

40TH CONGRESS, }
2d Session. }

HOUSE OF REPRESENTATIVES.

{ Ex. Doc.
No. 1.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE SECOND SESSION OF THE FORTIETH CONGRESS.

PART I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1868.

proceedings, as directed in your No. 2053, of the 13th of September. Had I not supposed they were regularly furnished by the consuls, I should have supplied them before now.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1463.]

LEGATION OF THE UNITED STATES,

London, October 12, 1867.

SIR : I have this morning received letters from Colonel Nagle and Captain Warren, announcing that they stand committed for trial by a commission to be held in Dublin on the 15th instant. They both apply to me for pecuniary aid in engaging counsel for their defense. Under the instructions I have received, I shall venture to assume the responsibility of authorizing Mr. West to engage counsel to appear on their behalf.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Adams.

No. 2074.]

DEPARTMENT OF STATE,

Washington, October 15, 1867.

SIR : I have to acknowledge the receipt of your despatch of the 13th ultmo., No. 1448, relating to your proceedings in the cases of Colonels Nagle and Warren, and enclosing a copy of your note of the 11th and 13th of September to Lord Stanley, concerning them.

In reply, you are informed that your action thus reported is approved, and that the instructions heretofore given to you indicate the views of the President in relation to these cases.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary

CHARLES FRANCIS ADAMS, Esq., Jr., Jr., Jr.

Mr. Adams to Mr. Seward.

No. 1464.]

LEGATION OF THE UNITED STATES,

London, October 16, 1867.

SIR : On the reception of your despatch No. 2055, of the 16th of September, I addressed a note of thanks to Lord Stanley in recognition of the efforts of Commander Broad and Mr. Consul Carroll to rescue the crew of the American bark Rover, wrecked at the island of Formosa. Copies of that letter and of his lordship's acknowledgments are transmitted herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Stanley.

LEGATION OF THE UNITED STATES,
London, October 11, 1867.

MY LORD: From information officially received by the government which I have the honor to represent, it appears that, on the 26th of March last, Commander Broad, of her Majesty's sloop-of-war Cormorant, with a view to the rescue of such of the survivors of the American bark Rover (wrecked four days before, near the southern coast of Formosa) as might have fallen into the hands of the savages of that island, proceeded to the scene of this disaster, having on board a Chinaman as a guide, the only known relic of the crew.

On the arrival of Commander Broad at the place designated, the small boat of the Rover was discovered on the beach; but, on an attempt to land a force, a fire was received from a jungle so dense as to render it impossible to penetrate it with his small number of men; hence it became necessary to abandon the expedition. It is proper to add that Charles Carroll, esq., the British consul at Tam-suin, kindly interested himself in the matter, and actually accompanied the force for the purpose of rendering all the assistance in his power.

Under these circumstances, I am instructed to seize an early opportunity to express, through your lordship, to her Majesty's government the high appreciation entertained by my government of the generous and humane conduct of Commander Broad and Consul Carroll on this occasion.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. LORD STANLEY, &c., &c., &c.

Lord Stanley to Mr. Adams.

FOREIGN OFFICE, October 15, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, relative to the wreck of the Rover, and I beg to express to you the satisfaction with which her Majesty's government have learnt the assistance which the consul at Tam-suin and Commander Broad were enabled to offer, though unhappily without a successful result, on that occasion.

I have the honor, &c.,

STANLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1465.]

LEGATION OF THE UNITED STATES,
London, October 19, 1867.

SIR: I have to acknowledge the reception from the department of despatches numbered from 2069 to 2071, inclusive.

In connection with the first two of these it is proper to state that the position of the British government has been as far changed since they were written, as to remove the immediate necessity of a remonstrance. Most if not all the persons named by you are held for trial in the course of the next week.

In consequence of my consent to authorize the employment of counsel to defend Colonel Nagle and Captain Warren, as stated in my despatch No. 1463, of last week, I learn from Mr. West that a general council has been made by the others for similar assistance. Hence, Nagle and Warren also not only required the appointment of separate counsel for each of them, but to dictate who they should be. I saw at once there was a good deal of danger that my proceeding would lead to a large expenditure of the public money by way of individual lucrative to numbers of lawyers sympathizing with the Friends agitation and irritating to the government.

I have, therefore, desisted to authorize the employment of more than one person, leaving the selection, however, to be determined by friendly consultation with Messrs. Nagle and Warren. I have further pleaded inability to engage the government in the defense of the other persons, without reference to the

path of investigation. What injury, then, can result to the public mind, or to the interests of true scholarship by its adoption? We command therefore, without further discussion, that the censor's proposal to call for a report on this whole subject, from the high dignitaries of the government, be not entertained. Respect this.

Mr. Burlingame to Mr. Seward.

No. 137.]

LEGATION OF THE UNITED STATES.

Peking, April 23, 1867.

SIR: I yesterday received, through the British minister, Sir Rutherford Alcock, a despatch from Charles Carroll, British consul at Taiwan, Formosa, covering a report of Captain G. D. Broad, of her Majesty's naval service, from which I learn the principal details of the loss of the American bark Rover, and the whole of her crew of eleven persons, who were murdered by the savages on the south coast of Formosa.

The Rover, Captain Hand, left Swatow for Neuchwang on the 9th of March, and on the 12th struck on a rock south of Formosa, (the Vele Rete rocks,) and being in a sinking condition was abandoned by the captain and crew, who left in two boats, one of which alone has been heard from. The news was brought by a Chinese sailor, who escaped in the captain's boat, and who, after incredible hardships, communicated with Captain Broad and the British authorities at Takow. He says all but himself were killed immediately after landing by a musketry fire from the woods. Captain Broad, upon learning this news, immediately tried to save the lives of those who might be living by sending offers of ransom. He subsequently, accompanied by the British consul, Mr. Carroll, with the Cormorant, steamed to the place pointed out by the Chinaman, where the murder was committed, and where the Rover's boat was found. While landing, Captain Broad and party were fired upon, and with difficulty escaped under cover of a fire from the Cormorant. After shelling the woods Captain Broad returned to Takow.

