good understanding in the relations between Japan and China. Nobody certainly would dispute the fact that Japan occupies a peculiar position in China as well on account of her geographic position as her political and economic interests; but we must not any more ignore the fact that other powers have likewise immense interests in China. We must, therefore, while safeguarding our own interests there, take care to respect those of other nations. We must before everything try to move in accord with powers with which we are under the pledge of special arrangements and in a general way endeavor to reconcile our interests with those of others. We are firmly convinced that such is the line of conduct best suited to the common interests of all powers concerned. Japan has not any intention to follow an egoistic policy in China. It is her sincere desire to keep in complete accord with the countries concerned, and the Imperial Government firmly believe that with good-will on both sides we shall be able to arrive at a complete understanding which will be for the best interests both of China and all other countries.

**Extract from the Speech of Bonar Law, Chancellor of the Exchequer, Bristol, England, January 24, 1917<sup>1</sup>**

We are working for, looking forward to peace. The Germans the other day made us what they call an offer of peace. It received from the Allied Governments the only reply which was possible. You have read the speech made by President Wilson. It was a frank speech, and it is right that any member of an Allied Government who refers to it should speak frankly too. It is impossible that he and we can look on this question from the same point of view. Whatever his private feeling may be, the head of a great neutral State must take a neutral attitude. America is very far removed from the horrors of

<sup>1</sup>*The Times*, London, January 25, 1917.

this war; we are in the midst of it. America is neutral; we are not neutral. We believe that the essence of this conflict is the question, which is as old as time, of the difference between right and wrong. We know that this is a war of naked aggression. We know that the crimes which have accompanied the conduct of the war—crimes almost incredible after 2,000 years of Christianity—are small in comparison with the initial crime by which the men responsible for the policy of Germany with cold-blooded calculation, because they thought it would pay, plunged the world into the horrors we are enduring.

President Wilson's aim is to have peace now and security for peace in the future. That is our aim also, and it is our only aim. He hopes to secure it by means of a league of peace among the nations, and he is trying to get the American Senate to do something to make this possible. It would not be right, in my opinion, for us to look upon that suggestion as altogether Utopian. You know that until quite recently duelling was common. Now the idea that private quarrels should be settled by the sword is unthinkable. But, after all, it is for us not an abstract question for the future. It is a question of life or death now; and whether we consider that the aim which he and we have in common can be secured by his methods, we can not forget the past. For generations humane men, men of good-will among all nations have striven, by Hague Conventions, by peace conferences, by every means, to make war impossible. I said humane men. They have striven, if not to make it impossible, to mitigate its horrors and to see how the barriers against barbarism could be maintained.

At the outbreak of war Germany swept aside every one of those barriers and tore up the scraps of paper which she had solemnly signed. She spread mines in the open sea; on sea and land she committed atrocities, incredible atrocities, contrary to conventions which she had herself signed. At this moment she is driving the populations of enemy territory into slavery, and, worse than that, in some cases she is making the subjects of the Allies take up arms against their own country. All that has happened and no neutral country has been able to stop it, and, more than that, no neutral country has made any protest, at least no effective protest. It is for us a question of life or death. We must have stronger guarantees for the future peace of the world.

We have rejected the proposal to enter into peace negotiations not from any lust of conquest, not from any longing for shining victories; we have rejected it not from any feeling of vindictiveness or even a desire for revenge; we have rejected it because peace now would mean

peace based upon a German victory. It would mean a military machine which is still unbroken, it would mean also that that machine would be in the hands of a nation prepared for war, who would set about preparing for it again, and, at their own time, plunge us again into the miseries which we are enduring to-day. What President Wilson is longing for we are fighting for. . . .

Our sons and brothers are dying for it, and we mean to secure it. The heart of the people of our country is longing for peace. We are praying for peace, a peace that will bring back in safety those who are dear to us, but a peace which will mean this—that those who will never come back shall not have laid down their lives in vain.

**Speech of Premier Tisza in the Hungarian Parliament,  
January 25, 1917<sup>1</sup>**

Pursuant to our peaceful policy before the war and our attitude during the war, as well as our recent peace action, we can only greet with sympathy every effort aiming at the restoration of peace. We are, therefore, inclined to continue a further exchange of views regarding peace with the United States Government. This exchange must naturally occur in agreement with our allies.

In view of the fact that President Wilson in his address makes certain distinctions between our reply and our enemies' reply, I must especially state that the quadruple alliance declares that it is inclined to enter into peace negotiations, but that at the same time it will propose terms which, in its opinion, are acceptable for the enemy and calculated to serve as a basis for a lasting peace.

On the other hand, the conditions of peace contained in our enemies' reply to the United States are equivalent at least to the disintegration of our monarchy and of the Ottoman Empire. This amounts to an official announcement that the war aims at our destruction, and we are, therefore, forced to resist with our utmost strength as long as this is the war aim of our enemies.

In such circumstances it can not be doubted which group of powers by its attitude is the obstacle to peace, and this group approximates to President Wilson's conception. The President opposes a peace imposed by a conqueror, which one party would regard as a humiliation and an intolerable sacrifice. From this it follows clearly that so long as the powers opposed to us do not substantially change their war

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<sup>1</sup>*The New York Times*, January 26, 1917.

aims an antagonism that can not be bridged stands between their viewpoint and the President's peace aims.

My second observation has to do with the principle of nationalities. I desire to be brief; therefore, I will not dilate on the question of what moral justification England and Russia have to lay stress on the principle of nationalities in a peace program which would destroy the Hungarian nation and deliver the Mohammedan population of the Bosphorus region into Russian domination. But I say that the whole public opinion in Hungary holds to the principle of nationalities in honor.

The principle of nationalities in the formation of national States, however, can only prevail unrestrictedly where single nations live within sharply marked ethnographical boundaries in compact masses and in regions suited to the organization of a State. In territories where various races live intermingled it is impossible that every single race can form a national State. In such territories it would only be possible to create a State without national character, or one in which a race by its numbers and importance predominates, thus imprinting its national character.

In such circumstances, therefore, only that limited realization of the principle of nationalities is possible which the President of the United States rightfully expresses in demanding that security of life and religion and individual and social development should be guaranteed to all peoples. I believe that nowhere is this demand realized to such a degree as in both States of the monarchy. I believe that in the regions of Southeastern Europe, which are inhabited by a varied mixture of peoples and nations, the demand for free development of nations can not be more completely realized than it is by the existence and domination of the Austro-Hungarian monarchy.

We feel ourselves, therefore, completely in agreement with the President's demands. We shall strive for the realization as far as possible of this principle in the regions lying in our immediate neighborhood. I can only repeat that, true to our traditional foreign policy and true to the standpoint we took in our peace action in conjunction with our allies, we are ready to do everything that will guarantee to the peoples of Europe the blessings of a lasting peace.

I beg you to take cognizance of my reply.

**German Note to the United States regarding the Submarine  
Blockade, January 31, 1917<sup>1</sup>**

[TRANSLATION]

GERMAN EMBASSY,  
*Washington, January 31, 1917.*

MR. SECRETARY OF STATE: Your Excellency was good enough to transmit to the Imperial Government a copy of the message which the President of the United States of America addressed to the Senate on the 22, inst. The Imperial Government has given it the earnest consideration which the President's statements deserve, inspired as they are, by a deep sentiment of responsibility. It is highly gratifying to the Imperial Government to ascertain that the main tendencies of this important statement correspond largely to the desires and principles professed by Germany. These principles especially include self-government and equality of rights for all nations. Germany would be sincerely glad if in recognition of this principle countries like Ireland and India, which do not enjoy the benefits of political independence, should now obtain their freedom. The German people also repudiate all alliances which serve to force the countries into a competition for might and to involve them in a net of selfish intrigues. On the other hand Germany will gladly cooperate in all efforts to prevent future wars. The freedom of the seas, being a preliminary condition of the free existence of nations and the peaceful intercourse between them, as well as the open door for the commerce of all nations, has always formed part of the leading principles of Germany's political program. All the more the Imperial Government regrets that the attitude of her enemies who are so entirely opposed to peace makes it impossible for the world at present to bring about the realization of these lofty ideals. Germany and her allies were ready to enter now into a discussion of peace and had set down as basis the guaranty of existence, honor and free development of their peoples. Their aims, as has been expressly stated in the note of December 12, 1916, were not directed towards the destruction or annihilation of their enemies and were according to their conviction perfectly compatible with the rights of the other nations. As to Belgium for which such warm and cordial sympathy is felt in the United States, the Chancellor had declared only a few weeks previously that its annexation had never formed part of Germany's intentions. The peace to be signed with Belgium was to provide for such conditions

<sup>1</sup>Official print of the Department of State.

in that country, with which Germany desires to maintain friendly neighborly relations, that Belgium should not be used again by Germany's enemies for the purpose of instigating continuous hostile intrigues. Such precautionary measures are all the more necessary, as Germany's enemies have repeatedly stated not only in speeches delivered by their leading men, but also in the statutes of the economical conference in Paris, that it is their intention not to treat Germany as an equal, even after peace has been restored but to continue their hostile attitude and especially to wage a systematical economical war against her.

The attempt of the four allied powers to bring about peace has failed owing to the lust of conquest of their enemies, who desired to dictate the conditions of peace. Under the pretense of following the principle of nationality our enemies have disclosed their real aims in this war, viz., to dismember and dishonor Germany, Austria-Hungary, Turkey and Bulgaria. To the wish of reconciliation they oppose the will of destruction. They desire a fight to the bitter end.

A new situation has thus been created which forces Germany to new decisions. Since two years and a half England is using her naval power for a criminal attempt to force Germany into submission by starvation. In brutal contempt of international law the group of Powers led by England does not only curtail the legitimate trade of their opponents but they also by ruthless pressure compel neutral countries either to altogether forego every trade not agreeable to the Entente Powers or to limit it according to their arbitrary decrees. The American Government knows the steps which have been taken to cause England and her allies to return to the rules of international law and to respect the freedom of the seas. The English Government, however, insists upon continuing its war of starvation, which does not at all affect the military power of its opponents, but compels women and children, the sick and the aged to suffer, for their country, pains and privations which endanger the vitality of the nation. Thus British tyranny mercilessly increases the sufferings of the world indifferent to the laws of humanity, indifferent to the protests of the neutrals whom they severely harm, indifferent even to the silent longing for peace among England's own allies. Each day of the terrible struggle causes new destruction, new sufferings. Each day shortening the war will, on both sides, preserve the life of thousands of brave soldiers and be a benefit to mankind.

The Imperial Government could not justify before its own conscience, before the German people and before history the neglect of

any means destined to bring about the end of the war. Like the President of the United States, the Imperial Government had hoped to reach this goal by negotiations. After the attempts to come to an understanding with the Entente Powers have been answered by the latter with the announcement of an intensified continuation of the war, the Imperial Government—in order to serve the welfare of mankind in a higher sense and not to wrong its own people—is now compelled to continue the fight for existence, again forced upon it, with the full employment of all the weapons which are at its disposal.

Sincerely trusting that the people and Government of the United States will understand the motives for this decision and its necessity, the Imperial Government hopes that the United States may view the new situation from the lofty heights of impartiality and assist, on their part, to prevent further misery and avoidable sacrifice of human life.

Enclosing two memoranda regarding the details of the contemplated military measures at sea, I remain, etc.,

(Signed) J. BERNSTORFF.

[INCLOSURE 1]

MEMORANDUM

After bluntly refusing Germany's peace offer the Entente Powers, stated in their note addressed to the American Government, that they are determined to continue the war in order to deprive Germany of German provinces in the West and the East, to destroy Austria-Hungary and to annihilate Turkey. In waging war with such aims, the Entente Allies are violating all rules of international law, as they prevent the legitimate trade of neutrals with the Central Powers, and of the neutrals among themselves. Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the Entente Powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the Central Powers and have instead declared only such a peace to be possible, which shall be dictated by the Entente Allies and shall result in the destruction and humiliation of the Central Powers, Germany is unable further to forego the full use of her submarines. The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the



now openly disclosed intentions of the Entente Allies give back to Germany the freedom of the action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within that zone will be sunk.

The Imperial Government is confident that this measure will result in a speedy termination of the war and in the restoration of peace which the Government of the United States has so much at heart. Like the Government of the United States, Germany and her allies had hoped to reach this goal by negotiations. Now that the war, through the fault of Germany's enemies, has to be continued, the Imperial Government feels sure that the Government of the United States will understand the necessity of adopting such measures and are destined to bring about a speedy end of the horrible and useless bloodshed. The Imperial Government hopes all the more for such an understanding of her position, as the neutrals have under the pressure of the Entente Powers, suffered great losses, being forced by them either to give up their entire trade or to limit it according to conditions arbitrarily determined by Germany's enemies in violation of international law.

[INCLOSURE 2]

MEMORANDUM

From February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones around Great Britain, France, Italy and in the Eastern Mediterranean.

*In the North:* The zone is confined by a line at a distance of 20 sea miles along the Dutch coast to Terschelling fire ship, the degree of longitude from Terschelling fire ship to Udsire, a line from there across the point 62 degrees north 0 degrees longitude to 62 degrees north 5 degrees west, further to a point 3 sea miles south of the southern point of the Faroe Islands, from there across point 62 degrees north 10 degrees west to 61 degrees north 15 degrees west, then 57 degrees north 20 degrees west to 47 degrees north 20 degrees west, further to 43 degrees north, 15 degrees west, then along the degree of latitude 43 degrees north to 20 sea miles from Cape Finisterre and

at a distance of 20 sea miles along the north coast of Spain to the French boundary.

*In the South:* The Mediterranean

For neutral ships remains open: The sea west of the line Pt. del'Espiquette to 38 degrees 20 minutes north and 6 degrees east, also north and west of a zone 61 sea miles wide along the north African coast, beginning at 2 degrees longitude west. For the connection of this sea zone with Greece there is provided a zone of a width of 20 sea miles north and east of the following line: 38 degrees north and 6 degrees east to 38 degrees north and 10 degrees east to 37 degrees north and 11 degrees 30 minutes east to 34 degrees north and 11 degrees 30 minutes east to 34 degrees north and 22 degrees 30 minutes east.

From there leads a zone 20 sea miles wide west of 22 degrees 30 minutes eastern longitude into Greek territorial waters.

Neutral ships navigating these blockade zones do so at their own risk. Although care has been taken, that neutral ships which are on their way toward ports of the blockade zones on February 1, 1917, and have come in the vicinity of the latter, will be spared during a sufficiently long period it is strongly advised to warn them with all available means in order to cause their return.

Neutral ships which on February 1, are in ports of the blockaded zones, can, with the same safety, leave them if they sail before February 5, 1917, and take the shortest route into safe waters.

The instructions given to the commanders of German submarines provide for a sufficiently long period during which the safety of passengers on unarmed enemy passenger ships is guaranteed.

Americans, en route to the blockade zone on enemy freight steamers, are not endangered, as the enemy shipping firms can prevent such ships in time from entering the zone.

Sailing of regular American passenger steamers may continue undisturbed after February 1, 1917, if

- a) the port of destination is Falmouth
- b) sailing to or coming from that port course is taken via the Scilly Islands and a point 50 degrees north 20 degrees west,
- c) the steamers are marked in the following way which must not be allowed to other vessels in American ports: On ships' hull and superstructure 3 vertical stripes 1 meter wide each to be painted alternately white and red. Each mast should show a large flag checkered white and red, and the stern the American national flag.

- Care should be taken that, during dark, national flag and painted marks are easily recognizable from a distance and that the boats are well lighted throughout,
- d) one steamer a week sails in each direction with arrival at Falmouth on Sunday and departure from Falmouth on Wednesday
  - e) The United States Government guarantees that no contraband (according to German contraband list) is carried by those steamers.

**President Wilson's Address to Both Houses of Congress in Joint Session, February 3, 1917<sup>1</sup>**

GENTLEMEN OF THE CONGRESS: The Imperial German Government on the thirty-first of January announced to this Government and to the governments of the other neutral nations that on and after the first day of February, the present month, it would adopt a policy with regard to the use of submarines against all shipping seeking to pass through certain designated areas of the high seas to which it is clearly my duty to call your attention.

Let me remind the Congress that on the eighteenth of April last, in view of the sinking on the twenty-fourth of March of the cross-channel passenger steamer *Sussex* by a German submarine without summons or warning, and the consequent loss of the lives of several citizens of the United States who were passengers aboard her, this Government addressed a note to the Imperial German Government in which it made the following declaration:

"If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether."

<sup>1</sup>*Congressional Record*, February 3, 1917, p. 1917.

In reply to this declaration the Imperial German Government gave this Government the following assurance:

"The German Government is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

"The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

"But," it added, "neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been violated."

To this the Government of the United States replied on the eighth of May, accepting, of course, the assurances given, but adding,

"The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made

contingent upon the conduct of any other Government affecting the rights of neutrals and non-combatants. Responsibility in such matters is single, not joint; absolute, not relative."

To this note of the eighth of May the Imperial German Government made no reply.

On the thirty-first of January, the Wednesday of the present week, the German Ambassador handed to the Secretary of State, along with a formal note, a memorandum which contains the following statement:

"The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente Allies give back to Germany the freedom of action which she reserved in her note addressed to the Government of the United States on May 4, 1916."

"Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the Eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within the zone will be sunk."

I think that you will agree with me that, in view of this declaration, which suddenly and without prior intimation of any kind deliberately withdraws the solemn assurance given in the Imperial Government's note of the fourth of May, 1916, this Government has no alternative consistent with the dignity and honour of the United States but to take the course which, in its note of the eighteenth of April, 1916, it announced that it would take in the event that the German Government did not declare and effect an abandonment of the methods of submarine warfare which it was then employing and to which it now purposes again to resort.

I have, therefore, directed the Secretary of State to announce to His Excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to His Excellency his passports.

Notwithstanding this unexpected action of the German Government, this sudden and deeply deplorable renunciation of its assur-

ances, given this Government at one of the most critical moments of tension in the relations of the two governments, I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they feel at liberty to do. I can not bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own or to the solemn obligations which have been exchanged between them and destroy American ships and take the lives of American citizens in the wilful prosecution of the ruthless naval programme they have announced their intention to adopt. Only actual overt acts on their part can make me believe it even now.