I give these brief details only, as you have doubtless heard all the particulars long before this will reach you from our consuls at the south. I had previously heard a rumor of this affair from our consul at Amoy, Mr. LeGendre, who informed me that he was about to visit the place with the war vessel Ashuelot. I immediately called the attention of the Chinese government to the above facts, and received from it every possible expression of regret for the murders, and proffers of aid to punish the guilty parties. I wrote at once to Admiral Bell, requesting him to co-operate with the Chinese authorities in such manner as the case might require. I wrote also to our consul, Mr. LeGendre, in the same sense, requesting him to thank at once the British consul, Mr. Charles Carroll, and Captain Broad, in the name of our government, and to say to them that I would thank them officially through the British minister here, and at the same time would call the attention of our government to their noble conduct.

These savages are not Chinese, but outlaws of another race, who from time immemorial have been a sort of wrecking banditti. The Chinese and the British minister unite with me in a general movement against them.

I will advise you as I learn of the progress made.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

and Hia Tso-pun. We have carefully read the documents, and it is only beg to observe, that so many civil-dispersed people in those two provinces, and also in Shantung and Kwangtung, have lately been in the habit of collecting in large numbers under the pretence of worshipping the local deities, have been obliged to exercise the greatest vigilance in watching them out and punishing the guilty. It is very probable, therefore, that this edict was passed up to cover so many ignorant and simple people as were living and acting by such practice; and as it does not mention American missionaries by name, it is more than likely that Mr. Kao-wilson quite misapprehended its object, and suspected where there was no ground.

The lawless between Chang Lai-tsu and Hia Tso-pun has been passed by the authorities in Kwangtung in a manner that appears to be just and legal; and the first order to court given by the police and district magistrates has nothing unscrupulous in it, but the final judgment contains expressions that should not have been used, and which they employed without due reflection.

We have already transmitted orders to the governor general of the province and to the governor of Chinkiang, to ensure upon their subordinates of every grade to take the most forcible and to use such expeditious again in any of their official proceedings, lest the safety and good feeling (which should be maintained between natives and foreigners) be put in jeopardy.

We have the honor, in sending this reply, to wish your Excellency the enjoyment of increasing happiness.

WANHANG,
PAUYS,
TUNG HUER,
THIENGLEH,
KIN KU-SU.

His Excellency A. BURLINGAME,
United States Minister.

Mr. F. W. Seward to Mr. Burlingame.

No. 200.]

DEPARTMENT OF STATE,

Washington, June 5, 1867.

SIR: I have the honor to acknowledge the receipt of your despatch of the 9th of February, No. 125, enclosing a copy of a note addressed to you by Sir Rutherford Alcock, upon the subject of the relative rank of United States naval commanders and the consular officers of foreign countries, and to state, in reply, that the matter has been referred to the Secretary of the Navy, with a request that he would take into consideration the expediency of adopting proper measures for the establishment of reciprocal commissions between the respective grades of the two countries.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Burlingame to Mr. Seward.

No. 142 bis.]

UNITED STATES LEGATION,

Peking, June 19, 1867.

SIR: I have the honor to forward herewith despatches Nos. 19, 20, 21, of Charles W. LeGendre, esq., our consul at Amoy, in relation to the American bark Rover, together with a letter of thanks from myself, in the name of my government, (A.) to Charles Carroll, esq., her Majesty's consul at Taiwan, Commander G. D. Broad, of her Majesty's ship Cormorant, with the officers and crew under him, for their prompt and courageous efforts to rescue and avenge the captain and crew of the American bark Rover.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. LeGendre to Mr. Seward.

No. 19.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Amoy, China, May, 1867.

SIR: Referring to my despatch No. 17, I beg to state that I arrived at Foo-Chow-Foo on the 2d of April last. I immediately secured an interview with his excellency the viceroy of the Tohkien province, to whom I read the communication of Mr. McPhail, of Formosa, (enclosure No. 1 in my despatch to your honor No. 17.) at the same time respectfully calling his attention to articles XI and XIII of the treaty of Tientsin, (18th June, 1858,) and finally requesting him to order the civil and military authorities of Formosa to immediately rescue, if possible, such of the survivors of the Rover's crew that might yet remain in the hands of the aborigines, and to inflict just punishment, with the utmost rigor, on the perpetrators of the murder of our citizens.

His excellency complied at once with my request. (Enclosure No. 1.)

Having been detained in Taensai, I reached Taiwanfoo, with the United States steamer Ashuelot, Commander Febriger, on the 18th of April, when I wrote to the authorities of the island. (Enclosure No. 2.)

In answer to my despatch, the following day I received joint communications from the Taotai, general, and prefect, the highest official of the island. (Enclosure No. 3.)