If this inveterate confidence on my part in the sobriety and prudent foresight of their purpose should unhappily prove unfounded; if American ships and American lives should in fact be sacrificed by their naval commanders in heedless contravention of the just and reasonable understandings of international law and the obvious dictates of humanity, I shall take the liberty of coming again before the Congress, to ask that authority be given me to use any means that may be necessary for the protection of our seamen and our people in the prosecution of their peaceful and legitimate errands on the high seas. I can do nothing less. I take it for granted that all neutral governments will take the same course.

We do not desire any hostile conflict with the Imperial German Government. We are the sincere friends of the German people and earnestly desire to remain at peace with the Government which speaks for them. We shall not believe that they are hostile to us unless and until we are obliged to believe it; and we purpose nothing more than the reasonable defense of the undoubted rights of our people. We wish to serve no selfish ends. We seek merely to stand true alike in thought and in action to the immemorial principles of our people which I sought to express in my address to the Senate only two weeks ago,—seek merely to vindicate our right to liberty and justice and an unmolested life. These are the bases of peace, not war. God grant we may not be challenged to defend them by acts of wilful injustice on the part of the Government of Germany!

**Severance of Diplomatic Relations between the United States and Germany, February 3, 1917**

*The Secretary of State to the German Ambassador*<sup>1</sup>

DEPARTMENT OF STATE,  
*Washington, February 3, 1917.*

EXCELLENCY: In acknowledging the note with accompanying memorandum, which you delivered into my hands on the afternoon of January 31st, and which announced the purpose of your Government as to the future conduct of submarine warfare, I would direct your attention to the following statements appearing in the correspondence which has passed between the Government of the United States and the Imperial German Government in regard to submarine warfare.

This Government on April 18, 1916, in presenting the case of the *Susser*, declared—

“If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue. Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether.”

In reply to the note from which the above declaration is quoted Your Excellency's Government stated in a note dated May 4, 1916—

“The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

“But neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interests, restrict the use of an effective weapon if her enemy is permitted to continue to

<sup>1</sup>Official print of the Department of State.

apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it has been violated."

To this reply this Government made answer on May 8, 1916, in the following language:

"The Government of the United States feels it necessary to state that it takes it for granted that the Imperial German Government does not intend to imply that the maintenance of its newly announced policy is in any way contingent upon the course or result of diplomatic negotiations between the Government of the United States and any other belligerent Government, notwithstanding the fact that certain passages in the Imperial Government's note of the 4th instant might appear to be susceptible of that construction. In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and non-combatants. Responsibility in such matters is single, not joint; absolute, not relative."

To this Government's note of May 8th no reply was made by the Imperial Government.

In one of the memoranda accompanying the note under acknowledgment, after reciting certain alleged illegal measures adopted by Germany's enemies, this statement appears:

"The Imperial Government, therefore, does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the Entente Allies' brutal methods of war and by their determination to destroy the Central Powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the Entente Allies give back to Germany the freedom of action which she reserved in her note addressed to the Government of the United States on May 4, 1916,

"Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing, after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern



Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc., etc. All ships met within the zone will be sunk."

In view of this declaration, which withdraws suddenly and without prior intimation the solemn assurance given in the Imperial Government's note of May 4, 1916, this Government has no alternative consistent with the dignity and honor of the United States but to take the course which it explicitly announced in its note of April 18, 1916, it would take in the event that the Imperial Government did not declare and effect an abandonment of the methods of submarine warfare then employed and to which the Imperial Government now purpose again to resort.

The President has, therefore, directed me to announce to Your Excellency that all diplomatic relations between the United States and the German Empire are severed, and that the American ambassador at Berlin will be immediately withdrawn, and in accordance with such announcement to deliver to Your Excellency your passports.

I have, etc.,

ROBERT LANSING.

**Instructions to American Diplomatic Representatives in Neutral Countries, February 4, 1917, regarding the Severance of Diplomatic Relations between the United States and Germany<sup>1</sup>**

You will immediately notify the Government to which you are accredited that the United States, because of the German Government's recent announcement of its intention to renew unrestricted submarine warfare, has no choice but to follow the course laid down in its note of April 18, 1916 (the *Sussex* note).

It has, therefore, recalled the American Ambassador to Berlin and has delivered passports to the German Ambassador to the United States.

Say, also, that the President is reluctant to believe Germany actually will carry out her threat against neutral commerce, but if it be done the President will ask Congress to authorize use of the national power to protect American citizens engaged in their peaceful and lawful errands on the seas.

The course taken is, in the President's view, entirely in conformity with the principles he enunciated in his address to the Senate January 12 (the address proposing a world league for peace).

<sup>1</sup>*Congressional Record*, February 8, 1917, p. 3263.

He believes it will make for the peace of the world if other neutral powers can find it possible to take similar action.

Report fully and immediately on the reception of this announcement and upon the suggestion as to similar action.

**Senate Resolution of February 7, 1917, endorsing President Wilson's  
Action in severing Diplomatic Relations with Germany<sup>1</sup>**

WHEREAS the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed diplomatic relations with the Imperial German Government by the recall of the American Ambassador at Berlin and by handing his passports to the German Ambassador at Washington; and

WHEREAS, notwithstanding this severance of diplomatic intercourse, the President has expressed his desire to avoid conflict with the Imperial German Government; and

WHEREAS the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the part of the Government of the United States he would submit the matter to the Congress and ask the authority of the Congress to use such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it

*Resolved*, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress, as above stated.

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<sup>1</sup>*Congressional Record*. February 7, 1917, p. 3046.

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- \*LAS CONVENCIONES Y DECLARACIONES DE LA HAYA DE 1899 Y 1907. Edited by James Brown Scott, Director. xxxv—301 p. Price, \$2.00.
- \*THE FREEDOM OF THE SEAS. A dissertation by Hugo Grotius. Translated with a revision of the Latin text of 1633, by Ralph van Deman Magoffin, Ph.D. Edited by James Brown Scott, Director. xv—83 p. (Parallel pp.) Price, \$2.00.
- \*INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE PEACE CONFERENCES AND THEIR OFFICIAL REPORTS. Edited by James Brown Scott, Director. v—138 p. Price, \$1.50.
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# Carnegie Endowment for International Peace

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DIVISION OF INTERNATIONAL LAW

Pamphlet No. 24

## DOCUMENTS RELATING TO THE CONTRO- VERSY OVER NEUTRAL RIGHTS BETWEEN THE UNITED STATES AND FRANCE, 1797-1800

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PUBLISHED BY THE ENDOWMENT  
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Law

Gift of Mildred Horner



## Prefatory Note

In President Wilson's address before the Congress on February 26, 1917, he said that

we must defend our commerce and the lives of our people in the midst of the present trying circumstances, with discretion but with clear and steadfast purpose. Only the method and the extent remain to be chosen upon the occasion, if occasion should indeed arise. Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means against the unwarranted infringements they are suffering at the hands of Germany, there may be no recourse but to *armed* neutrality, which we shall know how to maintain and for which there is abundant American precedent.

In view of the statements contained in the President's address setting forth the difficulties of the Government of the United States concerning its maritime commerce, it has been thought both interesting and timely to collect and to publish the accompanying documents relating to the maritime controversy with France during the presidency of John Adams. The present pamphlet, the first of a series, contains pertinent extracts from President Adams' messages, the respective replies of the Senate and the House, the laws enacted by Congress to meet the situation, and the proclamations issued by the President. By way of introduction, there is prefixed an extract from the learned note of J. C. Bancroft Davis' *Treaties and Conventions between the United States and other Powers (1776-1887)*, which gives in summary form the history of the controversy, and there is appended the convention of September 30, 1800, between the United States and France, negotiated during this controversy and which brought it to an end.

JAMES BROWN SCOTT,  
Director of the Division of International Law.

Washington, D. C., February 28, 1917.



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NOTE.—Many of the above citations are not those in general use, but as they are reproductions from older publications, it has not been deemed wise to change them to conform to modern practice.



DOCUMENTS RELATING TO THE CONTROVERSY OVER NEUTRAL  
RIGHTS BETWEEN THE UNITED STATES AND FRANCE, 1797-1800.

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Extract from Notes to Treaties and Conventions, 1889, relating to  
the United States and France<sup>1</sup>

On the 25th of January, 1782, the Continental Congress passed an act authorizing and directing Dr. Franklin to conclude a Consular Convention with France on the basis of a scheme which was submitted to that body. Dr. Franklin concluded a very different convention, which Jay, the Secretary for Foreign Affairs, and Congress did not approve.<sup>2</sup> Franklin having returned to America, the negotiations then fell upon Jefferson, who concluded the Convention of 1788. This was laid before the Senate by President Washington on the 11th of June, 1789.

On the 21st of July it was ordered that the Secretary of Foreign Affairs attend the Senate to-morrow and bring with him such papers as are requisite to give full information relative to the Consular Convention between France and the United States.<sup>3</sup> Jay was the Secretary thus "ordered." He was holding over, as the new Department was not then created. The Bill to establish a Department of Foreign Affairs had received the assent of both Houses the previous day,<sup>4</sup> but had not yet been approved by the President.<sup>5</sup> Jay appeared, as directed, and made the necessary explanations.<sup>6</sup> The Senate then Resolved that the Secretary of Foreign Affairs under the former Congress be requested to peruse the said Convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former

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<sup>1</sup>Treaties and Conventions, 1889.

<sup>2</sup>1 D. C., 1783-89, 232.

<sup>3</sup>Annals 1st Sess. 1st Cong., 52.

<sup>4</sup>Ib., 685.

<sup>5</sup>Ib., 52.

<sup>6</sup>Ib.,

NOTE.—The footnotes in this section are reproduced exactly as they appear in the original document excepting necessary changes in exponents.

agreed stipulations or negotiations entered into by our Minister at the Court of Versailles, to ratify in its present sense or form the Convention now referred to the Senate.<sup>1</sup> Jay made a written report on the 27th of July that in his judgment the United States ought to ratify the Convention;<sup>2</sup> and the Senate gave its unanimous consent.<sup>3</sup> The Statute to carry the Convention into effect was passed the 14th of April, 1792.<sup>4</sup>

Three articles in the treaties with France concluded before the Constitution became the cause of difference between the two Powers:

1. Article XI of the Treaty of Alliance, by which the United States, for a reciprocal consideration, agreed to guarantee to the King of France his possessions in America, as well present as those which might be acquired by the Treaty of Peace.

2. Article XVII of the Treaty of Amity and Commerce, providing that each party might take into the ports of the other its prizes in time of war, and that they should be permitted to depart without molestation; and that neither should give shelter or refuge to vessels which had made prizes of the other unless forced in by stress of weather, in which case they should be required to depart as soon as possible.

3. Article XXII of the same Treaty, that foreign privateers, the enemies of one party, should not be allowed in the ports of the other to fit their ships or to exchange or sell their captures, or to purchase provisions except in sufficient quantities to take them to the next port of their own State.

Jefferson, who was the Minister of the United States at the Court of Versailles when the Constitution went into operation, was appointed Secretary of State by President Washington on the 26th of September, 1789. He accepted the appointment and presented Short to Neckar as chargé d'affaires of the United States.<sup>5</sup>

Gouverneur Morris, of New York, who had been in Europe from the dawn of the French revolution, and had been in regular friendly correspondence with Washington,<sup>6</sup> was appointed Minister to France on the 12th of January, 1792. At the time of the appointment Wash-

<sup>1</sup>Annals 1st Sess. 1st Cong., 52.

<sup>2</sup>Ib., 54.

<sup>3</sup>Ib.

<sup>4</sup>1 St. at L., 254.

<sup>5</sup>3 Jefferson's Works, 119.

<sup>6</sup>1 F. R. F., 379-399.



ington wrote him a friendly and admonitory letter: "The official communications from the Secretary of State accompanying this letter will convey to you the evidence of my nomination and appointment of you to be Minister Plenipotentiary of the United States at the Court of France; and my assurance that both were made with *all my heart* will, I am persuaded, satisfy you as to that fact. I wish I could add that the advice and consent flowed from a similar source. \* \* \* Not to go further into detail I will place the ideas of your political adversaries in the light in which their arguments have presented them to me, namely, that the promptitude with which your lively and brilliant imagination is displayed allows too little time for deliberation and correction, and is the primary cause of those sallies which too often offend, and of that ridicule of character which begets enmity not easy to be forgotten, but which might easily be avoided if it was under the control of more caution and prudence. In a word, that it is indispensably necessary that more circumspection should be observed by our representatives abroad than they conceive you are inclined to adopt. In this statement you have the *pros* and *cons*. By reciting them I give you a proof of my friendship if I give you none of my policy or judgment."<sup>1</sup>

Morris entered upon the duties of his office with these wise cautions in his hand, but he did not succeed in gaining the good-will of a succession of governments with which he had little sympathy:<sup>2</sup> for he writes Jefferson on the 13th of February, 1793: "Some of the leaders here who are in the diplomatic committee hate me cordially, though it would puzzle them to say why."<sup>3</sup>

When Morris was appointed Minister, the commercial relations between the two countries were satisfactory to neither. Exceptional favors to the commerce of the United States, granted by royal decree in 1787 and 1788,<sup>4</sup> had been withdrawn, and a jealousy was expressed in France in consequence of the Act of Congress putting British and French commerce on the same basis in American ports.<sup>5</sup> No exceptional advantages had come to France from the war of the revolution, and American commerce had reverted to its old British channels.

<sup>1</sup>10 Washington's Writings, 216-18.

<sup>2</sup>1 F. R. F., 412.

<sup>3</sup>Ib., 350.

<sup>4</sup>Ib., 113, 116.

<sup>5</sup>See Short's correspondence, Ib., 120.

Jefferson greatly desired to conclude a convention with France which should restore the favors which American commerce had lost, and bring the two countries into closer connection. On the 10th of March, 1792, he instructs Morris: "We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a Treaty of commerce. \* Perhaps they expect that we should declare our readiness to meet on the ground of Treaty. If they do, we have no hesitation to declare it."<sup>1</sup> Again, on the 28th of April, he writes: "It will be impossible to defer longer than the next session of Congress some counter regulations for the protection of our navigation and commerce. I must entreat you, therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation."<sup>2</sup> Again, on the 16th of June, he writes: "That treaty may be long on the anvil; in the mean time we cannot consent to the late innovations without taking measures to do justice to our own navigation."<sup>3</sup>

The great revolution of the 10th of August, and the imprisonment of the King, were duly reported by Morris;<sup>4</sup> and Jefferson replied on the 7th of November: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared. \* \* There are some matters which I conceive might be transacted with a government *de facto*; such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation."<sup>5</sup>

To these instructions, Morris answered on the 13th of February, 1793, three weeks after the execution of the King, and a fortnight after the declaration of war against England: "You had \* instructed me to endeavor to transfer the negotiation for a new treaty to America, and if the revolution of the 10th of August had not taken place, \* I should, perhaps, have obtained what you wished. \* \* \* The thing you wished for is done, and you can treat in America if

<sup>1</sup> Jefferson's Works, 338-9.

<sup>2</sup> *Ib.*, 356.

<sup>3</sup> *Ib.*, 449.

<sup>4</sup> F. R. F., 333.

<sup>5</sup> Jefferson's Works, 489.

you please.”<sup>1</sup> In the same dispatch, Morris spoke of the “sending out of M. Genet, without mentioning to me a syllable either of his mission or his errand,” and said that “the pompousness of this embassy could not but excite the attention of England.”<sup>2</sup>

On the 7th of March, Morris wrote to Jefferson that “Genet took out with him three hundred blank commissions, which he is to distribute to such as will fit out cruisers in our ports to prey on the British commerce,” and that he had already mentioned the fact to Pinckney, and had desired him to transmit it.<sup>3</sup>

The new condition of affairs caused by the war induced the President to submit a series of questions to the members of his cabinet for their consideration and reply.<sup>4</sup> It would seem from a passage in Mr. Jefferson’s *Ana* that the second of these questions—“Shall a Minister from France be received?” was suggested by the Secretary of State.<sup>5</sup> An account of the meeting of the cabinet at which these questions were discussed will be found in vol. 9 Jefferson’s Works, page 142.

The first two questions were unanimously answered in the affirmative—that a proclamation for the purpose of preventing citizens of the United States from interfering in the war between France and Great Britain should issue, and that Genet should be received; but by a compromise, the term “neutrality” was omitted from the text of the proclamation.<sup>6</sup>

When Genet landed in Charleston, on the 8th of April, 1793—even when he arrived in Philadelphia—it may be believed that Washington contemplated the probability of closer relations with France, and the possibility of a war with Great Britain. The relations with the latter Power were in a critical condition. British garrisons were occupying commanding positions on our lake frontiers, within the territory of the United States, in violation of the Treaty of 1783; and an Indian quarrel was on the President’s hands, fomented, as he thought, by British intrigue.<sup>7</sup>

The policy which Washington favored, denied France nothing that she could justly demand under the Treaty, except the possible enforce-

<sup>1</sup> F. R. F., 350.

<sup>2</sup> *Ib.*

<sup>3</sup> F. R. F., 354.

<sup>4</sup> Washington’s Works, 337, 533.

<sup>5</sup> Jefferson’s Works, 140.

<sup>6</sup> Jefferson’s Works, 591.

<sup>7</sup> Washington’s Works, 239. See also Morris’s opinion, 1 F. R. F., 412, and Randolph’s, *Ib.*, 678.

ment of the provision of guarantee; and that provision was waived by Genet in his first interview with Jefferson. "We know," he said, "that under present circumstances we have a right to call upon you for the guarantee of our islands. But we do not desire it."<sup>1</sup>

On the other hand, it offered to Great Britain neutrality only, without a right of asylum for prizes, this being conferred exclusively by Treaty upon France; and it demanded the relinquishment of the Forts on the lakes and the abandonment of impressment.