I secured an interview with those officers, whom I visited jointly with Commander Febriger, on the 19th. We were received with the utmost cordiality and the greatest distinction; but the general, although promising to send a force to the seat of tragedy, declined to avail himself of the presence of our forces to effect a landing of his troops. He remarked with reason that, having the responsibility of the operation, he should conduct it with perfect independence of action. I observed that some of the unfortunate might then be yet in the hands of the aborigines, and that no time should be lost in rescuing them. To which the Taotai answered that he knew from certain and official source that all of the wrecked crew of the Rover had been murdered. I remarked to the Taotai and the general that, from my own experience of war operations, I would judge the landing of a force under cover of the Ashuelot's guns so safe that I would not hesitate one instant to land with the Chinese troops if they were only ordered to proceed at once to the seat of the tragedy. Captain Febriger offered them to tow the junks carrying the troops. To which the general said that his troops were not ready. I asked him when they would be ready, that Captain Febriger and myself might wait a few days. The general then very politely remarked that he would be happy to have our company at any time, but that he desired to do whatever would have to be done in this case alone; that the Chinese forces were adequate to the task before them, and that, although much obliged to Captain Febriger and myself for our offers, he would respectfully decline accepting them. We then left, thanking those officers for their reception, but emphatically stating that the United States would insist upon the strict observance of the treaty.

Just before we left the prefect wrote us that he had again called the attention of the Taotai and of the general upon the importance of immediately sending troops against the aborigines.

In Takao I visited her Britannic Majesty's vice-consul, to whom I showed a copy of his despatch (this copy left at Takao) to the Taotai of Formosa, in which he claims the Rover as an English vessel. He promised to rectify this error (of linguist) at an early date by writing to the Taotai a letter that would explain how it happened. The vice-consul kindly furnished me with a sketch of the bay where the Rover's crew were murdered, and which I immediately handed over to Captain Febriger. The vice-consul also told me that the Chinese authorities of Formosa had so far failed to take any steps towards rescuing the wrecked crew of the Rover and punishing the murderers of such as were reported to have lost their lives by the hands of the aborigines, (22d of April.)

At Tang-Kaiow bay, the last Chinese village (24th) south of Takao, Captain Febriger and myself examined the chief of the settlement in his own house. The chief said that he had furnished Captain Broad, of her Britannic Majesty's sloop Cormorant, with pilots and interpreters when he went on the 26th of March to the seat of the occurrence; that we could have the same pilots, but not the interpreters; this interpreter had returned some time since, confirming the murder of all and every one of the crew of the bark Rover by the aborigines. He (the chief) said, also, that so far the Chinese authorities had not sent forward any force against the aborigines, or any one to inquire about the circumstances of the murder, (24th April.)

Captain Febriger concluded to have the pilots offered to him, and we proceeded south; we came to an anchor opposite the scene of the murder without the least difficulty. A small junk that was at anchor was hauled in, and four of her crew were examined by Captain Febriger and myself. (Enclosure No. 4.)

Evidently those men were not sincere, and belong to a class of Chinese living on the coast in various Chinese villages, from Takao to the extreme south of the island, and who furnish shot, powder, and guns to the aborigines, who pay them back in wood. Yet, as the Chinese government might have afterwards claimed them to be their spies, sent there in view of future military operations connected with the wreck of the Rover, I did not judge it advisable to arrest, but, in conjunction with Captain Febriger, I requested them to communicate with

the aborigines for the purpose of securing the burial of the remains of our unfortunate countrymen, and the purchase of such as might remain of their effects or valuables, and for which I promised to pay a liberal price, if ever forwarded to me or handed over when I would return. They promised that they would do their best to comply with my desire, but they emphatically refused to send me to shore, when I had the strongest desire to venture as a peaceful negotiator with one capable of acting as an interpreter. They repeatedly answered that, should they make such an attempt, they would be murdered by the aborigines.

The bay at this point is navigable for any boat, but chiefly to steamers of light draught, like the Ashuelot; but very few rocks were noticeable, if we except reefs that outcrop at low water here and there near the shore. Under cover of guns even a very small party of men could land at any point, and to the westward of the bay a force might be thrown on shore at any time and independently of the ship's protection, the ground there being bare and having commanding heights near at hand, which, extending all along the banks of the bay, could afford a commanding road to the shore, at the centre of the bay. Then the exact position of the aborigines' village being ascertained, the landed force might advance, without fear of any serious obstacle, towards the settlements that would undoubtedly be the object of the expedition.

From my actual observation, I am prepared to say that the shore of the bay is settled by a mixed race, a cross-breed of aborigines and Chinese, most of whom wear tails, as the Chinese themselves do, and my impression is that the various settlements which that race have made along the coast, and which appear to the eye to be a few huts scattered on the flats and on the low grounds, form a mere veil to conceal the presence of the aborigines at that point. Although this mixed race affects to be in a state of constant warfare with the aborigines, I am satisfied that they kept closely connected with them, by taking each other's women for wives, by trading with them, and assisting them in their plunder and crimes, appearing afterwards as mere victims and witnesses to the strength and power of their would-be enemies, and bring it as a sort of bugbear to the Chinese or other nations that might propose to land with a view of their total extermination.

It is universally admitted that the bay at the southern coast of the island of Formosa is a point that should be kept clear from such horde; for it is the only point, with few others situated on the western shore, extending 10 miles toward the north to Loo-choo bay, that offers a sort of natural refuge on that inhospitable coast. The eastern coast of Formosa is extremely high, and falls down abruptly like a sort of rampart into the waters of the ocean, and that extends to the north as the backbone of the island.

How many unfortunate that left Hong Kong and were never heard of, being reported to have been lost at sea, were murdered on that shore; and how many more will be, until prompt and efficient measures are taken to stop the evil?

On the 24th of April we weighed our anchors, arriving in Amoy on the 26th at 9 a. m. I received there a copy of the examination of Teh-Kwang, the only known survivor of the crew of the bark Rover, sent to me by the United States consul at Swatow, (enclosure No. 5.) I had already left Amoy when Teh-Kwang arrived there, on board of her Britannic Majesty's Cormorant, and Mr. E. M. Smith, the deputy consul, had neglected to examine the man.