It is not likely that the purposes of Genet's mission were fully comprehended by the American Government. By a Treaty in 1762 (first made public in 1836),<sup>2</sup> France ceded Louisiana to Spain. Genet was instructed to sound the disposition of the inhabitants of Louisiana towards the French Republic, and to omit no opportunity to profit by it should circumstances seem favorable. He was also to direct particular attention to the designs of the Americans upon the Mississippi.<sup>3</sup>

In one of his letters Genet says of himself, "I have been seven years a head of the bureau at Versailles, under the direction of Vergennes; I have passed one year at London, two at Vienna, one at Berlin, and five in Russia."<sup>4</sup> His dealings with the United States showed that he had gathered little wisdom from such varied experience.

Before he left Charleston, which at that time had few regular means of communication with Philadelphia, he had armed and commissioned several vessels, and these vessels, dispatched to sea, had made many prizes.<sup>5</sup> On his arrival at Philadelphia, Jefferson met him with complaints; but he justified his course at Charleston and denounced an interference with it as a "State Inquisition";<sup>6</sup> and, admitting what was complained of, he contended that he had not exceeded the rights conferred upon his country by the Treaty of 1778.

The Secretary of State disputed his reasoning; upon which he retorted: "I wish, Sir, that the Federal Government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at least to the world the example of a true neutrality, which does not consist in the cowardly abandonment of their friends, in the moment

<sup>1</sup> Jefferson's Works, 563.

<sup>2</sup> Gardin, *Traité de Paix*, 266.

<sup>3</sup> Gardin, *Traité de Paix*, 40-41.

<sup>4</sup> F. R. F., 183.

<sup>5</sup> *Ib.*, 150.

<sup>6</sup> *Ib.*

when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them."<sup>1</sup> He continued to claim and exercise the right of using the ports of the United States as a base for warlike operations, and, as the discussions went on, his expressions became stronger, and more contemptuous toward the President and the Government of the United States.

His instructions contemplated a political alliance between the two republics.<sup>2</sup> This was never proposed. He did propose, however, the re-arrangement of the debt due to France on the basis of the payment of a larger installment than was required by the contract, to be expended in the purchase of provisions in the United States:—and the conclusion of a new commercial Treaty. Jefferson declined the former, and as to the latter said that the participation in matters of Treaty given by the Constitution to the Senate would delay any definite answer.<sup>3</sup>

At length his conduct became so violent and indecent (Garden speaks of Washington as "personnellement insulté dans les actes diplomatiques de M. Genet")<sup>4</sup> that Jefferson, on the 15th of August, 1793, instructed Morris to demand his recall. One of the first acts of his successor was to demand his arrest for punishment, which was refused by the Government of the United States "upon reasons of law and magnanimity."<sup>5</sup>

It was several months before the request for his recall could be complied with. Meanwhile, the United States being without a navy, prizes continued to be brought into their ports, and French Consuls attempted to hold prize courts within their jurisdiction.<sup>6</sup> Genet also applied himself diligently at this time to the greater scheme respecting the Louisianas, which Garden regards as the main object of his mission. An armed expedition was organized in South Carolina and Georgia for an attack upon Florida.<sup>7</sup> Garden says that he had assurances that all Louisiana desired to return under the jurisdiction of France, and he made serious preparations for conquering it. He prepared a co-operation of naval forces, which were to appear off the coast of Florida.

<sup>1</sup> F. R. F., 151.

<sup>2</sup>Ib., 708.

<sup>3</sup>Ib., 568.

<sup>4</sup> Garden, *Traité de Paix*, 43, "personally insulted by the acts of Mr. Genet."

<sup>5</sup> F. R. F., 709.

<sup>6</sup>Ib., 147.

<sup>7</sup>Ib., 309, 426.

The principal land forces were to embark from Kentucky, and, descending the Ohio and the Mississippi, were to fall unexpectedly upon New Orleans."<sup>1</sup> The action of the Government and the recall of Genet put a stop to these expeditions against Spain, although Jefferson at that time thought a war with Spain inevitable.<sup>2</sup>

In retaliation the Executive Provisory Council of the French Republic demanded the recall of Morris.<sup>3</sup> In communicating the fact to him Secretary Randolph said: "You have been assailed, however, from another quarter. Nothing has ever been said to any officer of our Government by the Ministers of France which required attention until the 9th day of April last, when Mr. Fauchet communicated to me a part of his instructions, indirectly but plainly making a wish for your recall. In a few days afterwards a letter was received from the Executive Provisory Council, expressive of the same wish. Mr. Fauchet was answered by me, under the direction of the President, as I am sure your good sense will think inevitable, that the act of reciprocity demanded should be performed."<sup>4</sup>

Washington wrote Morris, when his successor went out: "I have so far departed from my determination as to be seated in order to assure you that my confidence in, and friendship and regard for you, remain undiminished \* \* and it will be nothing new to assure you that I am always and very sincerely, yours, affectionately;"<sup>5</sup> and when his correspondence was called for by the Senate, Washington himself, in association with Hamilton and Randolph, went over it (and it was voluminous) in order that nothing might be communicated which would put in peril those who had given him information, or which would re-act upon him in France.<sup>6</sup>

When the war broke out in February, 1793, Morris wrote Jefferson: "As to the conduct of the war, I believe it to be on the part of the enemy as follows: first, the maritime powers will try to cut off all supplies of provisions, and take France by famine; that is to say, excite revolt among the people by that strong lever. \* \* It is not improbable that our vessels bringing provisions to France may be cap-

<sup>1</sup>8 Garden, *Traité de Paix*, 42. More detailed account of this affair will be found in 2 Pitkin's *Political History*, 379.

<sup>2</sup>3 Jefferson's *Works*, 591.

<sup>3</sup>1 F. R. F., 463.

<sup>4</sup>Randolph to Morris, April 29, 1794, MS. Dept. of State.

<sup>5</sup>1 F. R. F., 409.

<sup>6</sup>Randolph to Morris, April 29, 1794, MS. Dept. of State.

tured and taken into England.”<sup>1</sup> His prescience was accurate. Such instructions were given to British men-of-war on the 8th day of June, 1793. The British measure, however, was anticipated by a decree of the National Convention of the 9th of May, authorizing ships of war and privateers to seize and carry into the ports of the Republic merchant-vessels which are wholly or in part loaded with provisions, being neutral property bound to an enemy’s port, or having on board merchandise belonging to an enemy.<sup>2</sup> On the 23d of the same month the vessels of the United States were exempted from the operation of this decree;<sup>3</sup> but on the 5th of December, 1793, President Washington sent a special message to Congress, in which he said: “The representative and executive bodies of France have manifested generally a friendly attachment to this country; have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemies’ goods lawful prize in the vessel of a friend, contrary to our Treaty, though revoked at one time as to the United States, has been since extended to their vessels also, and has been recently stated to us.”<sup>4</sup>

An embargo was laid upon vessels in the port of Bordeaux, “some exceptions in favor of those vessels said to be loaded on account of the republic” being made.<sup>5</sup> Morris was promised daily that the embargo should be taken off, and indemnification be granted for the losses,<sup>6</sup> but it was not done, and “a number of Americans,” injured by it, complained to the Minister.<sup>7</sup> The embargo was not removed until the 18th of November, 1794.<sup>8</sup>

Monroe succeeded Morris, and on the 12th of February, 1795, wrote: “Upon my arrival here I found our affairs \* \* in the worst possible situation. The Treaty between the two Republics was violated. Our commerce was harassed in every quarter and in every article, even that of tobacco not excepted. \* \* Our former Minister was not only without the confidence of the government, but an object of particular

<sup>1</sup> F. R. F., 350.

<sup>2</sup>Ib., 244.

<sup>3</sup>Ib.

<sup>4</sup>Ib., 141.

<sup>5</sup>Ib., 401.

<sup>6</sup>Ib., 403.

<sup>7</sup>Ib., 405.

<sup>8</sup>Ib., 689.

jealousy and distrust. In addition to which it was suspected that we were about to abandon them for a connection with England, and for which purpose *principally* it was believed that Mr. Jay had been sent there."<sup>1</sup>

Monroe's and Jay's services commenced nearly simultaneously. Monroe's commission was dated the 28th of May, and Jay's the 19th of April, 1794. Jay's Treaty was proclaimed the 29th of February, 1796. Monroe was not recalled until the 22d of the following August,<sup>2</sup> but the angry correspondence which preceded his recall<sup>3</sup> may be said to have been caused by a radical difference of opinion respecting his colleague's mission to London.

Whatever may have been the feeling toward Monroe's predecessor, he himself was well received. The Committee of Public Safety welcomed him "with the most distinguished marks of affection," and offered him a house, which offer he declined.<sup>4</sup> He remained in relations of personal good-will with the different Governments of France, and did not fail to urge in his correspondence with the Secretary of State the policy of settling the differences with Great Britain by an alliance with France:<sup>5</sup> nor did he conceal those opinions from the Government to which he was accredited.<sup>6</sup> While the relations between Great Britain and the United States were balancing themselves in London on the issue of Jay's Treaty, those between the United States and France were held in like suspense in Paris.

Monroe endeavored to obtain from Jay a knowledge of the negotiations and a copy of the Treaty. Jay refused to communicate information, except in confidence, and Monroe declined to receive it unless he should be at liberty to communicate it to the French Government.<sup>7</sup> A copy was, however, officially communicated to the French Minister at Washington.<sup>8</sup> When the fate of that Treaty was ensured, the directory at first resolved (and so informed Monroe) to consider the alliance at an end, but they gave no formal notice to that effect.<sup>9</sup> In

<sup>1</sup> F. R. F., 694.

<sup>2</sup>Ib., 741.

<sup>3</sup>Ib., 658-741.

<sup>4</sup>Ib., 675.

<sup>5</sup>See, among others, his letters in 1 F. R. F. of Nov. 20, 1794, 685; Dec. 2, 1794, 687; Jan. 13, 1795, 691; Feb. 12, 1795, 694; and March 17, 1795, 700.

<sup>6</sup>Ib., 700.

<sup>7</sup>Ib., 517, 691, 700.

<sup>8</sup>Ib., 594.

<sup>9</sup>Ib., 730.



lieu of that they lodged with him, on the 11th of March, 1796, a summary exposition of the complaints of the French Government against the Government of the United States, namely, (1.) That the United States Courts took jurisdiction over French Prizes, in violation of the Treaty of 1778. (2.) That British men-of-war were admitted into American ports in violation of the same article. (3.) That the United States had failed to empower any one to enforce consular judgments, which was alleged to be a violation of the Convention of 1788. (4.) That the Captain of the "Cassius" had been arrested in Philadelphia for an offense committed on the high seas. (5.) That an outrage had been committed on the effects of the French Minister within the waters of the United States. (6.) That by Jay's Treaty the number of articles contraband of war, which a neutral might not carry, had been increased above the list specified in the treaties with France, which was a favor to England. (7.) That provisions had been recognized in Jay's Treaty as an article contraband of war.<sup>1</sup>

On the 2d of July, 1796, the directory decreed that all neutral or allied powers should, without delay, be notified that the flag of the French Republic would treat neutral vessels, either as to confiscation, or to searches, or capture, in the same manner as they shall suffer the English to treat them.<sup>2</sup> Garden says that a second decree relating to the same object was made on the 16th of the same month, and that neither decree has been printed. The translation of the first one is printed among the American documents cited above, as also the translation of a note transmitting it to Monroe.<sup>3</sup> Garden refers to Rondonneau, Répertoire général de la Législation française, Vol. II, p. 311, for the text of the second.<sup>4</sup>

Pickering, the successor of Randolph, noticed the complaints of the French Government in elaborate instructions to Pinckney, Monroe's successor, on the 16th of January, 1797.<sup>5</sup> His replies were in substance, (1.) That the courts had taken jurisdiction over no prizes, except when they were alleged to have been made in violation of the obligations of the United States as a neutral, and that the cases in which interference had taken place were few in number and insignifi-

<sup>1</sup> F. R. F., 732-3.

<sup>2</sup>Ib., 577.

<sup>3</sup>Ib., 739.

<sup>4</sup> Garden, Traités de Paix, 112, note.

<sup>5</sup> F. R. F., 559.

cant. (2.) That it was no violation of the Treaty with France to admit British ships of war into American ports, provided British privateers and prizes were excluded. (3.) That there was no Treaty obligation upon officers of the United States to enforce French consular judgments, and that the clause referred to was exceptional and ought not to be enlarged by construction. (4.) The facts respecting the "Cassius" were stated in order to show that no offense had been committed. (5.) That the executive had taken as efficacious measures as it could to obtain satisfaction for the outrage upon Fauchet. (6.) That the United States would gladly have put the definition of contraband on the same basis in its Treaties with both countries; but that Great Britain would not consent, and an independent arrangement had been made which did not affect the other Treaty arrangement made with France. (7.) That the stipulation as to provisions, without admitting the principle that provisions were contraband, would tend to promote adventures in that article to France.

A correspondence respecting the same subject had also taken place at Washington, in which the same complaints of the directory were repeated and other complaints were urged.<sup>1</sup> To the latter Pickering responded thus, in the same note in which he noticed the complaints which had been made in Paris: (1.) *Charge*.—That the negotiation at London had been "enveloped from its origin in the shadow of mystery, and covered with the veil of dissimulation."<sup>2</sup> *Reply*.—"To whom was our Government bound to unveil it? To France or to her Minister? \* Did we stipulate to submit the exercise of our sovereignty \* \* to the direction of the Government of France? Let the Treaty itself furnish an answer."<sup>3</sup> (2.) *Charge*.—That the Government of the United States had made an insidious proclamation of neutrality. *Reply*.—That "this proclamation received the pointed approbation of Congress," and "of the great body of the citizens of the United States." (3.) *Charge*.—That the United States "suffered England, by insulting its neutrality, to interrupt its commerce with France." *Reply*.—That a satisfaction had been demanded and obtained in a peaceable manner—by Treaty, and not by war. (4.) *Charge*.—That they "allowed the French colonies to be declared in a state of blockade." *Reply*.—That the United States, as a neutral, could only ques-

<sup>1</sup> F. R. F., 579.

<sup>2</sup>Ib., 581.

<sup>3</sup>Ib., 561.

tion the sufficiency of a blockade, and that they would do so when facts should warrant it. (5.) *Charge*.—That the United States eluded advances for renewing the Treaties of commerce. *Reply*.—That Genet was the first French Minister who had been empowered to treat on those subjects, and the reasons for not treating with him were well known; that his successor, Fauchet, had not been so empowered, and that the United States had always been ready to negotiate with Adet, and all obstacles had come from him since the ratification of Jay's Treaty. (6.) *Charge*.—That the United States were guilty of ingratitude towards France. *Reply*.—That the United States, appreciating their obligations to France, had done something themselves towards the achievement of their independence; that, "of all the loans received from France in the American war, amounting nearly to 53,000,000 livres, the United States under their late Government had been enabled to pay but 2,500,000 livres; that the present Government, after paying up the arrearages and installments mentioned by Mr. Jefferson, had been continually anticipating the subsequent installments until, in the year 1795, the whole of our debt to France was discharged by the payment of 11,500,000 livres, no part of which would have become due until September 2, 1796, and then only 1,500,000, the residue at subsequent periods, the last not until 1802." (7.) *Charge*.—That English vessels were impressing American seamen. *Reply*.—That this concerned the Government of the United States only; and that as an independent nation they are not obliged to account to any other power respecting the measures which they judge proper to take in order to protect their own citizens. Other less important points were discussed, as will be seen by referring to the correspondence.

The course of the French was giving rise to many claims—for spoliations and maltreatment of vessels at sea, for losses by the embargo at Bordeaux, for the non-payment of drafts drawn by the colonial administrations, for the seizure of cargoes of vessels, for non-performance of contracts by government agents, for condemnation of vessels and their cargoes in violation of the provisions of the Treaties of 1778, and for captures under the decree of May 9, 1793. Skipwith, the Consul-General of the United States in France, was directed to examine into and report upon these claims; his report was made on the 20th November, 1795.<sup>1</sup>

<sup>1</sup> F. R. F., 753-758.

On the 9th of September, 1796, Charles Cotesworth Pinckney was sent out to replace Monroe, with a letter from the Secretary of State, saying: "The claims of the American merchants on the French Republic are of great extent, and they are waiting the issue of them, through the public agents, with much impatience. Mr. Pinckney is particularly charged to look into this business, in which the serious interests, and, in some cases, nearly the whole fortunes of our citizens are involved."<sup>1</sup> But the directory, early in October, 1793, recalled their Minister from the United States.<sup>2</sup> Before Pinckney could arrive in France, they, "in order to strike a mortal blow, at the same moment, to British industry and the profitable trade of Americans in France, promulgated the famous law of the 10th Brumaire, year 5 (31st October, 1796), whereby the importation of manufactured articles, whether of English make or of English commerce, was prohibited both by land and sea throughout the French Republic";<sup>3</sup> and, on his arrival, they informed Monroe that the directory would no longer recognize or receive a Minister Plenipotentiary from the United States, until after a reparation of the grievances demanded of the American Government, and which the French Republic has a right to expect."<sup>4</sup>

Pinckney was thereupon ordered to quit France under circumstances of great indignity,<sup>5</sup> and Monroe took his formal leave on the 30th December, 1796. In reply to his speech at that time, the president of the directory said: "By presenting, this day, to the Executive Directory your letters of recall, you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to the wishes of its ancient tyrants. The French Republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh, in their wisdom, the magnanimous friendship of the French people with the crafty caresses of perfidious men, who meditate to bring them again under their former yoke. Assure the good people of America, Mr. Minister, that, like them, we adore

<sup>1</sup> F. R. F., 742.

<sup>2</sup>Ib., 745.

<sup>3</sup>6 Garden, *Traité de Paix*, 117.

<sup>4</sup>1 F. R. F., 746.

<sup>5</sup>2 Ib., 710.

liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace as well as to cause its sovereignty to be respected."<sup>1</sup>

The moment this speech was concluded, the directory, accompanied by the Diplomatic Corps, passed into the audience-hall to receive from an Aide-de-Camp of Bonaparte the four Austrian colors taken at the battle of Arcola.<sup>2</sup> The Diplomatic Corps may, therefore, be presumed to have witnessed this indignity.