In connection with the foregoing, I beg to offer to your excellency the following conclusion:

1st. That so far, in concert with Captain Febriger, acting under the orders of Rear-Admiral Bell, I have simply urged upon the Chinese authorities at Foo-Chow and Formosa to rescue such of the survivors of the Rover's crew that might yet be in the hands of the aborigines, according to articles XI and XIII of the treaty of Tientsin, and to do something that could be considered by the United States as sufficient punishment of these wild tribes for the past, and an efficient warning for the future.

2d. No other efforts were made by Captain Febriger and myself to secure the prompt action of the Chinese government in that direction, for we feared by interfering in the least way with the movements of the Chinese officials, they might claim as a redeeming point of their inaction our own intervention, and as a sequence prevent your excellency from hereafter claiming indemnities for the families of such of the Rover's crew that might have been saved, if the Chinese had been more prompt in allowing them the relief they were entitled by treaty to receive from the Formosa authorities.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The Taotai and Prefect of Foo-chow to the Prefect of Formosa.

I beg to inform you that on the 5th day of the 3d moon (9th April) the United States consul general, General Le Gendre, called on our excellency the governor and viceroy, stating that the winds blew to the port of Takoa, and the wild people killed more than 14 men, Americans. The consul, Le Gendre, takes a man-of-war there to manage this case,

and he requests him, the viceroy, to give orders to the local authorities of Formosa to assist the consul to conduct these negotiations.

The viceroy says that in consequence of the consul not writing an official letter he cannot write officially. The viceroy orders us to write you, when the consul goes to Formosa you will try to investigate this case immediately. Find out all the truth to report to the Taotai, and let the Taotai order the civil and military officers to search and seize every one, and report to them, and to carry out the government law, so that we keep friendly with other nations.

If the consul takes measures to manage the case himself, please invite him not to do so, for those savages might give him more trouble than he thinks.

Full respects to you and regards. I hope you will give a satisfactory answer.

Your young brother,

NUG-SEA-MUIG, *Lee-Kueg Lin.*

UNITED STATES CONSULATE, *Amoy, May 10, 1867.*

A true copy of the original, word for word.

CHARLES W. LE GENDRE,
United States Consul.

CONSULATE OF THE UNITED STATES AT AMOY,
On board the United States Steamer Ashuelot,
13th of the 3d Moon, April 19, 1867.

SIRS: I have been informed that the American bark Rover, on the 12th March, 1867, (2d moon, 7th day,) ran upon a rock upon the southern coast of Formosa, and was so much injured that to save their lives the crew were obliged to take to the boats.

The master, his wife, the second mate, and three sailors escaped in the first boat and landed on the southwest point of the island, about 50 miles south of Takao, where they are reported to have all been murdered, with the exception of one Chinese sailor, who escaped.

The second boat, with first mate and seven sailors, is supposed to have landed in the same locality, and to have met with the same fate.

The Chinese who escaped from the first boat came to Amoy, at the consulate, and gave intelligence of the tragedy. I have sent him to his home, Swatow, at the expense of the United States. I now come to request that immediate investigation be made of this case, and if any of the crew of the bark Rover are in the hands of the natives that they be immediately recovered and delivered over into my hands; also that all persons implicated in the outrage be seized and punished in accordance with your laws as prescribed by articles XI and XIII of the last treaty concluded between the United States and the empire of China. Captain Febriger, commander of the United States steamer Ashuelot, informs me that in case you require any assistance he will be glad to join you in the efforts you make towards this end. I shall be very glad to hear that you have accepted his offer.

Respectfully submitted.

CHARLES W. LE GENDRE,
Consul of the United States for Amoy and Dependencies.
Their Honors the GENERAL PREFECT and the TAOTAI of TAIWANFOO,
Island of Formosa.

His excellency the viceroy and governor of the Fohkien province requested me to hand over to you a letter from the high authorities of Foo-Chow, relating to this affair. I shall be happy to deliver it when I have the honor of meeting you.

The General Lin, Taotai Wee, and the Prefect of Taiwunfoo to General Le Gendre, United States Consul.

TAIWANFOO, *April 19, 1867.*

SIR: We received your letter of the 18th April, stating—[here follows copy of consul's letter of 17th April, see enclosure No. 2.]

The Taotai states that on the 23d ultime he received a despatch from her Britannic Majesty's consul, Mr. Carroll, stating that a British vessel on her way to Lan-chio had struck on a rock near "Red Head" island, and that 14 men were obliged to take a boat to Loong-chiao bay, called by the natives Ku-wah-lu Peh Suan; that on landing 13 men were killed and one escaped; that the latter on reaching Mian-a-Kau was assisted by an official with a cargo boat to proceed to Takao, when he visited the British consulate.

The Taotai states that on receiving this despatch he immediately requested Colonel Lin and the district magistrate to accompany soldiers to the spot indicated and to inquire into the matter, ordering that none of the people be allowed to visit the natives (aborigines) and cause trouble. On the 3d instant these two officers report that they went to Get-bu to exam-

ine and take action in the case, and also to see the British consul, Carroll, and the commissioner of customs, White, who agreed in stating that the aborigines resembled wild beasts, and cannot comprehend the usages of civilized society. Further, that the savages conceal themselves in the forest and country, open fire upon those who approach, thus making it exceedingly difficult to employ troops, &c., &c. Again Mr. Carroll wrote a letter of thanks, a copy of which we now send for your information.

On receipt of information relative to the massacre of the master and crew of the Rover by the savages prior to your arrival, we issued directions to the civil and military authorities to adopt measures for the management of the affair; but the savages live in a wild state in the hills, and it is difficult to employ soldiers against them, as the British consul and all others well know, and as they are like apes, and their country is unsurveyed. They are not subject to the Chinese government; hence the Chinese government has from early times forbidden commercial intercourse with them, or to enter their country, and on the borders at the passes are placed guards to prevent these fierce savages from passing to and fro. Now, in the case of this vessel, which unsuspectedly entered the place, and whose crew suffered from ignorance, if any execution of zeal can do it, no endeavor will be spared to bring the offenders to immediate and condign punishment, in order that terms of good fellowship and harmony may exist between China and the foreign powers. We cannot dare to trouble you for the military (or naval) assistance in the matter, since in the event of any accident we should feel more than ever grievous. We have again directed the civil and military authorities to despatch troops and constabulary to carry on operations. We would not request the presence of your your man-of-war to assist us in these operations.

We have, &c.

Statement of four Chinamen, examined by both Captain Febriger and the United States consul of Amoy.

AMOY, May 10, 1867.

There are four men in the junk; the junk is from Taiwanfoo; left Taiwanfoo ten days ago; anchored below Tacao, place named Pang-Leoir; is a Chinese village; was there eight days ago. When he left Taiwanfoo had cotton goods, which they disposed of at Lun-Kein to Chiend, [who] gave them a letter to buy wood; the letter was addressed to the interpreter of the Indians named Moëe; he is a Canton man; lives a mile away; the boat belongs to Nougo-Kantinling in Taiwanfoo. The junk can go into the jetty. The order of Chiend on Nougo paid for the wood. They are now waiting here for the wind to cease; they have two guns. The half-breed brought the wood to the boat; [the name of the captain] cannot talk savage; talks Amoy; Gho Khwan is his name.

SECOND MAN.

Naugh-Poo; belongs to the Pescadores; is from Taiwanfoo; has been to Pang-Leoir; anchored at Lun-Kein harbor; a few pieces of goods was his cargo; sold the goods to Chiend; he (Chiend) told him to get the wood through Moëe; Moëe brought the wood to the boats; does not know if all the men were understood or not. Tung-Tung is the captain of the boat; has been near Amoy, and also to Taiwanfoo. There are Chinese living here; cannot correspond with them; they are going to bring their load to Taiwahhfoo; they hire the boat from Noug-Kan-Tin. The captain pays them \$3 50 for pilots, and \$2 50 per month for mariners.

THIRD MAN.

Lee-Tung; is from Taiwanfoo; he got some money to buy some wood; had no cargo; Chiend gave him the money; Chiend lives in Taiwanfoo; [the owner of the boat,] Noug-Kan-Tin; Moëe sold the wood to him for 18,000 cash; he saw Moëe on the land; does not know if Moëe is a Chinaman or not; he looks like a Canton man. He [Lee-Tung] took the wood on shore partially, and part was brought to him on bamboo lampans; did not know anything about Moëe; saw him on shore, and offered him the wood for sale; he bought the wood yesterday; had no cotton goods; stopped at Pang-Leoir to get water and rice; it is customary to get wood here.

FOURTH MAN.

Koo-Pang; belongs to the boat; gets \$2 per month as wages; is from Taiwanfoo; has nothing on board, no goods; stopped at Hong-Kong below Pang Leoir; arrived here eight days ago; bought wood from Kau-Soo-Moëe, a Canton man. Moëe will sell wood at 5 cash one bundle; that is the price; three bundles weigh about seven pounds.

A true copy:

CHARLES W. LE GENDRE,
United States Consul.

Statement of the Chinaman Tek-Kwang, belonging to Mee-O, in the Kittyang district, taken by the United States consul at Swatow, with the assistance of Rev. William Ashmore as interpreter.

SWATOW, April 9, 1867.

I shipped at the United States consulate February 28, 1867, on the bark Rover. Sailed from the port Saturday morning, March 9th. Had stiff winds and were under close-reefed top-sails. At about 11 o'clock on the night of Tuesday, March 12, we struck a rock on the larboard side. Had seen Formosa the evening before, and were keeping off. When we struck we at once backed the sails, after which she slid off the rock, went a little distance, and then struck on the other side. The captain shifted the helm and then she began to move. The captain then set the men to the pumps, but no water came; they would not draw. I think the pumps were injured by the blow; they were in good order before. The captain sent the first mate down with a light into the hold; he found that the water was already over the ballast. The captain ordered the boats; we all got into two boats; the captain's had six in it, himself, his wife, the second mate, myself, another sailor, and the cook. There was taken in the boat a bed-quilt and some clothing, some water, a little food, a small quantity of spirit, a compass, and sextant; Mrs. Hunt took a small box. The second boat had in it the first mate, the cabin boy, five sailors, and the sailors' cook. We pushed off about one o'clock; we kept in company, rowing until daylight. We staid on board as long as we could; the water was getting so high that we were afraid to stay any longer. At daylight we saw Formosa; we rowed in until about 4 o'clock p.m., the tide also setting us in. When we landed we saw no one. The captain told us that he thought we need not fear, but we must get ashore to save our lives. About 10 o'clock we lost sight of the second boat. We pulled the boat up to the shore; we took on shore all there was in the boat; our clothes were wet; we took them off, wrung out the water and laid them out to dry. The captain sent me to find some fresh water; I found it and brought some back, a bucket full. The place where we landed was a sand beach at the foot of a mountain, very densely wooded. While we were drying our clothes the savages came out of the jungles to the number of 15 or 16; they were one or two women among them, with long dresses and earrings; the men had no clothing but the breech-cloth. When they came out of the bushes they were armed; some had guns, some had knives, some had bows and arrows; the captain called out to take to the bush. At once some of the natives ran to where our things were; others pursued us into the bushes. I bid myself into the bushes; I heard them pursuing; the savages made a great noise calling out; I heard several guns fired; I do not know certainly whether they got any one or not; after a while I saw them come back and divide the plunder; then they went back the way they came. After all was still I came out; I called several times the names of the captain and others; no answer came. Then I found some biscuit, which the savages had rejected, which I took. When night came on I started off, making my way westward; I had a moon until 10 o'clock. The next morning at daylight I went to where some Chinese were. The Chinese settlement was not more than 9 or 12 miles (English) away. I got to this Chinese settlement and told what had happened, and got a man to go and beg the savages not to kill them, but let them be ransomed. I had no money to hire this man, but the kind people contributed about \$3 to hire him. The man was a Chinaman, the only one that ventured among them; this man is a Chinaman's son by one of their women. The man went and came back the next afternoon, with word that five of the captain's boat were murdered the afternoon of the attack. He also brought word that the other boat had arrived in the night, and the next morning two of them were killed. After three days I came to Taikoo; I went to the English consul; he sent a man to make inquiries about the other six men. The man came back with a report that two more men had been killed. The English consul sent a steamer and I went along with it. The boat was still there, but all destroyed; the bottom was knocked out. Three boats went ashore from the steamer with 30 or 40 men. While they were making a landing for the officers, I having gone on shore first, was fired upon; there were 30 or 40 shots fired, all in quick succession; the captain ordered the men back; one man was slightly wounded in his stomach. There were no arms in the Rover's boats. The man-of-war brought me to Amoy. I arrived in Amoy the 31st day of March.