A French writer of authority thus characterizes these incidents: "Ainsi ce gouvernement prétendait que les États-unis accédassent à ses demandes sans examen, sans discussion préalable; à cet outrage, le gouvernement français en ajouta un autre: lorsque M. Monroe prit publiquement congé du directoire exécutif, Barras, qui en était le président, lui adressa un discours rempli d'expressions qui durent choquer les Américains."<sup>3</sup>

In closing the sketch of what took place during the administration of President Washington, it only remains to say that in addition to the acts of the 2d of July and the 31st of October, 1796, already referred to, the Executive Directory, on the 2d of March, 1797, decreed that all neutral ships with enemy's property on board might be captured; that enemy's property in neutral bottoms might be confiscated; that the Treaty of 1778 with the United States should be modified by the operation of the favored nation clause, so as to conform to Jay's Treaty, in the following respects: (1) That property in American bottoms not proved to be neutral should be confiscated; (2) That the list of contraband of war should be made to conform to Jay's Treaty; (3) That Americans taking a commission against France should be treated as pirates: and that every American ship should be good prize which should not have on board a crew-list in the form prescribed by the model annexed to the Treaty of 1778, the observance of which was required by the 25th and 27th Articles.<sup>4</sup> The 25th Article made provision for a passport, and for a certificate of cargo. The 27th

<sup>1</sup> F. R. F., 747.

<sup>2</sup> *Rédacteur*, No. 382, Jan. 1, 1797.

<sup>3</sup> *Garden, Traités de Paix*, 118. "Thus this government pretended that the United States should accede to its demands without examination, without discussion. To this outrage the French Government added another: While Mr. Monroe took public leave of the Executive Directory, Barras, who was the president, made him a speech full of expressions calculated to shock the Americans."

<sup>4</sup> F. R. F., 31.

Article took notice only of the passport; and the model of the passport only was annexed to the Treaty. The Treaty required that the passport should express the name, property, and bulk of the ship, and the name and place of habitation of the master, but it made no provision respecting the crew-list. After the adoption of the Constitution, Congress, by general laws, made provision for national official documents, for proof of, among other things, the facts referred to in the 25th and 27th Articles of the Treaty with France. The name of the ship was to be painted on her stern, and to be shown in the Register;<sup>1</sup> her ownership was to be proved on oath, and be stated in the Register,<sup>2</sup> and her tonnage was to be stated in the same instrument, as the result of our official survey.<sup>3</sup> Equally cogent laws were made to ensure an accurate crew-list.<sup>4</sup> It is probable, therefore, that when the decree of March 2, 1797, was made, there was not an American ship afloat with the required document; and it is equally probable that the French Government, which, with the whole civilized world, had acquiesced in the sufficiency of the new national system, knew that to be the fact. The decree was, therefore, equivalent in its operation to a declaration of maritime war against American commerce. The United States had at that time no navy against which such a war could be carried on.

The difficulties in dealing with these questions were increased by the attitude of other foreign powers. The Batavian Republic besought the United States Minister to represent to his Government "how useful it would be to the interests of the inhabitants of the two republics, that the United States should at last seriously take to heart the numberless insults daily committed on their flag by the English";<sup>5</sup> and the Spanish Minister at Philadelphia formally remonstrated against the British Treaty of 1794 as a violation of a Treaty with Spain concluded a year later, because it did not make the neutral flag secure the goods; because it extended the list of contraband; and because it assumed that Great Britain had the right of navigation of the Mississippi.<sup>6</sup>

President Adams, in his speech at the opening of the first session of the Fifth Congress (May 16, 1797), said: "With this conduct of

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<sup>1</sup> St. at L., 288.

<sup>2</sup> *Ib.*, 289.

<sup>3</sup> *Ib.*, 290; see also *Ib.*, 55. *et seq*

<sup>4</sup> *Ib.*, 31.

<sup>5</sup> 2 F. R. F., 13.

<sup>6</sup> *Ib.*, 14.

the French Government it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests from those of their fellow-citizens whom they themselves have chosen to manage their common concerns; and thus, to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest. \* \* \*

“The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country; nevertheless there is reason to believe that the Executive Directory passed a decree on the 2d of March last, contravening, in part, the treaty of amity and commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this treaty will be laid before you.

“While we are endeavoring to adjust all of our differences with France, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.<sup>1</sup>

“It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united counsels, insinuations so derogatory to the honor, and aggression so dangerous to the Constitution, union, and even independence of the nation, is an indispensable duty.”<sup>2</sup>

The answer of the House to this speech was in a conciliatory spirit;

<sup>1</sup>Annals 5th Cong., 55.

<sup>2</sup>Ib., 59.

and on the first of the following June Congress yielded so far as to pass a law providing for passports for ships and vessels of the United States.<sup>1</sup>

Congress adjourned on the 10th of July. On the 13th President Adams commissioned Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry as Envoys to proceed to France and endeavor to renew the relations which had been so rudely broken by the Directory. Their instructions will be found in the 2d volume of the Folio Foreign Relations, pages 153, *et seq.* Among other matters they were to secure an adjustment of the claims for spoliations of citizens of the United States, by this time amounting to many millions of dollars.

They arrived in Paris on the evening of the 4th of October, 1797,<sup>2</sup> and at once notified the Foreign Minister of their presence and requested an interview. Instead of receiving them, three gentlemen, who have become known in history as X, Y, and Z, waited upon them at various times, sometimes singly and sometimes together, and claimed to speak for Talleyrand and the Directory. They told the Envoys that they must pay money, "a great deal of money";<sup>3</sup> and when they were asked how much, they replied "fifty thousand pounds sterling"<sup>4</sup> as a *douceur* to the Directory, and a loan to France of thirty-two millions of Dutch florins. They said that the passages in the President's speech, which are quoted above, had offended the Directory, and must be retracted, and they urged upon the commissioners in repeated interviews the necessity of opening the negotiations by proposals to that effect.<sup>5</sup>

The American commissioners listened to their statements, and after consultation determined that they "should hold no more indirect intercourse with the Government."<sup>6</sup> They addressed a letter to Talleyrand on the 11th of November, informing him that they were ready to negotiate.<sup>7</sup> They got no answer; but on the 14th of December, X appeared again,<sup>8</sup> on the 17th Y appeared,<sup>9</sup> and on the 20th "a lady, who is well

<sup>1</sup> St. at L., 489.

<sup>2</sup> F. R. F., 157.

<sup>3</sup>Ib., 159.

<sup>4</sup>Ib.

<sup>5</sup>Ib., 158-168.

<sup>6</sup>Ib., 164.

<sup>7</sup>Ib., 166.

<sup>8</sup>Ib.

<sup>9</sup>Ib., 177.



acquainted with M. Talleyrand," talked to Pinckney on the subject;<sup>1</sup> still they got no answer from Talleyrand, and on the 18th of January they read the announcement of a decree that every vessel found at sea loaded with merchandise the production of England should be good prize.<sup>2</sup> Though unrecognized, they addressed an elaborate letter on the 27th of January, 1798, to Talleyrand, setting forth in detail and with great ability the grievances of the United States.<sup>3</sup> On the 2d of March, they had an interview with him. He repeated that the Directory had taken offense at Mr. Adams's speech, and added that they had been wounded by the last speech of President Washington. He complained that the Envoys had not been to see him personally; and he urged that they should propose a loan to France.<sup>4</sup> Pinckney said that the propositions seemed to be those made by X and Y. The Envoys then said that they had no power to agree to make such a loan. On the 18th of March, Talleyrand transmitted his reply to their note. He dwelt upon Jay's Treaty as the principal grievance of France. He says "he will content himself with observing, summarily, that in this Treaty everything having been calculated to turn the neutrality of the United States to the disadvantage of the French Republic, and to the advantage of England; that the Federal Government having in this act made to Great Britain concessions the most unheard of, the most incompatible with the interests of the United States, the most derogatory to the alliance which subsisted between the said States and the French Republic, the latter was perfectly free, in order to avoid the inconveniences of the Treaty of London, to avail itself of the preservative means with which the law of nature, the laws of nations, and prior treaties furnish it." He closed by stating "that notwithstanding the kind of prejudice which has been entertained with respect to them, the Executive Directory is disposed to treat with that one of the three whose opinions, presumed to be more impartial, promise, in the course of the explanation, more of that reciprocal confidence which is indispensable."<sup>5</sup>

Gerry was the member referred to. The three Envoys answered

<sup>1</sup>2 F. R. F., 167.

<sup>2</sup>1 F. R. F., 182.

<sup>3</sup>Ib., 169.

<sup>4</sup>Ib., 186.

<sup>5</sup>Ib., 190-191.

that no one of the three was authorized to take the negotiation upon himself.<sup>1</sup> Pinckney and Marshall then left Paris. Gerry remained. Talleyrand tried to induce him to enter into negotiations for a loan to France, but he refused.<sup>2</sup> Before he left Paris, a mail arrived from America bringing printed copies of the despatches of the Envoys, with accounts of their interviews with X, Y, and Z and "the lady." Talleyrand at once asked Gerry for the four names.<sup>3</sup> Gerry gave him the name of Y, Mr. Bellamy, and Z, Mr. Hautval, and said that he could not give the lady's name, and would not give X's name. The name of X is preserved in the Department of State. Gerry left Paris on the 26th July, 1798.

The President transmitted to Congress the reports of the Envoys as fast as they were received; and when he heard of Marshall's arrival in America he said to Congress, "I will never send another Minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."<sup>4</sup> The statutes of the United States show the impression which the news made upon Congress. The "Act to provide an additional armament for the further protection of the trade of the United States, and for other purposes,"<sup>5</sup> is the first of a series of acts. It was passed in the House amid great excitement. Edward Livingston, who closed the debate on the part of the opposition, said: "Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case."<sup>6</sup> This was followed in the course of a few weeks by acts for organizing a Navy Department;<sup>7</sup> for increasing or regulating the Army;<sup>8</sup> for purchasing arms;<sup>9</sup> for construction of vessels;<sup>10</sup> for authorizing the cap-

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<sup>1</sup> F. R. F., 199.

<sup>2</sup>Ib., 204-238.

<sup>3</sup>Ib., 210.

<sup>4</sup>Ib., 199.

<sup>5</sup>1 St. at L., 552.

<sup>6</sup>2 Annals 5th Cong., 1519.

<sup>7</sup>1 St. at L., 553.

<sup>8</sup>Ib., 552, 558, 604.

<sup>9</sup>Ib., 555, 576.

<sup>10</sup>Ib., 556, 569, 608.

ture of French vessels;<sup>1</sup> for suspending all intercourse with France;<sup>2</sup> for authorizing merchant-vessels to protect themselves;<sup>3</sup> for abrogating the Treaties with France;<sup>4</sup> for establishing a Marine Corps;<sup>5</sup> and for authorizing the borrowing of money.<sup>6</sup> In the next session of Congress further augmentation of the Navy<sup>7</sup> and of the Army<sup>8</sup> was made; the suspension of intercourse was prolonged,<sup>9</sup> and provisions were made for restoring captured French citizens,<sup>10</sup> and for retaliations in case of death from impressments.<sup>11</sup>

Washington was made Lieutenant-General and Commander-in-Chief of the Army, and, in accepting, said: "The conduct of the Directory of France towards our country; their insidious hostility to its Government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the law of nations; their war upon our defenceless commerce; their treatment of our Ministers of peace; and their demands, amounting to tribute, could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in affectionate addresses to you."<sup>12</sup>

The Attorney-General gave an opinion that a maritime war existed between France and the United States, authorized by both nations,<sup>13</sup> but Congress never made the constitutional declaration of war, nor was such a declaration made on the other side.

It was on the 21st of June that President Adams informed Congress of the terms on which alone he would be willing to send a new Minister to France. Talleyrand immediately opened indirect means of communication with the American Cabinet through Murray, the American Minister at The Hague,<sup>14</sup> and on the 28th of September he sent word

<sup>1</sup> St. at L., 561, 578.

<sup>2</sup>Ib., 565.

<sup>3</sup>Ib., 572.

<sup>4</sup>Ib., 578.

<sup>5</sup>Ib., 594.

<sup>6</sup>Ib., 607.

<sup>7</sup>Ib., 621.

<sup>8</sup>Ib., 725.

<sup>9</sup>Ib., 613.

<sup>10</sup>Ib., 624.

<sup>11</sup>Ib., 743.

<sup>12</sup>Annals 5th Cong., 622.

<sup>13</sup>1 Op. At.-Gen., 84, Lee.

<sup>14</sup>2 F. R. F., 241.

through Pichon, the French Secretary of Legation at the same place, that "whatever plenipotentiary the Government of the United States might send to France in order to terminate the existing differences between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent and powerful nation.<sup>1</sup> To this proffer, embodying the language of the President's message to Congress, the President replied by empowering Chief-Justice Ellsworth, Mr. Davie, and Mr. Murray "to discuss and settle, by a Treaty, all controversies between the United States and France."<sup>2</sup>

When these Envoys arrived in France they found that the Directory had been overthrown,<sup>3</sup> and they had to deal with Bonaparte as first Consul. They succeeded in restoring good relations. An account of their negotiations will be found in the 2d volume of the Folio Edition of the Foreign Relations, pages 307 to 345. Their instructions required them to secure, (1) A claims commission. (2) Abrogation of the old treaties. (3) Abolition of the guarantee of 1778. (4) No agreement for a loan. (5) No engagements inconsistent with prior Treaties, meaning doubtless Jay's Treaty. (6) No renewal of the peculiar jurisdiction conferred on consuls by the convention of 1788. (7) Duration of a Treaty not to exceed twelve years.<sup>4</sup>

The negotiators exchanged their powers on the 7th of April, 1800,<sup>5</sup> and concluded a treaty on the 30th of the following September, which (1) declared that the parties could not agree upon the indemnities; (2) nor as to the old treaties; (3) and consequently was silent respecting the guarantee; but (4) made no provisions for a loan; (5) made no engagements inconsistent with prior treaties; (6) did not renew the objectionable consular provisions; and (7) no limitation was set to its operation.

When it was submitted to the Senate that body advised its ratification, provided the second article concerning indemnities should be expunged, and that the convention should be in force for eight years from the date of the exchange of the ratifications. The French Government assented to the limitation of the duration of the Treaty, and to the expunging of the 2d article, upon condition that it should be

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<sup>1</sup>2 F. R. F., 242.

<sup>2</sup>Ib., 243.

<sup>3</sup>Ib., 307.

<sup>4</sup>Ib., 306.

<sup>5</sup>Ib., 313-14.

understood that thereby each party renounced the pretensions which were the objects of the article; which was assented to by the Senate.<sup>1</sup>

On the day following the signature of this Treaty in Paris (Sept. 30, 1800), a secret treaty was concluded at St. Ildefonso between France and Spain, which came to be of importance to the United States. This was the Treaty by which Louisiana was restored to France. In consideration of the elevation of the Duke of Parma to the rank of King, and the enlargement of his territory, it was agreed that "Sa Majesté Catholique donnera les ordres nécessaires pour que la France occupe la Louisiane au moment où S. A. R. le duc de Parme sera mise en possession de ses nouveaux Etats."<sup>2</sup>

The United States were anxious concerning the effect of this upon their future.<sup>3</sup> But the failure of the Treaty of Amiens to restore a permanent peace induced Napoleon to determine to transfer all the Louisianas to the United States. He consulted Berthier and Marbois. The conference lasted far into the night. Berthier opposed the cession. Marbois favored it. Early the next morning he called Marbois to him and said, "Je nonce à la Louisiane. Ce n'est point seulement la Nouvelle-Orléans que je veux céder; c'est toute la colonie sans en rien réserver."<sup>4</sup>

The interview took place on the 10th of April;<sup>5</sup> the decision was made on the morning of the 11th. On the afternoon of the same day the negotiations opened by an abrupt question from Talleyrand to Livingston whether the United States wished for the whole of Louisiana. Livingston, who had been instructed only to negotiate for New Orleans, and the Mississippi as a boundary line,<sup>6</sup> said, "No, we only want New Orleans and the Floridas."<sup>7</sup> But he soon found that he was dealing with a much larger question, and Monroe arrived the same day from America with fresh instructions to aid in its disposition. Napoleon empowered Marbois to negotiate for France, and instructed him to consent to the transfer, provided he could secure 50,000,000

<sup>1</sup> F. R. F., 344.

<sup>2</sup> Garden, *Traité de Paix*, 48; S. Doc. 56, 2d Sess. 23d Cong. "His Catholic Majesty will give the necessary orders so that France may occupy Louisiana the moment when His Royal Highness the Duke of Parma shall be put in possession of his new State."

<sup>3</sup> F. R. F., 552.

<sup>4</sup> Garden, *Traité de Paix*, 64. "I renounce Louisiana. It is not New Orleans only that I wish to cede; it is all the colony, reserving nothing."

<sup>5</sup> Garden, *Traité de Paix*, 54.

<sup>6</sup> F. R. F., 162, No. 460.

<sup>7</sup> F. R. F., 552.

francs. He did secure 80,000,000, twenty millions of which were to be applicable to the extinguishment of claims against France, and sixty millions were payable in cash to France. When it was concluded, Napoleon said: "Cette accession de territoire, affermit pour toujours la puissance des Etats-Unis, et je viens de donner à l'Angleterre un rival maritime, qui tôt ou tard abaissera son orgueil."<sup>1</sup>

Between the conclusion of the two Treaties of 1800 and 1803 a correspondence arose respecting the construction of the former Treaty.<sup>2</sup> Robert Livingston, the Minister of the United States, complained that the Council of Prizes (which he regarded "as a political board")<sup>3</sup> was proceeding in violation of the provisions of the Treaty. On the 26th of January, 1802, he was "almost hopeless" as to the claims.<sup>4</sup> His anxiety communicated itself to Madison.<sup>5</sup> The French Court next proposed to meet the French obligation in paper money,<sup>6</sup> while the appropriations on the American side were payable in coin.<sup>7</sup> Livingston thought Bonaparte stood in the way, and that, should anything happen to him, France would "very soon be able to look all demands in the face."<sup>8</sup> Monroe was sent out to aid in the negotiations, with special powers as to New Orleans and the Floridas.<sup>9</sup> He arrived just in time to find the First Consul bent on parting with Louisiana and settling with the United States. On the 9th of March, 1803, Talleyrand was already giving signs of yielding. He expressed surprise at the amount of the American claims advanced by Livingston (20,000,000 francs), but avowed his purpose of paying them, whatever they might be, and asked for a specified statement.<sup>10</sup> An explanation, which may account for part of this, may be found in two dates. The peace of Amiens was signed the 25th of March, 1802; the declaration of the renewal of the war was dated the 18th of May, 1803.

<sup>1</sup> Garden, *Traité de Paix*, 88. "This accession of territory consolidates forever the power of the United States, and I have just given to England a maritime rival who sooner or later will humble her pride."

<sup>2</sup> *F. R. F.*, 154-168.

<sup>3</sup> *Ib.*, 156.

<sup>4</sup> *Ib.*

<sup>5</sup> *Ib.*, 158.

<sup>6</sup> *Ib.*, 161.

<sup>7</sup> *Ib.*, 162.

<sup>8</sup> *Ib.*, 163.

<sup>9</sup> *Ib.*, 166.

<sup>10</sup> *Ib.*, 167-168.

The Convention of 1800, after providing for the restoration of certain captured property, contained a provision that the debts contracted by one of the two nations with individuals of the other should be paid,<sup>1</sup> but that this clause should not extend to indemnities claimed on account of captures or condemnations. The Convention of 1803 stipulated that these debts, with interest at six per cent., should not exceed twenty millions of francs.

To entitle a claimant to participate in this fund, it was necessary: 1. That he should be a citizen of the United States who had been, and was at the time of the signing of the Treaty, a creditor of France, and who had no established house of commerce in France, England, or other country than the United States, in partnership with foreigners; 2. That, if the claim were for a debt, it should have been contracted for supplies before the 30th of September, 1800, and should have been claimed of the actual Government of France before the 30th of April, 1803; 3. That, if for prizes, it should not be for a prize whose condemnation had been or should be confirmed; 4. That, if for captures, it should not be a case in which the council of prizes had ordered restitution, or in which the claimant could not have had recourse to the government of the French Republic, or where the captors were sufficient; 5. That it should either be for supplies, for embargoes, or for prizes made at sea, in which the appeal had been properly lodged within the time mentioned in the Convention of 1800.

The distribution of this money gave rise to some sharp correspondence.<sup>2</sup> The claims which were excluded from participation in the distribution have become known as the "French Spoliation Claims." They have been often the subject of Congressional discussion and report.<sup>3</sup>

<sup>1</sup>Art. 5.

<sup>2</sup>6 F. R. F., 182-207.

<sup>3</sup>See particularly 5 F. R. F., 314, 352, and 6 F. R. F., 3-207, 558, 1121, and S. R. 10, 2d Sess. 41st Cong., and the various authorities there cited; also, among others, an elaborate debate in the Senate, 11 Debates, 2d Sess. 23d Cong. [H. R., 445, 25th Cong. 2d Sess.].





**Extracts from Messages of President Adams, and Replies of the  
Senate and House**

SPECIAL SESSION MESSAGE <sup>1</sup>

UNITED STATES, *May 16, 1797.*

*Gentlemen of the Senate and Gentlemen of the House of Representatives:*

The personal inconveniences to the members of the Senate and of the House of Representatives in leaving their families and private affairs at this season of the year are so obvious that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe whose animosities have endangered our tranquillity; but we have still abundant cause of gratitude to the Supreme Dispenser of National Blessings for general health and promising seasons, for domestic and social happiness, for the rapid progress and ample acquisitions of industry through extensive territories, for civil, political, and religious liberty. While other states are desolated with foreign war or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights, neither envying the advantages nor fearing the power of other nations, solicitous only for the maintenance of order and justice and the preservation of liberty, increasing daily in their attachment to a system of government in proportion to their experience of its utility, yielding a ready and general obedience to laws flowing from the reason and resting on the only solid foundation—the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But if the tide of our prosperity is full and a reflux commencing, a vigilant circumspection becomes us, that we may meet out reverses with fortitude and extricate ourselves from their consequences with all the skill we possess and all the efforts in our power.

In giving to Congress information of the state of the Union and rec-

<sup>1</sup>Richardson, Messages, vol. 1, p. 233.

ommending to their consideration such measures as appear to me to be necessary or expedient, according to my constitutional duty, the causes and the objects of the present extraordinary session will be explained.

After the President of the United States received information that the French Government had expressed serious discontents at some proceedings of the Government of these States said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions and to give such candid explanations as might happily remove the discontents and suspicions of the French Government and vindicate the conduct of the United States. For this purpose he selected from among his fellow-citizens a character whose integrity, talents, experience, and services had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French Republic, being "to maintain that good understanding which from the commencement of the alliance had subsisted between the two nations, and to efface unfavorable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union." And his instructions were to the same effect, "faithfully to represent the disposition of the Government and people of the United States (their disposition being one), to remove jealousies and obviate complaints by shewing that they were groundless, to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries and the real sentiments of his own."

A minister thus specially commissioned it was expected would have proved the instrument of restoring mutual confidence between the two Republics. The first step of the French Government corresponded with that expectation. A few days before his arrival at Paris the French minister of foreign relations informed the American minister then resident at Paris of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed, and on the 9th of December presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence.

These were laid before the Executive Directory. Two days afterwards the minister of foreign relations informed the recalled American minister that the Executive Directory had determined not to re-

ceive another minister plenipotentiary from the United States until after the redress of grievances demanded of the American Government, and which the French Republic had a right to expect from it. The American minister immediately endeavored to ascertain whether by refusing to receive him it was intended that he should retire from the territories of the French Republic, and verbal answers were given that such was the intention of the Directory. For his own justification he desired a written answer, but obtained none until toward the last of January, when, receiving notice in writing to quit the territories of the Republic, he proceeded to Amsterdam, where he proposed to wait for instruction from this Government. During his residence at Paris cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police; but with becoming firmness he insisted on the protection of the law of nations due to him as the known minister of a foreign power. You will derive further information from his dispatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences, and as they can treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister is, then, the denial of a right; but the refusal to receive him until we have acceded to their demands without discussion and without investigation is to treat us neither as allies nor as friends, nor as a sovereign state.

With this conduct of the French Government it will be proper to take into view the public audience given to the late minister of the United States on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union and at the same time studiously marked with indignities toward the Government of the United States. It evinces a disposition to separate the people of the United States from the Government, to persuade them that they have different affections, principles, and interests from those of their fellow-citizens whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority,

fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions if it had been possible to conceal them; but they have passed on the great theater of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they can not be disguised and will not soon be forgotten. They have inflicted a wound in the American breast. It is my sincere desire, however, that it may be healed.

It is my sincere desire, and in this I presume I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them; if we have done injuries, we shall be willing on conviction to redress them; and equal measures of justice we have a right to expect from France and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country. Nevertheless, there is reason to believe that the Executive Directory passed a decree on the 2d of March last contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs render it my indispensable duty to recommend to your consideration effectual measures of defense.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances or the strength and resources of the nation. With a seacoast of near 2,000 miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply

their industry and enterprise to these objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders. To prevent it from being undermined and destroyed it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of vessels by which these abuses have been practiced. As the sufferings of our mercantile and seafaring citizens can not be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations and to guard against the degradation and servility which they must finally stamp on the American character is an important duty of Government.

A naval power, next to the militia, is the natural defense of the United States. The experience of the last war would be sufficient to shew that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one State to another, which were then practiced. Our seacoasts, from their great extent, are more easily annoyed and more easily defended by a naval force than any other. With all the materials our country abounds; in skill our naval architects and navigators are equal to any, and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defense appears to be requisite, I am sensible it can not be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels except on voyages to the East Indies, where general usage and the danger from pirates appeared to render the permission proper. Yet the restriction has originated solely from a wish to prevent collisions with the powers at war, contravening the act of Congress of June, 1794, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defense while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them

from committing acts of hostility against the powers at war. In addition to this voluntary provision for defense by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers whose depredations have been most injurious have been built and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention that some of our citizens resident abroad have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe and the well-known promptitude, ardor, and courage of the people in defense of their country happily diminish the probability of invasion. Nevertheless, to guard against sudden and predatory incursions the situation of some of our principal seaports demands your consideration. And as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general defense ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in a time of universal peace, ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defense of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events and

of the political projects in contemplation is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one-half of Europe, at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral to consult with other nations engaged in the same studies and pursuits. At the same time that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired and the other near expiring, might be renewed.

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*Address of the Senate to John Adams, President of the United States<sup>1</sup>*

SIR: The Senate of the United States request you to accept their acknowledgments for the comprehensive and interesting detail you have given in your speech to both Houses of Congress on the existing state of the Union.

While we regret the necessity of the present meeting of the Legislature, we wish to express our entire approbation of your conduct in convening it on this momentous occasion.

The superintendence of our national faith, honor, and dignity being in a great measure constitutionally deposited with the Executive, we observe with singular satisfaction the vigilance, firmness, and promptitude exhibited by you in this critical state of our public affairs, and from thence derive an evidence and pledge of the rectitude and integrity of your Administration. And we are sensible it is an object of primary importance that each branch of the Government should adopt a language and system of conduct which shall be cool, just, and dispassionate, but firm, explicit, and decided.

We are equally desirous with you to preserve peace and friendship with all nations, and are happy to be informed that neither the honor nor interests of the United States forbid advances for securing those

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<sup>1</sup>Richardson, Messages, vol. 1, p. 239.

desirable objects by amicable negotiation with the French Republic. This method of adjusting national differences is not only the most mild, but the most rational and humane, and with governments disposed to be just can seldom fail of success when fairly, candidly, and sincerely used. If we have committed errors and can be made sensible of them, we agree with you in opinion that we ought to correct them, and compensate the injuries which may have been consequent thereon; and we trust the French Republic will be actuated by the same just and benevolent principles of national policy.

We do therefore most sincerely approve of your determination to promote and accelerate an accommodation of our existing differences with that Republic by negotiation, on terms compatible with the rights, duties, interests, and honor of our nation. And you may rest assured of our most cordial coöperation so far as it may become necessary in this pursuit.

Peace and harmony with all nations is our sincere wish; but such being the lot of humanity that nations will not always reciprocate peaceable dispositions, it is our firm belief that effectual measures of defense will tend to inspire that national self-respect and confidence at *home* which is the unfailing source of respectability *abroad*, to check aggression and prevent war.

While we are endeavoring to adjust our differences with the French Republic by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs prove to us your vigilant care in recommending to our attention effectual measures of defense.

Those which you recommend, whether they relate to external defense by permitting our citizens to arm for the purpose of repelling aggressions on their commercial rights, and by providing sea convoys, or to internal defense by increasing the establishments of artillery and cavalry, by forming a provisional army, by revising the militia laws, and fortifying more completely our ports and harbors, will meet our consideration under the influence of the same just regard for the security, interest, and honor of our country which dictated your recommendation.

Practices so unnatural and iniquitous as those you state, of our own citizens converting their property and personal exertions into the means of annoying our trade and injuring their fellow-citizens, deserve legal severity commensurate with their turpitude.



Although the Senate believe that the prosperity and happiness of our country does not depend on general and extensive political connections with European nations, yet we can never lose sight of the propriety as well as necessity of enabling the Executive, by sufficient and liberal supplies, to maintain and even extend our foreign intercourse as exigencies may require, reposing full confidence in the Executive, in whom the Constitution has placed the powers of negotiation.

We learn with sincere concern that attempts are in operation to alienate the affections of our fellow-citizens from their Government. Attempts so wicked, wherever they exist, can not fail to excite our utmost abhorrence. A government chosen by the people for their own safety and happiness, and calculated to secure both, can not lose their affections so long as its administration pursues the principles upon which it was erected; and your resolution to observe a conduct just and impartial to all nations, a sacred regard to our national engagements, and not to impair the rights of our Government, contains principles which can not fail to secure to your Administration the support of the National Legislature to render abortive every attempt to excite dangerous jealousies among us, and to convince the world that our Government and your administration of it can not be separated from the affectionate support of every good citizen. And the Senate can not suffer the present occasion to pass without thus publicly and solemnly expressing their attachment to the Constitution and Government of their country; and as they hold themselves responsible to their constituents, their consciences, and their God, it is their determination by all their exertions to repel every attempt to alienate the affections of the people from the Government, so highly injurious to the honor, safety, and independence of the United States.

We are happy, since our sentiments on the subject are in perfect unison with yours, in this public manner to declare that we believe the conduct of the Government has been just and impartial to foreign nations, and that those internal regulations which have been established for the preservation of peace are in their nature proper and have been fairly executed.

And we are equally happy in possessing an entire confidence in your abilities and exertions in your station to maintain untroubled the honor, preserve the peace, and support the independence of our country, to acquire and establish which, in connection with your fellow-

citizens, has been the virtuous effort of a principal part of your life.

To aid you in these arduous and honorable exertions, as it is our duty so it shall be our faithful endeavor; and we flatter ourselves, sir, that the proceedings of the present session of Congress will manifest to the world that although the United States love peace, they will be independent; that they are sincere in their declarations to be just to the French and all other nations, and expect the same in return.

If a sense of justice, a love of moderation and peace, shall influence their councils, which we sincerely hope we shall have just grounds to expect, peace and amity between the United States and all nations will be preserved.

But if we are so unfortunate as to experience injuries from any foreign power, and the ordinary methods by which differences are amicably adjusted between nations shall be rejected, the determination "not to surrender in any manner the rights of the Government," being so inseparably connected with the dignity, interest, and independence of our country, shall by us be steadily and inviolably supported.

TH: JEFFERSON,

*Vice-President of the United States and President of the Senate.*

MAY 23, 1797.

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*Reply of the President<sup>1</sup>*

*Mr. Vice-President and Gentlemen of the Senate:*

It would be an affectation in me to dissemble the pleasure I feel on receiving this kind address.

My long experience of the wisdom, fortitude, and patriotism of the Senate of the United States enhances in my estimation the value of those obliging expressions of your approbation of my conduct, which are a generous reward for the past and an affecting encouragement to constancy and perseverance in future.

Our sentiments appear to be so entirely in unison that I can not but believe them to be the rational result of the understandings and the natural feelings of the hearts of Americans in general on contemplating the present state of the nation.

While such principles and affections prevail they will form an indissoluble bond of union and a sure pledge that our country has no

<sup>1</sup>Richardson, Messages, vol. 1, p. 242.

essential injury to apprehend from any portentous appearances abroad. In a humble reliance on Divine Providence we may rest assured that while we reiterate with sincerity our endeavors to accommodate all our differences with France, the independence of our country can not be diminished, its dignity degraded, or its glory tarnished by any nation or combination of nations, whether friends or enemies.

JOHN ADAMS.

MAY 24, 1797.

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*Address of the House of Representatives to John Adams, President of the United States*<sup>1</sup>

SIR: The interesting details of those events which have rendered the convention of Congress at this time indispensable (communicated in your speech to both Houses) has excited in us the strongest emotions. Whilst we regret the occasion, we can not omit to testify our approbation of the measure, and pledge ourselves that no considerations of private inconvenience shall prevent on our part a faithful discharge of the duties to which we are called.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity to which the impartial conduct of our Government has entitled us, and it is now with extreme regret we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country.

Upon this occasion we feel it our duty to express in the most explicit manner the sensations which the present crisis has excited, and to assure you of our zealous coöperation in those measures which may appear necessary for our security or peace.

Although it is the earnest wish of our hearts that peace may be maintained with the French Republic and with all the world, yet we never will surrender those rights which belong to us as a nation; and whilst we view with satisfaction the wisdom, dignity, and moderation which have marked the measures of the Supreme Executive of our country in his attempt to remove by candid explanations the complaints and jealousies of France, we feel the full force of that indignity which

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<sup>1</sup>Richardson, Messages, vol. 1, p. 242.

has been offered our country in the rejection of its minister. No attempts to wound our rights as a sovereign State will escape the notice of our constituents. They will be felt with indignation and repelled with that decision which shall convince the world that we are not a degraded people; that we can never submit to the demands of a foreign power without examination and without discussion.

Knowing as we do the confidence reposed by the people of the United States in their Government, we can not hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents. An attempt to separate the people of the United States from their Government is an attempt to separate them from themselves; and although foreigners who know not the genius of our country may have conceived the project, and foreign emissaries may attempt the execution, yet the united efforts of our fellow-citizens will convince the world of its impracticability.

Sensibly as we feel the wound which has been inflicted by the transactions disclosed in your communications, yet we think with you that neither the honor nor the interest of the United States forbid the repetition of advances for preserving peace; we therefore receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted, and we cherish the hope that a mutual spirit of conciliation, and a disposition on the part of France to compensate for any injuries which may have been committed upon our neutral rights, and on the part of the United States to place France on grounds similar to those of other countries in their relation and connection with us (if any inequalities shall be found to exist), will produce an accommodation compatible with the engagements, rights, duties, and honor of the United States. Fully, however, impressed with the uncertainty of the result, we shall prepare to meet with fortitude any unfavorable events which may occur, and to extricate ourselves from their consequences with all the skill we possess and all the efforts in our power. Believing with you that the conduct of the Government has been just and impartial to foreign nations, that the laws for the preservation of peace have been proper, and that they have been fairly executed, the Representatives of the people do not hesitate to declare that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands, and we trust that, by the decided and explicit conduct which will govern our deliberations, every insinuation will be repelled which is derogatory to the honor and independence of our country.

Permit us in offering this address to express our satisfaction at your promotion to the first office in the Government and our entire confidence that the preëminent talents and patriotism which have placed you in this distinguished situation will enable you to discharge its various duties with satisfaction to yourself and advantage to our common country.

JUNE 2, 1797.

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*Reply of the President<sup>1</sup>*

*Mr. Speaker and Gentlemen of the House of Representatives:*

I receive with great satisfaction your candid approbation of the convention of Congress, and thank you for your assurances that the interesting subjects recommended to your consideration shall receive the attention which their importance demands, and that your cooperation may be expected in those measures which may appear necessary for our security or peace.