A true copy:

T. C. A. HINYORTS,
United States Consul.

AMOY, May 11, 1867.

A true copy:

CHARLES W. LE GENDRE,
United States Consul.

Mr. Le Gendre to Mr. Seward.

No. 20.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Amoy, China, May 11, 1867

SIR: I have the honor to bring to your notice (art. 576, Consular Manual,) that on the 26th of March, 1867, and with a view to rescue such of the survivors of the American bark Rover, wrecked near the southern coast of Formosa, on the 12th of March last, that might be left in the hands of the aborigines, Commander Broad, of her Britannic Majesty's sloop-of-war Cormorant, having the only known survivor of the crew on board, (a Chinaman,) started for the scene of this painful occurrence.

Commander Broad found the place, and saw the Rover's small boat still on the beach, but, in attempting to land, was fired on from the jungle, which was so dense that it would have been folly to attempt to penetrate it, and the boats returned to the ship. A few shells drove the aborigines from the cover of the jungle to the higher and more open ground beyond; but nothing further was attempted, the force that Commander Broad had at his command being quite inadequate to the task. In this attempt Alfred Flagg, A. B., standing by the side of Commander Broad, was wounded by a spent slug in the abdomen.

On hearing of this I immediately wrote to her Britannic Majesty's consul at this port, requesting him to offer my sincerest thanks for the promptness, daring, and rare courage exhibited by Commander Broad on this occasion, stating that I would transmit a proper statement of these facts to you, to be laid before his Excellency the President of the United States, who alone could make suitable acknowledgment to Captain Broad and such of his crew who have especially distinguished themselves on this occasion, and whose names I begged him to furnish me with at an early date. Enclosure No. 1 is the copy of Commander Broad's answer to me, received through her Britannic Majesty's consul, with a list of those that were present when the commander's party were subjected to the fire of the Formosa Indians.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,
United States Consul at Amoy.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Commander Broad to Mr. Le Gendre.

HER MAJESTY'S SLOOP CORMORANT,
Amoy, April 29, 1867.

SIR: I have much pleasure in acknowledging the receipt of your very handsome approval of my services on behalf of the crew of the late American bark Rover, who had unfortunately fallen into the hands of some savage tribes on the island of Formosa on the 12th of March last.

While deeply sensible of the high encomiums which you have been pleased to express towards myself and those who acted with me on that occasion, I can only say that I was actuated with but one idea—that of saving life, and I deeply regret my efforts in this case were so unsuccessful.

You were kind enough to request the names "of those who especially distinguished themselves on that occasion." I therefore forward you herewith a list of those who were employed in the boats of her Majesty's sloop on that service, one and all having been equally exposed to the same deadly and unforeseen attack from the savages.

I am, dear sir, yours, very respectfully,

GEORGE D. BROAD,
Commander.

General LE GENDRE,
United States Consul, Amoy.

List of the officers and men employed in the boats of H. M. sloop Cormorant, on the 12th of March, 1867, who were exposed to the fire of the savage aborigines of Formosa.

Names.	Rank or rating.	Names.	Rank or rating.
WHALER.		John Hewlett . . .	Ordinary seaman.
George B. Broad . . .	Commander.	Wm. H. Bulley . . .	Shipwright.
Charles Carroll, esq.	H. B. M. acting consul for Formosa.	George Haste . . .	A. B.
John Flynn . . .	Captain's coxswain.	Thomas Henley . . .	A. B.
John McCarthy . . .	Ordinary seaman.	*Alfred Flag . . .	A. B.
John Kerswell . . .	Ordinary seaman.	Robert Sewes . . .	2d captain foretop.
John Every . . .	Ordinary seaman.	Michael Hickey . . .	2d captain forecastle.
James Grice . . .	1st class boy.	George W. Lay . . .	Caulk water.
SECOND GIG.		Francis Viney . . .	Ordinary seaman.
Edgar R. Mathias . . .	Senior lieutenant.	William J. Lee . . .	Ordinary seaman.
Leonard Lucas . . .	Acting surgeon.	John White . . .	Acting serg't R. M. A.
Colier H. Jones . . .	Midshipman.	FIRST CUTTER.	
George Sempers . . .	A. B.	Harry L. Rider . . .	Lieutenant.
John Morris . . .	Ordinary seaman.	†Doctor Manson . . .	Medical practitioner at Formosa.
Richard Tozer . . .	Ordinary seaman.	John Richardson . . .	2d captain maintop.
John Bond . . .	A. B.	Isaac Barkwell . . .	Corporal R. M.
William Knowles . . .	Ordinary seaman.	Henry Bookham . . .	Private R. M.
John Cunningham . . .	Stoker.	William Hewlett . . .	Private R. M.
James McLean . . .	Stoker.	George D. Green . . .	Private R. M.
William Gibbs . . .	1st class boy.	George Walker . . .	Gunner R. M. A.