The declarations of the Representatives of this nation of their satisfaction at my promotion to the first office in this Government and of their confidence in my sincere endeavors to discharge the various duties of it with advantage to our common country have excited my most grateful sensibility.

I pray you, gentlemen, to believe and to communicate such assurance to our constituents that no event which I can foresee to be attainable by any exertions in the discharge of my duties can afford me so much cordial satisfaction as to conduct a negotiation with the French Republic to a removal of prejudices, a correction of errors, a dissipation of umbrages, an accommodation of all differences, and a restoration of harmony and affection to the mutual satisfaction of both nations. And whenever the legitimate organs of intercourse shall be restored and the real sentiments of the two Governments can be candidly communicated

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<sup>1</sup>Richardson, Messages, vol. 1, p. 244.

to each other, although strongly impressed with the necessity of collecting ourselves into a manly posture of defense, I nevertheless entertain an encouraging confidence that a mutual spirit of conciliation, a disposition to compensate injuries and accommodate each other in all our relations and connections, will produce an agreement to a treaty consistent with the engagements, rights, duties, and honor of both nations.

JOHN ADAMS.

JUNE 3, 1797.

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FIRST ANNUAL ADDRESS <sup>1</sup>

UNITED STATES, *November 22, 1797.*

*Gentlemen of the Senate and Gentlemen of the House of Representatives:*

Although I can not yet congratulate you on the reestablishment of peace in Europe and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have, nevertheless, abundant cause of gratitude to the source of benevolence and influence for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements, and, above all, for a rational spirit of civil and religious liberty and a calm but steady determination to support our sovereignty, as well as our moral and our religious principles, against all open and secret attacks.

Our envoys extraordinary to the French Republic embarked—one in July, the other early in August—to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journeys to Paris within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will have been omitted on my part to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interest of the United States. Nothing, in the meantime, will contribute so much to the preservation of peace and the attainment of justice as a manifestation of that energy and unanimity of which on many former occasions the people of the United States have given such memorable proofs.

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<sup>1</sup>Richardson, Messages, vol. 1, p. 250.

and the exertion of those resources for national defense which a beneficent Providence has kindly placed within their power.

It may be confidently asserted that nothing has occurred since the adjournment of Congress which renders inexpedient those precautionary measures recommended by me to the consideration of the two Houses at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is or is not to continue, I hold it most certain that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force, while pride, ambition, avarice, and violence have been so long unrestrained, there remains no reasonable ground on which to raise an expectation that a commerce without protection or defense will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people are highly commercial. Their cities have been formed and exist upon commerce. Our agriculture, fisheries, arts, and manufactures are connected with and depend upon it. In short, commerce has made this country what it is, and it can not be destroyed or neglected without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation. The faith of society is pledged for the preservation of the rights of commercial and seafaring no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty if I forbore to recommend that we should make every exertion to protect our commerce and to place our country in a suitable posture of defense as the only sure means of preserving both.

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*Address of the Senate to John Adams, President of the United States*<sup>1</sup>

THE PRESIDENT OF THE UNITED STATES:

It would have given us much pleasure to have received your con-

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<sup>1</sup>Richardson, Messages, vol. 1, p. 254.

gratulations on the reestablishment of peace in Europe and the restoration of security to the persons and property of our citizens from injustice and violence at sea; but though these events, so desirable to our country and the world, have not taken place, yet we have abundant cause of gratitude to the Great Disposer of Human Events for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvement, and, above all, for a rational spirit of civil and religious liberty and a calm but steady determination to support our sovereignty against all open and secret attacks.

We learn with satisfaction that our envoys extraordinary to the French Republic had safely arrived in Europe and were proceeding to the scene of negotiation, and whatever may be the result of the mission, we are perfectly satisfied that nothing on your part has been omitted which could in any way conduce to a successful conclusion of the negotiation upon terms compatible with the safety, honor, and interest of the United States; and we are fully convinced that in the meantime a manifestation of that unanimity and energy of which the people of the United States have given such memorable proofs and a proper exertion of those resources of national defense which we possess will essentially contribute to the preservation of peace and the attainment of justice.

We think, sir, with you that the commerce of the United States is essential to the growth, comfort, and prosperity of our country, and that the faith of society is pledged for the preservation of the rights of commercial and seafaring no less than of other citizens. And even if our negotiation with France should terminate favorably and the war in Europe cease, yet the state of society which unhappily prevails in so great a portion of the world and the experience of past times under better circumstances unite in warning us that a commerce so extensive and which holds out so many temptations to lawless plunderers can never be safe without protection; and we hold ourselves obliged by every tie of duty which binds us to our constituents to promote and concur in such measures of marine defense as may convince our merchants and seamen that their rights are not sacrificed nor their injuries forgotten.

Nov. 27, 1797.



*Reply of the President*<sup>1</sup>UNITED STATES, *November 28, 1797.**Gentlemen of the Senate:*

I thank you for this address.

When, after the most laborious investigation and serious reflection, without partial considerations or personal motives, measures have been adopted or recommended. I can receive no higher testimony of their rectitude than the approbation of an assembly so independent, patriotic, and enlightened as the Senate of the United States.

Nothing has afforded me more entire satisfaction than the coincidence of your judgment with mine in the opinion of the essential importance of our commerce and the absolute necessity of a maritime defense. What is it that has drawn to Europe the superfluous riches of the three other quarters of the globe but a marine? What is it that has drained the wealth of Europe itself into the coffers of two or three of its principal commercial powers but a marine?

The world has furnished no example of a flourishing commerce without a maritime protection, and a moderate knowledge of man and his history will convince anyone that no such prodigy ever can arise. A mercantile marine and a military marine must grow up together; one can not long exist without the other.

JOHN ADAMS.

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*Address of the House of Representatives to John Adams, President of the United States*<sup>2</sup>

In lamenting the increase of the injuries offered to the persons and property of our citizens at sea we gratefully acknowledge the continuance of interior tranquillity and the attendant blessings of which you remind us as alleviations of these fatal effects of injustice and violence.

Whatever may be the result of the mission to the French Republic, your early and uniform attachment to the interest of our country, your important services in the struggle for its independence, and your unceasing exertions for its welfare afford no room to doubt of the sincerity of your efforts to conduct the negotiation to a successful conclusion on such terms as may be compatible with the safety, honor, and

<sup>1</sup>Richardson, Messages, vol. 1, p. 256.<sup>2</sup>Ibid., p. 257.

interest of the United States. We have also a firm reliance upon the energy and unanimity of the people of these States in the assertion of their rights, and on their determination to exert upon all proper occasions their ample resources in providing for the national defense.

The importance of commerce and its beneficial influence upon agriculture, arts, and manufactures have been verified in the growth and prosperity of our country. It is essentially connected with the other great interests of the community; they must flourish and decline together; and while the extension of our navigation and trade naturally excites the jealousy and tempts the avarice of other nations, we are firmly persuaded that the numerous and deserving class of citizens engaged in these pursuits and dependent on them for their subsistence has a strong and indisputable claim to our support and protection.

Nov. 28, 1797.

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*Reply of the President<sup>1</sup>*

UNITED STATES, *November 29, 1797.*

*Gentlemen of the House of Representatives:*

I receive this address from the House of Representatives of the United States with peculiar pleasure.

Your approbation of the meeting of Congress in this city and of those other measures of the Executive authority of Government communicated in my address to both Houses at the opening of the session afford me great satisfaction, as the strongest desire of my heart is to give satisfaction to the people and their Representatives by a faithful discharge of my duty.

The confidence you express in the sincerity of my endeavors and in the unanimity of the people does me much honor and gives me great joy.

I rejoice in that harmony which appears in the sentiments of all the branches of the Government on the importance of our commerce and our obligations to defend it, as well as in all the other subjects recommended to your consideration, and sincerely congratulate you and our fellow-citizens at large on this appearance, so auspicious to the honor, interest, and happiness of the nation.

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<sup>1</sup>Richardson, Messages, vol. 1, p. 258.

SECOND ANNUAL ADDRESS <sup>1</sup>UNITED STATES, *December 8, 1798.**Gentlemen of the Senate and Gentlemen of the House of  
Representatives:*

The course of the transactions in relation to the United States and France which have come to my knowledge during your recess will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the Government of the United States toward an amicable adjustment of differences with that power. You will at the same time perceive that the French Government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has in a qualified manner declared itself willing to receive a minister from the United States for the purpose of restoring a good understanding. It is unfortunate for professions of this kind that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation that the decree of the Directory alleged to be intended to restrain the depredations of French cruisers on our commerce has not given, and can not give, any relief. It enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded has lately received a confirmation by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force those nations can see in the French Government only a power regardless of their essential rights, of their independence and sovereignty; and if they possess the means they can reconcile nothing with their interest and honor but a firm resistance.

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<sup>1</sup>Richardson, Messages, vol. 1, p. 271.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defense. On the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued, and in proportion as we enlarge our view of the portentous and incalculable situation of Europe we shall discover new and cogent motives for the full development of our energies and resources.

But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone insure peace. It is peace that we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her option. But to send another minister without more determinate assurances that he would be received would be an act of humiliation to which the United States ought not to submit. It must therefore be left with France (if she is indeed desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy; and with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration I give a pledge to France and the world that the Executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government and of the people of the United States. But considering the late manifestations of her policy toward foreign nations, I deem it a duty deliberately and solemnly to declare my opinion that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty and insure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defense. We ought without loss of time to lay the

foundation for an increase of our Navy to a size sufficient to guard our coast and protect our trade. Such a naval force as it is doubtless in the power of the United States to create and maintain would also afford to them the best means of general defense by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring at all times the requisite timber and other supplies. In what manner this shall be done I leave to your consideration.

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*Address of the Senate to John Adams, President of the United States*<sup>1</sup>

THE PRESIDENT OF THE UNITED STATES:

Although we have sincerely wished that an adjustment of our differences with the Republic of France might be effected on safe and honorable terms, yet the information you have given us of the ultimate failure of the negotiation has not surprised us. In the general conduct of that Republic we have seen a design of universal influence incompatible with the self-government and destructive of the independence of other States. In its conduct toward these United States we have seen a plan of hostility pursued with unremitted constancy, equally disregarding the obligations of treaties and the rights of individuals. We have seen two embassies, formed for the purpose of mutual explanations and clothed with the most extensive and liberal powers, dismissed without recognition and even without a hearing. The Government of France has not only refused to repeal but has recently enjoined the observance of its former edict respecting merchandise of British fabric or produce the property of neutrals, by which the interruption of our lawful commerce and the spoliation of the property of our citizens have again received a public sanction. These facts indicate no change of system or disposition; they speak a more intelligible language than professions of solicitude to avoid a rupture, however ardently made. But if, after the repeated proofs we have given of a sincere desire for peace, these professions should be accompanied by insinuations implicating the integrity with which it has been pursued; if, neglecting and passing by the constitutional and authorized agents of the Government, they are made through the medium of individuals without public

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<sup>1</sup>Richardson, Messages, vol. 1, p. 275.

character or authority, and, above all, if they carry with them a claim to prescribe the political qualifications of the minister of the United States to be employed in the negotiation, they are not entitled to attention or consideration, but ought to be regarded as designed to separate the people from their Government and to bring about by intrigue that which open force could not effect.

We are of opinion with you, sir, that there has nothing yet been discovered in the conduct of France which can justify a relaxation of the means of defense adopted during the last session of Congress, the happy result of which is so strongly and generally marked. If the force by sea and land, which the existing laws authorize should be judged inadequate to the public defense, we will perform the indispensable duty of bringing forward such other acts as will effectually call forth the resources and force of our country.

A steady adherence to this wise and manly policy, a proper direction of the noble spirit of patriotism which has arisen in our country, and which ought to be cherished and invigorated by every branch of the Government, will secure our liberty and independence against all open and secret attacks.

We enter on the business of the present session with an anxious solicitude for the public good, and shall bestow that consideration on the several objects pointed out in your communication which they respectively merit.

Your long and important services, your talents and firmness, so often displayed in the most trying times and most critical situations, afford a sure pledge of a zealous coöperation in every measure necessary to secure us justice and respect,

JOHN LAURANCE,  
*President of the Senate pro tempore.*

DECEMBER 11, 1798.

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*Reply of the President<sup>1</sup>*

*December 12, 1798.*

*To the Senate of the United States:*

GENTLEMEN: I thank you for this address, so conformable to the spirit of our Constitution and the established character of the Senate of the United States for wisdom, honor, and virtue.

<sup>1</sup>Richardson, Messages, vol. 1, p. 277.

I have seen no real evidence of any change of system or disposition in the French Republic toward the United States. Although the officious interference of individuals without public character or authority is not entitled to any credit, yet it deserves to be considered whether that temerity and impertinence of individuals affecting to interfere in public affairs between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the people and separate them from their Government, ought not to be inquired into and corrected.

I thank you, gentlemen, for your assurances that you will bestow that consideration on the several objects pointed out in my communication which they respectively merit.

If I have participated in that understanding, sincerity, and constancy which have been displayed by my fellow-citizens and countrymen in the most trying times and critical situations, and fulfilled my duties to them, I am happy. The testimony of the Senate of the United States in my favor is an high and honorable reward which receives, as it merits, my grateful acknowledgments. My zealous cooperation in measures necessary to secure us justice and consideration may be always depended on.

JOHN ADAMS.

*Address of the House of Representatives to John Adams, President of the United States*<sup>1</sup>

JOHN ADAMS,  
*President of the United States.*

Desirous as we are that all causes of hostility may be removed by the amicable adjustment of national differences, we learn with satisfaction that in pursuance of our treaties with Spain and with Great Britain advances have been made for definitively settling the controversies relative to the southern and northeastern limits of the United States. With similar sentiments have we received your information that the proceedings under commissions authorized by the same treaties afford to a respectable portion of our citizens the prospect of a final decision on their claims for maritime injuries committed by subjects of those powers.

<sup>1</sup>Richardson, Messages, vol. 1, p. 277.

It would be the theme of mutual felicitation were we assured of experiencing similar moderation and justice from the French Republic, between which and the United States differences have unhappily arisen; but this is denied us by the ultimate failure of the measures which have been taken by this Government toward an amicable adjustment of those differences and by the various inadmissible pretensions on the part of that nation.

The continuing in force the decree of January last, to which you have more particularly pointed our attention, ought of itself to be considered as demonstrative of the real intentions of the French Government. That decree proclaims a predatory warfare against the unquestionable rights of neutral commerce which with our means of defense our interest and our honor command us to repel. It therefore now becomes the United States to be as determined in resistance as they have been patient in suffering and condescending in negotiation.

While those who direct the affairs of France persist in the enforcement of decrees so hostile to our essential rights, their conduct forbids us to confide in any of their professions of amity.

As, therefore, the conduct of France hitherto exhibits nothing which ought to change or relax our measures of defense, the policy of extending and invigorating those measures demands our sedulous attention. The sudden and remarkable advantages which this country has experienced from a small naval armament sufficiently prove the utility of its establishment. As it respects the guarding of our coast, the protection of our trade, and the facility of safely transporting the means of territorial defense to every part of our maritime frontier, an adequate naval force must be considered as an important object of national policy. Nor do we hesitate to adopt the opinion that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.

In this conjuncture of affairs, while with you we recognize our abundant cause of gratitude to the Supreme Disposer of Events for the ordinary blessings of Providence, we regard as of high national importance the manifestation in our country of a magnanimous spirit of resistance to foreign domination. This spirit merits to be cherished and invigorated by every branch of Government as the estimable pledge of national prosperity and glory.

Disdaining a reliance on foreign protection, wanting no foreign guaranty of our liberties, resolving to maintain our national independence



against every attempt to despoil us of this inestimable treasure, we confide under Providence in the patriotism and energies of the people of these United States for defeating the hostile enterprises of any foreign power.

To adopt with prudent foresight such systematical measures as may be expedient for calling forth those energies wherever the national exigencies may require, whether on the ocean or on our own territory, and to reconcile with the proper security of revenue the convenience of mercantile enterprise, on which so great a proportion of the public resources depends, are objects of moment which shall be duly regarded in the course of our deliberations.

Fully as we accord with you in the opinion that the United States ought not to submit to the humiliation of sending another minister to France without previous assurances sufficiently determinate that he will be duly accredited, we have heard with cordial approbation the declaration of your purpose steadily to observe those maxims of humane and pacific policy by which the United States have hitherto been governed. While it is left with France to take the requisite steps for accommodation, it is worthy the Chief Magistrate of a free people to make known to the world that justice on the part of France will annihilate every obstacle to the restoration of a friendly intercourse, and that the Executive authority of this country will respect the sacred rights of embassy. At the same time, the wisdom and decision which have characterized your past Administration assure us that no illusory professions will seduce you into any abandonment of the rights which belong to the United States as a free and independent nation.

DECEMBER 13, 1798.

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*Reply of the President*<sup>1</sup>

DECEMBER 14, 1798.

- *To the House of Representatives of the United States of America.*

GENTLEMEN: My sincere acknowledgments are due to the House of Representatives of the United States for this excellent address so consonant to the character of representatives of a great and free people. The judgment and feelings of a nation, I believe, were never more truly expressed by their representatives than those of our constituents

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<sup>1</sup>Richardson, Messages, vol. 1, p. 280.

by your decided declaration that with our means of defense our interest and honor command us to repel a predatory warfare against the unquestionable rights of neutral commerce; that it becomes the United States to be as determined in resistance as they have been patient in suffering and condescending in negotiation; that while those who direct the affairs of France persist in the enforcement of decrees so hostile to our essential rights their conduct forbids us to confide in any of their professions of amity; that an adequate naval force must be considered as an important object of national policy, and that, whether negotiations with France are resumed or not, vigorous preparations for war will be alike indispensable.

The generous disdain you so coolly and deliberately express of a reliance on foreign protection, wanting no foreign guaranty of our liberties, resolving to maintain our national independence against every attempt to despoil us of this inestimable treasure, will meet the full approbation of every sound understanding and exulting applauses from the heart of every faithful American.

I thank you, gentlemen, for your candid approbation of my sentiments on the subject of negotiation and for the declaration of your opinion that the policy of extending and invigorating our measures of defense and the adoption with prudent foresight of such systematical measures as may be expedient for calling forth the energies of our country wherever the national exigencies may require, whether on the ocean or on our own territory, will demand your sedulous attention.

At the same time, I take the liberty to assure you it shall be my vigilant endeavor that no illusory professions shall seduce me into any abandonment of the rights which belong to the United States as a free and independent nation.

JOHN ADAMS.

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THIRD ANNUAL ADDRESS <sup>1</sup>

UNITED STATES, *December 3, 1799.*

*Gentlemen of the Senate and Gentlemen of the House of*

*Representatives:*

Persevering in the pacific and humane policy which had been invariably professed and sincerely pursued by the Executive authority of the United States, when indications were made on the part of the

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<sup>1</sup>Richardson, Messages, vol. 1, pp. 289-290.

French Republic of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances by a nomination of ministers upon certain conditions which the honor of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French Government previous to the departure of our envoys have been given through their minister of foreign relations, and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen are sure pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

JOHN ADAMS.

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*Address of the Senate to John Adams, President of the United States<sup>1</sup>*

THE PRESIDENT OF THE UNITED STATES:

When we reflect upon the uncertainty of the result of the late mission to France and upon the uncommon nature, extent, and aspect of the war now raging in Europe, which affects materially our relations with the powers at war, and which has changed the condition of their colonies in our neighborhood, we are of opinion with you that it would be neither wise nor safe to relax our measures of defense or to lessen any of our preparations to repel aggression.

SAMUEL LIVERMORE,

*President of the Senate pro tempore.*

DECEMBER 9, 1799.

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*Address of the House of Representatives to John Adams, President of the United States<sup>2</sup>*

THE PRESIDENT OF THE UNITED STATES:

Highly approving as we do the pacific and humane policy which has been invariably professed and sincerely pursued by the Executive au-

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<sup>1</sup>Richardson, Messages, vol. 1, p. 292.

<sup>2</sup>Ibid., p. 293.

thority of the United States, a policy which our best interests enjoined, and of which honor has permitted the observance, we consider as the most unequivocal proof of your inflexible perseverance in the same well-chosen system your preparation to meet the first indications on the part of the French Republic of a disposition to accommodate the existing differences between the two countries by a nomination of ministers, on certain conditions which the honor of our country unquestionably dictated, and which its moderation had certainly given it a right to prescribe. When the assurances thus required of the French Government, previous to the departure of our envoys, had been given through their minister of foreign relations, the direction that they should proceed on their mission was on your part a completion of the measure, and manifests the sincerity with which it was commenced. We offer up our fervent prayers to the Supreme Ruler of the Universe for the success of their embassy, and that it may be productive of peace and happiness to our common country. The uniform tenor of your conduct through a life useful to your fellow-citizens and honorable to yourself gives a sure pledge of the sincerity with which the avowed objects of the negotiation will be pursued on your part, and we earnestly pray that similar dispositions may be displayed on the part of France. The differences which unfortunately subsist between the two nations can not fail in that event to be happily terminated. To produce this end, to all so desirable, firmness, moderation, and union at home constitute, we are persuaded, the surest means. The character of the gentlemen you have deputed, and still more the character of the Government which deposes them, are safe pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

We learn with pleasure that our citizens, with their property, trading to those ports of St. Domingo with which commercial intercourse has been renewed have been duly respected, and that privateering from those ports has ceased.

DECEMBER 9, 1799.

*Reply of the President*<sup>1</sup>UNITED STATES, *December 10, 1799.**Gentlemen of the House of Representatives:*

As long as we maintain with harmony and affection the honor of our country consistently with its peace, externally and internally, while that is attainable, or in war when that becomes necessary, assert its real independence and sovereignty, and support the constitutional energies and dignity of its Government, we may be perfectly sure, under the smiles of Divine Providence, that we shall effectually promote and extend our national interest and happiness.

JOHN ADAMS.

FOURTH ANNUAL ADDRESS<sup>2</sup>UNITED STATES, *November 22, 1800.*

*Gentlemen of the Senate and Gentlemen of the House of Representatives:*

The envoys extraordinary and ministers plenipotentiary from the United States to France were received by the First Consul with the respect due to their character, and three persons with equal powers were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world and our own experience admonish us of the insecurity of trusting too confidently to their success. We can not, without committing a dangerous imprudence, abandon those measures of self-protection which are adapted to our situation and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our vast extent of seacoast, the commercial and agricultural habits of our people, the great capital they will continue to trust

<sup>1</sup>Richardson, Messages, vol. 1, p. 296.<sup>2</sup>Ibid., p. 305.

on the ocean, suggest the system of defense which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted to defensive war. and which may in case of necessity be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

The present Navy of the United States, called suddenly into existence by a great national exigency. has raised us in our own esteem, and by the protection afforded to our commerce has effected to the extent of our expectations the objects for which it was created.

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*Address of the House of Representatives to John Adams, President of the United States<sup>1</sup>*

JOHN ADAMS,

*President of the United States:*

The Constitution of the United States having confided the management of our foreign negotiations to the control of the Executive power, we cheerfully submit to its decisions on this important subject; and in respect to the negotiations now pending with France we sincerely hope that the final result may prove as fortunate to our country as the most ardent mind can wish.

So long as a predatory war is carried on against our commerce we should sacrifice the interests and disappoint the expectations of our constituents should we for a moment relax that system of maritime defense which has resulted in such beneficial effects. At this period it is confidently believed that few persons can be found within the United States who do not admit that a navy, well organized, must constitute the natural and efficient defense of this country against all foreign hostility.

NOVEMBER 26, 1800.

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<sup>1</sup>Richardson, Messages, vol. 1, p. 310.

*Reply of the President*<sup>1</sup>

WASHINGTON, November 27, 1800.

*Mr. Speaker and Gentlemen of the House of Representatives:*

With you, gentlemen, I sincerely hope that the final result of the negotiations now pending with France may prove as fortunate to our country as they have been commenced with sincerity and prosecuted with deliberation and caution. With you I cordially agree that so long as a predatory war is carried on against our commerce we should sacrifice the interests and disappoint the expectations of our constituents should we for a moment relax that system of maritime defense which has resulted in such beneficial effects. With you I confidently believe that few persons can be found within the United States who do not admit that a navy, well organized, must constitute the natural and efficient defense of this country against all foreign hostility.

JOHN ADAMS.

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<sup>1</sup>Richardson, Messages, vol. 1, p. 312.





## Acts of Congress

CHAP. XLVIII.—*An Act more effectually to protect the Commerce and Coasts of the United States.*<sup>1</sup>

WHEREAS armed vessels sailing under authority or pretense of authority from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations, and treaties between the United States and the French nation. Therefore:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States, and he is hereby authorized to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed or which shall be found hovering on the coasts of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof;—and also to retake any ship or vessel, of any citizen or citizens of the United States which may have been captured by any such armed vessel.

APPROVED, May 28, 1798.

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CHAP. LIII.—*An Act to suspend the commercial intercourse between the United States and France, and the dependencies thereof.*<sup>2</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, and which shall depart therefrom after the first day of July next, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West Indies, or elsewhere under the ac-

<sup>1</sup>Statutes at Large, vol. I, p. 561.

<sup>2</sup>*Ibid.*, p. 565.

knowledgeable government of France, or shall be employed in any traffic or commerce with, or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried, or suffered to proceed to any French port or place as aforesaid, or shall be employed as aforesaid, contrary to the intent hereof, every such ship or vessel together with her cargo shall be forfeited, and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same; and shall be liable to be seized, prosecuted and condemned in any circuit or district court of the United States which shall be holden within or for the district where the seizure shall be made.

SEC. 2. *And be it further enacted*, That after the first day of July next, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired, or employed, wholly or in part, by any person resident within the United States, until a bond shall be given to the use of the United States, wherein the owner or employer, if usually resident or present, where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and her cargo, and shall find sufficient surety or sureties, to the amount of one half the value thereof, with condition that the same shall not, during her intended voyage or before her return within the United States, proceed, or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by distress of weather, or want of provisions, or by actual force and violence, to be fully proved and manifested before the acquittance of such bond; and that such vessel is not, and shall not be employed during her intended voyage, or before her return, as aforesaid, in any traffic or commerce with or for any person resident within the territory of that republic, or in any of the dependencies thereof.

SEC. 3. *And be it further enacted*, That from and after due notice of the passing of this act, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the

territory of that republic, or any of the dependencies thereof, or sailing or coming therefrom, excepting any vessel to which the President of the United States shall grant a passport, which he is hereby authorized to grant in all cases where it shall be requisite for the purposes of any political or national intercourse, shall be allowed an entry, or to remain within the territory of the United States, unless driven there by distress of weather, or in want of provisions. And if contrary to the intent hereof any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district, wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: Provided, that ships or vessels which shall be *bona fide* the property of, or hired, or employed by citizens of the United States, shall be excepted from this prohibition until the first day of December next, and no longer: And provided that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or the want of provisions into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained, and as soon as may be thereafter shall be required and suffered to depart: but no part of the lading of such vessel shall be taken out or disposed of, unless by the special permit of such collector, or to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

SEC. 5. *Provided, and be it further enacted*, That if, before the next session of Congress, the government of France, and all persons acting by or under their authority, shall clearly disavow, and shall be found to refrain from the aggressions, depredations and hostilities which have been, and are by them encouraged and maintained against the vessels and other property of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties, and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral, and unconnected in the present European war, if the same

shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared; and he shall be, and is hereby authorized to make proclamation thereof accordingly: Provided, that nothing in this act contained, shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think it requisite.

APPROVED, June 13, 1798.

CHAP. LX.—*An Act to authorize the defence of the Merchant Vessels of the United States against French depredations.*<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint or seizure, which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under French colours, or acting, or pretending to act, by, or under the authority of the French republic; and may repel by force any assault or hostility which shall be made or committed, on the part of such French, or pretended French vessel, pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colours, or acting, or pretending to act, by or under authority from the French republic.

SEC. 2. *And be it further enacted,* That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel with her tackle, appurtenances, ammunition and lading, shall accrue, the one half to the owner or owners of such

<sup>1</sup>Statutes at Large, vol. I, p. 572.

merchant vessel of the United States, and the other half to the captors: And being brought into any port of the United States, shall and may be adjudged and condemned to their use, after due process and trial, in any court of the United States, having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion; saving any agreement, which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States, by any armed merchant vessel, aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction, in the premises, be restored to the former owner or owners, he or they paying for salvage, not less than one eighth, nor more than one half of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction whatsoever.

SEC. 3. *And be it further enacted*, That after notice of this act, at the several custom-houses, no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners, and the master or commander of such vessel for the intended voyage, shall give bond, to the use of the United States, in a sum equal to double the value of such vessel, with condition, that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas, against the vessel of any nation in amity with the United States; and that the guns, arms and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners, and the commander and crew of such merchant vessel shall, in all things, observe and perform such further instructions in the premises, as the President of the United States shall establish and order, for the better government of the armed merchant vessels of the United States.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any out-

rage, cruelty or injury which they may be disposed to commit; a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners, and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any rencounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any state, shall take suitable care for the restraint, preservation and comfort of such persons, at the expense of the United States, until the pleasure of the President of the United States shall be known concerning them.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter.

SEC. 6. *Provided, and be it further enacted*, That whenever the government of France, and all persons acting by, or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that government against the merchant vessel[s] of the United States, and shall cause the laws of nations to be observed by the said armed French vessels, the President of the United States shall be, and he is hereby authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof.

APPROVED, June 25, 1798.

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CHAP. LXII.—*An Act in addition to the act more effectually to protect the Commerce and Coasts of the United States.*<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all

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<sup>1</sup>Statutes at Large, vol. I, p. 574.

such armed vessels as may be seized, taken and brought into any port of the United States, in pursuance of the act, entitled "An act more effectually to protect the commerce and coasts of the United States," with the apparel, guns and appurtenances of such vessels, and the goods and effects, which shall be found on board the same, shall be liable to forfeiture and condemnation, and may be libelled and proceeded against in the district courts of the United States, for the district into which the same may be brought: *Provided*, that such forfeiture shall not extend to any goods or effects, the property of any citizen or person resident within the United States, and which shall have been before taken by the crew of such captured vessel.

SEC. 2. *And be it further enacted*, That whenever any vessel the property of, or employed by any citizen of the United States, or person resident therein, or any goods or effects belonging to any such citizen or resident shall be re-captured by any public armed vessel of the United States, the same shall be restored to the former owner or owners, upon due proof, he or they paying and allowing, as and for salvage to the recaptors, one eighth part of the value of such vessel, goods and effects, free of all deductions and expenses.

SEC. 3. *And be it further enacted*, That whenever any armed vessel, captured and condemned, as aforesaid, shall have been of superior or equal force to the public armed vessel of the United States by which such capture shall have been made, the forfeiture shall be and accrue wholly to the captors: and in other cases, one half thereof shall be to the use of the United States, and the residue to the captors. And all salvage which shall be allowed and recovered upon any vessel, goods or effects re-captured, and to be restored, as aforesaid, shall belong wholly to the officers and crew of the public armed vessel of the United States by which such re-capture shall be made: and the court before whom any condemnation shall be had, as aforesaid, shall and may order the sale of the vessel, goods and effects condemned, to be made at public auction, upon due notice by the marshal of the district in which the same shall be: and all expenses of condemnation and sale, being deducted from the proceeds, the part thereof which shall accrue to the United States, shall be paid into the public treasury, and the residue, and all allowances of salvage, as aforesaid, shall be distributed to, and among the officers and crews concerned therein, in the proportions which the President of the United States shall direct.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, to cause the officers and crews of the vessels so captured and hostile persons found on board any vessel, which shall be re-captured, as aforesaid, to be confined in any place of safety within the United States, in such manner as he may think the public interest may require, and all marshals and other officers of the United States are hereby required to execute such orders as the President may issue for the said purpose.

APPROVED, June 28, 1798.

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CHAP. LXVI.—*An Act respecting Alien Enemies.*<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, dis-

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<sup>1</sup>Statutes at Large, vol. I, p. 577.



posal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. *And be it further enacted*, That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed.

SEC. 3. *And be it further enacted*, That it shall be the duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, and to be removed, as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President of the United States, or of the court, judge or justice ordering the same, as the case may be.

APPROVED, July 6, 1798.

CHAP. LXVII.—*An Act to declare the treaties heretofore concluded with France, no longer obligatory on the United States.*<sup>1</sup>

WHEREAS the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations, have been repelled with indignity: And whereas, under authority of the French government, there is yet pursued against the United States, a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States.

APPROVED, July 7, 1798.

CHAP. LXVIII.—*An Act further to protect the Commerce of the United States.*<sup>2</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited; and shall accrue and be distributed, as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

<sup>1</sup>Statutes at Large, vol. I, p. 578.

<sup>2</sup>*Ibid.*, p. 578.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to grant to the owners of private armed ships and vessels of the United States, who shall make application therefor, special commissions in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned, as aforesaid, shall have the same license and authority for the subduing, seizing and capturing any armed French vessel, and for the recapture of the vessels, goods and effects of the people of the United States, as the public armed vessels of the United States may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States, for the regulation of their conduct. And the commissions which shall be granted, as aforesaid, shall be revocable at the pleasure of the President of the United States.

SEC. 3. *Provided, and be it further enacted*, That every person intending to set forth and employ an armed vessel, and applying for a commission, as aforesaid, shall produce in writing the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew and the name of the commander, and the two officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

SEC. 4. *And provided, and be it further enacted*, That before any commission, as aforesaid, shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of fourteen thousand dollars; with condition that the owners, and officers, and crews who shall be employed on board of such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them for the regulation of their conduct: And will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof,

by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

SEC. 5. *And be it further enacted*, That all armed French vessels, together with their apparel, guns and appurtenances, and any goods or effects which shall be found on board the same, being French property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned, as aforesaid, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such captures shall be made; and on due condemnation had, shall be distributed according to any agreement which shall be between them; or in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

SEC. 6. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or person resident therein, which shall be recaptured, as aforesaid, shall be restored to the lawful owners, upon payment by them, respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States having maritime jurisdiction according to the nature of each case: *Provided*, that such allowance shall not be less than one eighth, or exceeding one half of the full value of such recapture, without any deduction. And such salvage shall be distributed to and among the owners, officers and crews of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them; or in case of no agreement, then by the decree of the court who shall determine upon such salvage.

SEC. 7. *And be it further enacted*, That before breaking bulk of any vessel which shall be captured, as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be libelled and proceeded against before the district court of the same district; and if after a due course of proceedings, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court. And the same court, who shall have final jurisdiction of any libel or complaint of any capture, as aforesaid, shall and may decree restitution,

in whole or in part, when the capture and restraint shall have been made without just cause, as aforesaid; and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and also such vessel or vessels shall be answerable and liable.

SEC. 8. *And be it further enacted*, That all French persons and others, who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the United States, which shall be recaptured, as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal, or of some civil or military officer of the United States, or of any state in or near such port; who shall take charge for their safe keeping and support, at the expense of the United States.

APPROVED, July 9, 1798.

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CHAP. X.—*An Act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.*<sup>1</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all commercial intercourse between any person or persons resident within the United States or under their protection, and any person or persons resident within the territories of the French Republic, or any of the dependencies thereof, shall be, and from and after the second day of March next, is hereby prohibited and farther suspended, excepting only in the cases hereinafter provided. And any ship or vessel, owned, hired, or employed wholly or in part by any person or persons resident within the United States, or any citizen or citizens thereof resident elsewhere, and sailing therefrom after that day, which contrary to the intent hereof, shall be voluntarily carried, or shall be destined or permitted to proceed, or shall be sold, bartered, entrusted or transferred, for the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; or

<sup>1</sup>Statutes at Large, vol. II, p. 7.

shall be engaged in any traffic or commerce, by or for any person resident within the territories of that Republic, or within any of the dependencies thereof; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such **unlawful** purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States, having competent jurisdiction.