*Wounded by a spent slug in the abdomen.

†Volunteer.

A true copy, word for word :

GEORGE D. BROAD, *Commander.*

CHARLES W. LE GENDRE.

Mr. LeGendre to Mr. Seward.

No. 21.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Amoy, China, May 11, 1867.

SIR : In conformity with article 573, Consul's Regulations, and as a complement of the information furnished in despatches 17 and 19, I have the honor to report that the bark Rover, wrecked on the 12th of March last, near the south end of the island of Formosa, cleared at Swatow, China, in ballast for Newchwang on March 2, 1867, and sailed a few days after.

She was owned and commanded by Captain Joseph W. Hunt, of Port Jefferson, Long Island, New York. Her crew consisted of W. Harris, of Pennsylvania, first officer; Jonas Asberg, of Sweden, second officer; a cook, seven seamen, all Chinese, belonging at the port of Swatow.

There were also on board Mrs. Mercy G. (Bearnom) Hunt, wife of the captain, and a Chinese servant, also belonging at the port of Swatow.

A bold, but unsuccessful, attempt to rescue such of the unfortunates as might be in the hands of the aborigines was made on the 26th of March, 1867, by Commander Broad, of her Britannic Majesty's sloop Cormorant.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,
United States Consul at Amoy.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

32 D C

A.

*Mr. Burlingame to Mr. Brown.*UNITED STATES LEGATION,
Peking, June 18, 1867.

SIR: It gives me great pleasure to thank, through you, in the name of my government, Charles Carroll, esq., her Majesty's consul at Taiwan, Commander G. D. Broad, of her Majesty's ship Cormorant, with the officers and crew of the same, for their prompt and courageous efforts to rescue and avenge the captain and crew of the United States bark Rover.

The manner of their conduct was as admirable as the motive which prompted it. "We both fully agreed that, though the vessel was American, it was our duty to render the same assistance to the crew as we should had it been a British ship." This noble language of Mr. Carroll, alluding to himself and Commander Broad, states the policy which should guide two kindred nations. It is the fruit of that co-operative system in the east approved by our respective governments. It recalls the best *souvenirs* of our history, and will awaken a new sense of obligation in the breasts of my countrymen.

I have already had the pleasure of calling the attention of my government to the conduct of Consul Carroll and Commander Broad. The names of the officers and crew of the Cormorant have also been brought to its notice.

May I now ask you to acquaint her Majesty's government with this inadequate expression of thanks, to the end that it may appreciate, as others do, the humanity and valor of these officers and sailors.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

J. M. LEAVY BROWN,

*Her Majesty's Chargé d'Affaires, Peking.**Mr. Seward to Mr. Burlingame.*

No. 202.]

DEPARTMENT OF STATE,

Washington, June 20, 1867.

The department is informed by a despatch of the 7th of April last, received from the United States consul at Honk Kong, of the wreck, off the southern point of the island of Formosa, of the American ship Rover, on the 12th of March, 1867, while proceeding from Swatow to Neuchwang. The circumstances connected with the loss of this vessel, as narrated in the despatch, leave no doubt that the crew, together with the wife of the master, were cruelly murdered by the savages inhabiting that portion of the island. You are accordingly instructed—

First. To inquire into the facts of the case.

Second. To report whether the Chinese government is established or acknowledged in any, or in what degree, in the region where the atrocious transaction occurred. If clearly so, then to demand investigation and punishment, with such indemnities as are possible.

Third. If no organized government exists there you will suggest what form of proceeding should be adopted with a view to obtain redress and prevent such transactions in future.

Fourth. You are advised that in no case do the United States desire to seize and hold possession of Formosa or any part of said island.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Allen to Mr. Seward.

[Extract.]

No. 22.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Hong Kong, April 7, 1867.

SIR: For some days past rumors of the most painful nature have been reaching us concerning the loss of the American ship Rover off the island of Formosa. Our worst fears in that regard are now even surpassed by the circumstantial information communicated through the columns of the "China Mail," a daily journal published here. And, as the information thus communicated comes direct from a gentleman attached to her Britannic Majesty's steamer Cormorant, which vessel visited the scene of the catastrophe, I deem the information entirely reliable; and deeming it probable that no more authentic or circumstantial account of the disastrous event can ever be obtained than this now given, I have thought it advisable to lay the same before the department in the manner communicated by the correspondent himself. I therefore append hereunto the statement as published in the newspaper above referred to:

[From the China Mail, Hong Kong, April 6, 1867.]

"WRECK OF THE ROVER OFF FORMOSA.—MURDER OF THE CAPTAIN, HIS WIFE, AND CREW.—ATTACK BY THE NATIVES ON THE BOATS OF HER MAJESTY'S STEAMER CORMORANT.