SEC. 2. *And be it further enacted*, That excepting for foreign ships or vessels owned, hired, and employed by persons permanently residing in Europe, and commanded and wholly navigated by foreigners, no clearance for a foreign voyage shall be granted to any ship or vessel whatever, until the owner or the employer for the voyage, or if not resident within the district where the clearance shall be required, his factor or agent, with the master and one or more sufficient surety or sureties, to the satisfaction of the collector of the district, shall give bond to the United States, such owner, employer, or factor, with the master, in a sum equal to the value of the vessel, and of one-third of her cargo; and such surety or sureties in a like sum, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel for which a clearance shall be required, is actually destined, and shall proceed to some port or place without the limits or jurisdiction of the French Republic, or any of the dependencies thereof, and during the intended voyage shall not be voluntarily carried, or permitted to proceed or sold, entrusted or transferred, with the purpose that she may proceed whether directly, or from any intermediate port or place, to any port or place within the territories of that Republic, or any of the dependencies thereof; and shall not, at any such port or place, voluntarily deliver or unlade any part of such cargo; and if compelled by distress of weather, or taken by force into any such port or place, will not there receive on board of such ship or vessel any goods, produce, or merchandise, other than necessary sea stores; and generally, that such ship or vessel shall not be employed in any traffic or commerce with or for any person resident within the territory of the French Republic, or any of the dependencies thereof.

SEC. 3. *Provided, and be it further enacted*, That when any ship or vessel which shall obtain a clearance for a foreign voyage, after a bond shall be given as aforesaid, shall be compelled by distress of

weather, or other casualty endangering the safety of such ship or vessel, or of the mariners on board the same, or shall be taken by any armed vessel, or other superior force, into any port or place within the territories of the French Republic, or any of the dependencies thereof, and shall there necessarily unlade and deliver, or shall be deprived of any cargo then on board, then, and in such case, the master or other person having charge of such ship or vessel, may receive compensation or payment in bills of exchange, or in money or bullion, for such cargo, but not otherwise, and shall not be understood thereby to contravene this law, or to incur a forfeiture of the said bond.

SEC. 4. *And be it further enacted*, That no ship or vessel coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, whether with or without a cargo, or from any other port or place, with a cargo on board obtained for, or laden on board of such vessel at any port or place within the said territories or dependencies, which shall arrive within the limits of the United States after the said second day of March next, shall be admitted to an entry with the collector of any district; and each and every such ship or vessel which shall arrive as aforesaid, having on board any goods, wares or merchandise, destined to be delivered within the United States, contrary to the intent of this act, or which shall have otherwise contravened the same, together with the cargo which shall be found on board, shall be forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction: *Provided*, that nothing herein contained shall be construed to prohibit the entry of any vessel having a passport granted under the authority of the French Republic, and solely employed for purposes of political or national intercourse with the government of the United States, and not in any commercial intercourse, and which shall be received, and permitted by the President of the United States to remain within the same: *And provided also*, that until the first day of August next, and no longer, any ship or vessel, wholly owned or employed by a foreigner, other than any person resident in France, or in any of the dependencies of the French Republic, and which coming therefrom shall be destined to the United States, and shall arrive within the same, not having otherwise contravened this act, shall be required and permitted to depart therefrom, and in case she shall accordingly depart, without any unreasonable delay, and without delivery, or at-

tempting to deliver, any cargo or lading within the United States, such ship or vessel, or any cargo which may be on board the same, shall not be liable to the forfeiture aforesaid.

SEC. 5. *And be it further enacted*, That if any ship or vessel, coming from any port or place within the territories of the French Republic, or any of the dependencies thereof, or with any cargo there obtained on board, but not destined to any port or place within the United States, shall be compelled by distress of weather, or other necessity, to put into any port or place within the limits of the United States, such ship or vessel shall be there hospitably received in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage"; and shall be permitted to make such repairs, and to obtain such supplies as shall be necessary to enable her to proceed according to her destination; and such repairs and supplies being obtained, shall be thereafter required and permitted to depart. But if such ship or vessel shall not conform to the regulations prescribed by the act last mentioned, or shall unlade any part of her cargo, or shall take on board any cargo or supplies whatever, without the permit of the collector of the district previously obtained therefor, or shall refuse, or unreasonably delay to depart from and out of the United States, after having received a written notice to depart, which such collector may, and shall give, as soon as such ship or vessel shall be fit for sea; or having departed shall return to the United States, not being compelled thereto by further distress or necessity, in each and every such case, such ship or vessel and her cargo shall be forfeited and may be seized, and condemned in any court of the United States having competent jurisdiction.

SEC. 6 *And be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, by his order to remit and discontinue for the time being, whenever he shall deem it expedient, and for the interest of the United States, all or any of the restraints and prohibitions imposed by this act, in respect to the territories of the French Republic, or to any island, port or place belonging to the said Republic, with which in his opinion a commercial intercourse may be safely renewed; and also it shall be lawful for the President of the United States, whenever he shall afterwards deem it expedient, to revoke such order, and hereby to re-establish such restraints and prohibitions. And the President of the



United States shall be, and he is hereby authorized, to make proclamation thereof accordingly.

SEC. 7. *And be it further enacted*, That the whole of the island of Hispaniola shall for the purposes of this act be considered as a dependency of the French Republic: *Provided*, that nothing herein contained shall be deemed to repeal or annul in any part, the order or proclamation of the President of the United States, heretofore issued for permitting commercial intercourse with certain ports of that island.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the public armed vessels of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to this act, and if upon examination, it shall appear that such ship or vessel is bound or sailing to, or from any port or place, contrary to the true intent and meaning of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest convenient port of the United States, to be there prosecuted in due course of law, and held liable to the penalties and forfeitures provided by this act.

SEC. 9. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, shall, and may be examined, mitigated and remitted in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating, or remitting, the forfeitures, penalties and disabilities accruing in certain cases therein mentioned"; and all penalties and forfeitures, which may be recovered in pursuance of this act in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intituled "An act for the government of the navy of the United States"; and all other penalties arising under this act, and which may be recovered, shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage."

SEC. 10. *And be it further enacted*, That nothing contained in this act shall extend to any ship or vessel to which the President of the

United States shall grant a permission to enter and clear ; provided such ship or vessel shall be solely employed, pursuant to such permission, for purposes of national intercourse; and shall not be permitted to proceed with, or to bring to the United States any cargo or lading whatever other than necessary sea-stores.

SEC. 11. *And be it further enacted*, That the act, intituled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall be, and is hereby continued and shall be taken to be in force in respect to all offences, which shall have been committed against the same, before the expiration thereof; and to the intent that all seizures, forfeitures and penalties arising upon such offences, may be had, sued for, prosecuted and recovered, any limitation of the said act to the contrary hereof notwithstanding.

SEC. 12. *And be it further enacted*, That this act shall be and remain in force until the third day of March, one thousand eight hundred and one: *Provided, however*, the expiration thereof shall not prevent or defeat any seizure, or prosecution for a forfeiture incurred under this act, and during the continuance thereof.

APPROVED, February 27, 1800.

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CHAP. XXVII.—*An Act to continue in force the act intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations."*<sup>1</sup>

*Bt it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act passed on the twenty-fifth day of June, one thousand seven hundred and ninety-eight, intituled "An act to authorize the defence of the merchant vessels of the United States against French depredations," excepting such parts of the said act as relate to salvage in cases of recapture, shall continue and be in force for and during the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, April 22, 1800.

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<sup>1</sup>Statutes at Large, vol. II, p. 39.

## Proclamations

*Proclamation of June 26, 1799<sup>1</sup>*

BY THE PRESIDENT OF THE UNITED STATES OF  
AMERICA

### A PROCLAMATION

Whereas by an act of the Congress of the United States passed the 9th day of February last, entitled "An act further to suspend the commercial intercourse between the United States and France and the dependencies thereof," it is provided that at any time after the passing of this act it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order to remit and discontinue for the time being the restraints and prohibitions by the said act imposed, either with respect to the French Republic or to any island, port, or place belonging to the said Republic with which a commercial intercourse may safely be renewed, and also to revoke such order whenever, in his opinion, the interest of the United States shall require; and he is authorized to make proclamation thereof accordingly; and

Whereas the arrangements which have been made at St. Domingo for the safety of the commerce of the United States and for the admission of American vessels into certain ports of that island do, in my opinion, render it expedient and for the interest of the United States to renew a commercial intercourse with such ports:

Therefore I, John Adams, President of the United States, by virtue of the powers vested in me by the above-recited act, do hereby remit and discontinue the restraints and prohibitions therein contained within the limits and under the regulations here following, to wit:

1. It shall be lawful for vessels which have departed or may depart from the United States to enter the ports of Cape François and Port Republicain, formerly called Port-au-Prince, in the said island of St. Domingo, on and after the 1st day of August next.

2. No vessel shall be cleared for any other port in St. Domingo than Cape François and Port Republicain.

<sup>1</sup>Richardson, Messages, vol. I, p. 288.

3. It shall be lawful for vessels which shall enter the said ports of Cape François and Port Republicain after the 31st day of July next to depart from thence to any other port in said island between Monte Christi on the north and Petit Goave on the west; provided it be done with the consent of the Government of St. Domingo and pursuant to certificates or passports expressing such consent, signed by the consul-general of the United States or consul residing at the port of departure.

4. All vessels sailing in contravention of these regulations will be out of the protection of the United States and be, moreover, liable to capture, seizure, and confiscation.

Given under my hand and the seal of the United States, at Philadelphia, the 26th day of June, A. D. 1799, and of the Independence of the said States the twenty-third.

(Seal.)

JOHN ADAMS.

By the President:

TIMOTHY PICKERING,  
*Secretary of State.*

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*Proclamation of May 9, 1800<sup>1</sup>*

PROCLAMATION

MAY 9, 1800.

Whereas by an act of Congress of the United States passed the 27th day of February last, entitled "An act further to suspend the commercial intercourse between the United States and France and the dependencies thereof," it is enacted that at any time after the passing of the said act it shall be lawful for the President of the United States, by his order, to remit and discontinue for the time being, whenever he shall deem it expedient and for the interest of the United States, all or any of the restraints and prohibitions imposed by the said act in respect to the territories of the French Republic, or to any island, port, or place belonging to the said Republic with which, in his opinion, a commercial intercourse may be safely renewed, and to make proclamation thereof accordingly; and it is also thereby further enacted that the whole of the island of Hispaniola shall, for the purposes of the said act, be considered as a dependence of the French Republic; and

<sup>1</sup>Richardson, Messages, vol. I, p. 302.

Whereas the circumstances of certain ports and places of the said island not comprised in the proclamation of the 26th day of June, 1799, are such that I deem it expedient and for the interest of the United States to remit and discontinue the restraints and prohibitions imposed by the said act in respect to those ports and places in order that a commercial intercourse with the same may be renewed:

Therefore I, John Adams, President of the United States, by virtue of the powers vested in me as aforesaid, do hereby remit and discontinue the restraints and prohibitions imposed by the act aforesaid in respect to all the ports and places in the said island of Hispaniola from Monte Christi on the north, round by the eastern end thereof as far as the port of Jacmel on the south, inclusively. And it shall henceforth be lawful for vessels of the United States to enter and trade at any of the said ports and places, provided it be done with the consent of the Government of St. Domingo. And for this purpose it is hereby required that such vessels first enter the port of Cape François or Port Republicain, in the said island, and there obtain the passports of the said Government, which shall also be signed by the consul-general or consul of the United States residing at Cape François or Port Republicain, permitting such vessel to go thence to the other ports and places of the said island hereinbefore mentioned and described. Of all which the collectors of the customs and all other officers and citizens of the United States are to take due notice and govern themselves.

In testimony, etc.

JOHN ADAMS

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*Proclamation of September 6, 1800<sup>1</sup>*

BY JOHN ADAMS, PRESIDENT OF THE UNITED STATES  
OF AMERICA

A PROCLAMATION

Whereas by an act of the Congress of the United States passed on the 27th day of February last, entitled "An act further to suspend the commercial intercourse between the United States and France and the dependencies thereof," it is enacted "that at any time after the passing of the said act it shall be lawful for the President of the United

States, by his order, to remit and discontinue for the time being, whenever he shall deem it expedient and for the interest of the United States, all or any of the restraints and prohibitions imposed by the said act in respect to the territories of the French Republic, or to any island, port, or place belonging to said Republic with which, in his opinion, a commercial intercourse may be safely renewed, and to make proclamation thereof accordingly;" and it is also thereby further enacted that the whole of the island of Hispaniola shall, for the purposes of the said act, be considered as a dependence of the French Republic; and

Whereas the circumstances of the said island are such that, in my opinion, a commercial intercourse may safely be renewed with every part thereof, under the limitations and restrictions hereinafter mentioned:

Therefore I, John Adams, President of the United States, by virtue of the powers vested in me as aforesaid, do hereby remit and discontinue the restraints and prohibitions imposed by the act aforesaid in respect to every part of the said island, so that it shall be lawful for vessels of the United States to trade at any of the ports and places thereof, provided it be done with the consent of the Government of St. Domingo; and for this purpose it is hereby required that such vessels first clear for and enter the port of Cape Français or Port Republicain, in the said island, and there obtain the passports of the said Government, which shall also be signed by the consul-general of the United States, or their consul residing at Cape Français, or their consul residing at Port Republicain, permitting such vessels to go thence to the other ports and places of the said island. Of all which the collectors of the customs and all other officers and citizens of the United States are to take due notice and govern themselves accordingly.

Given under my hand and the seal of the United States of America, at the city of Washington, this 6th day of September, A. D. 1800, and of the Independence of the said States the twenty-fifth.

(Seal.)

JOHN ADAMS.

By the President:

J. MARSHALL,  
*Secretary of State.*

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<sup>1</sup>Richardson, Messages, vol. I, p. 304.

## APPENDIX

### CONVENTION OF PEACE, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND FRANCE<sup>1</sup>

*Concluded September 30, 1800; ratifications exchanged at Paris, July  
31, 1801; proclaimed December 21, 1801*

The Premier Consul of the French Republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two States, have respectfully appointed their Plenipotentiaries, and given them full power to treat upon those differences, and to terminate the same; that is to say, the Premier Consul of the French Republic, in the name of the people of France, has appointed for the Plenipotentiaries of the said Republic the citizens Joseph Bonaparte, ex-Ambassador at Rome and Counsellor of State; Charles Pierre Claret Fleurieu, Member of the National Institute and of the Board of Longitude of France and Counsellor of State, President of the Section of Marine; and Pierre Louis Rœderer, Member of the National Institute of France and Counsellor of State, President of the Section of the Interior; and the President of the United States of America, by and with the advice and consent of the Senate of the said States, has appointed for their Plenipotentiaries, Oliver Ellsworth, Chief Justice of the United States; William Richardson Davie, late Governor of the State of North Carolina; and William Vans Murray, Minister Resident of the United States at The Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

#### ARTICLE I

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

#### ARTICLE II

The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the

<sup>1</sup>Malloy, *Treaties, etc.*, vol. 1, p. 496.

convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

#### ARTICLE III

The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

#### ARTICLE IV

Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy's port excepted), shall be mutually restored on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

*"To all who shall see these presents, greeting:*

"It is hereby made known that leave and permission has been given to ———, master and commander of the ship called ———, of the town of ———, burthen ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ———; after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept, by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms, and ensigns of the [French Republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ——— at ——— the ——— day of ——— anno Domini."

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been renewed or recalled, whatever num-



ber of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

#### ARTICLE V

The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

#### ARTICLE VI

Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favoured nation.

#### ARTICLE VII

The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French Republic in Europe, and the citizens of the French Republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed ab intestato, without being obliged to obtain letters of naturalization, and without having the effect of

this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or ab intestato, shall be exempt from any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either State may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

#### ARTICLE VIII

To favor commerce on both sides it is agreed that, in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if anything be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

#### ARTICLE IX

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

#### ARTICLE X

It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place as may be thought proper from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favoured nations.

## ARTICLE XI

The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said State to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy, in the territories of the French Republic in Europe, the same privileges and immunities, as well for their property and persons as for what concerns trade, navigation, and commerce.

## ARTICLE XII

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Power or under the several, unless such ports or places shall be actually blockaded, besieged, or invested.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

## ARTICLE XIII

In order to regulate what shall be deemed contraband of war, there shall be comprised, under that denomination, gun-powder, saltpetre,

petards, match, ball, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, holsters, cavalry-saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

#### ARTICLE XIV

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

#### ARTICLE XV

On the contrary, it is agreed that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

## ARTICLE XVI

The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

## ARTICLE XVII

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If the master of a ship named in the passport should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

## ARTICLE XVIII

If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

## ARTICLE XIX

It is expressly agreed by the contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient, the two parties reciprocally engaging not to admit, under the protection of their convoys. ships which shall carry contraband goods destined to an enemy.

## ARTICLE XX

In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods; nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

## ARTICLE XXI

And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured or seized, and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

## ARTICLE XXII

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence of decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

## ARTICLE XXIII

And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty-six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand

dollars, or seventy-three thousand six hundred and forty francs, to satisfy all damages and injuries which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggression the said commission shall be revoked and annulled.

#### ARTICLE XXIV

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

#### ARTICLE XXV

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that Prince or State from which they have received their commissions.

#### ARTICLE XXVI

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offenses.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents duly authorized by them (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.



## ARTICLE XXVII

Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulph of St. Lawrence, or elsewhere on the American coast northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris the eighth day of Vendémiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

J. BONAPARTE.  
C. P. FLEURIEU.  
ROEDERER.  
O. ELLSWORTH.  
W. R. DAVIE.  
W. V. MURRAY.

NOTE:—The Senate of the United States did, by their resolution of the 3d day of February, 1801, consent to and advise the ratification of the convention: *Provided*, The second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Bonaparte, First Consul, in the name of the French people, consented on the 31st July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions, which are the object of the said article."

These ratifications having been exchanged at Paris on the 31st of July, 1801, were again submitted to the Senate of the United States, which on the 19th of December, 1801, declared the convention fully ratified, and returned it to the President for promulgation. (Malloy, p. 505.)



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