"A correspondent has favored us with the following letter relating to the above events. The concluding paragraph of it deserves the serious attention of all who are interested in insuring the safety of commerce in the China seas. Her Majesty's steamer Icarus left Foo-chow on the 3d instant for the scene of the wreck:

"' TAKAO, FORMOSA, March 30, 1867.

"' To the Editor of the China Mail:

"' SIR: I regret to have to communicate to you the wreck off the south point of this island of the American bark Rover, on her voyage from Swatow to Neuchwang, under circumstances which leave no doubt that her crew were foully murdered by the savage natives of that place.

"' The news was brought here by a Swatow Chinaman, who alone was fortunate enough to escape, and who arrived at Takao on the 22d instant. His story was that the vessel left Swatow on the 9th instant, and struck on rocks (evidently the Vele Rete rocks) on the 12th. She floated off, but in a sinking condition, and the master (Captain Hunt) determined to abandon her. The crew took to the boats, and were divided as follows: the captain, his wife, one mate, and three Chinese in one boat, the other mate and seven Chinese in the other. They pulled northwards, but during the night were parted. The first boat sighted land after 17 hours' pulling, and its occupants landed and sat down on the beach. After sitting about half an hour they were surprised by a discharge of fire-arms from the bush close by, directed on to their party. Without waiting to see the result of this volley the Chinaman fled and hid himself till night, when he crossed the hills and reached Leangkiou, a Chinese village, whence, after a delay of six days, he got passage to Takao in a sampan. On receiving this intelligence Captain Broad, in command of her Majesty's steamer Cormorant, which happened to be in port, at once decided upon steaming down the coast, and, if possible, to ransom any of the crew who might have survived.

"' The Cormorant left Takao on the morning of the 25th, having on board Mr. Carroll, her Majesty's acting consul for Formosa, and Dr. Manson, of Takao, who joined the expedition as a volunteer. She first anchored at Leangkiaou, where arrangements were made for sending a conciliatory message to the savages, with promises of rewards for any lives saved. A Chinaman who understood the savage dialect was also persuaded with great difficulty and under promise of good payment to act as interpreter. About 4 p. m. the ship anchored in the bay at the extreme point of the island, where on the beach were to be seen the remains of the boat from which the unfortunate crew had landed.

"' Being desirous of giving the messenger from Langkiaou time to reach the savages, and so to avoid taking them by surprise, no one landed during the afternoon nor until 9 o'clock on the morning of the 26th, when the whaler, the gig, and the cutter were ordered to be prepared.

"' In the first were Captain Broad, Mr. Consul Carroll, and the native interpreters; in the second, Lieutenant Mathias and Dr. Lucas, the surgeon; and in the third, Lieutenant Ryder and Dr. Manson. The two first pulled to shore where the Rover's boat was lying, and the cutter lay on her oars about 30 yards from the shore, with orders to keep a lookout for any hostile movement. Everything, however, appeared quiet—no natives to be seen save on the hills about 300 yards from shore. A few buffaloes had also made their appearance on another part of the beach, with what object did not appear, and in charge of no one.

"' Lieutenant Mathias was the first to jump ashore, and Captain Broad was in the act of

doing the same, when a sharp fire of musketry was opened upon the party from two points in the jungle at not 20 yards distance. The abrupt nature of the sand-beach at this spot, however, prevented this first volley from taking effect on the whaler and gig.

"The position of the foe being only indicated by the smoke from their muskets, and they themselves being quite hidden in the dense bush, Captain Broad wisely determined not to risk the lives of his men in the pursuit of an invisible enemy in a jungle, where every advantage would have been on their side. The boats were therefore ordered off, the retreat being covered by the cutter, from which was kept up a fire, which, from the cries of the savages, evidently told. Their bullets and arrows, however, now fell thickly round the boats, all of which were struck in several places, one ball passing right through both sides of the whaler only a few inches below the seat on which were sitting Captain Broad and Mr. Carroll.

"It is a cause for great congratulation, therefore, that the only casualty was a flesh wound received by one of the blue jackets in the cutter. In the same boat the stock of one of the marines' rifles was shot through as he was in the act of firing it.

"As no doubt now remained as to the sad fate of the Rover's crew, nothing could be done but to inflict some punishment on their murderers. On returning to the ship, therefore, a fire of shell was opened upon the thickets, out of which they now ventured. The effects were soon visible, large parties being seen to hurry up the hills in the rear of the position they had occupied. At the two points alone whence fire was opened there could not have been less than 50 men, while I feel convinced that others were stationed all along the bay, the buffaloes being only a decoy to entice the crew ashore.

"To explain this I must state that the one and great object of life of a Formosan savage is to obtain heads, and I doubt not that they were greatly disappointed at not getting a few from the Cormorant. They fired not long ago into the boats of the Swallow, and I feel convinced that the crews of half the sailing vessels which have been lost and never heard of, on their way northward from Hong Kong, have perished at this spot. The very cunning of their ambuscade in this instance proves that they are adepts, and the lives of the whole party are probably due to some accident, such as one excited man having fired his musket too soon. Had they waited two minutes longer not a man in the whaler and gig could have escaped, and even as it was their escape appears miraculous. Masters of vessels leaving Hong Kong should be specially warned on no account to land at this spot, the more so now, as the sight of a foreign-made boat lying on the beach might induce them to do so.

"It is much regretted that these savage tribes should be allowed to hold possession of this beautiful and valuable anchorage, situated, as it is, so conveniently for northward-bound vessels in the northeast monsoon, and it would be a great boon to commerce could they be cleared out and a settlement of Chinese encouraged in their place. The hills are fertile and undulating, and the soil appears rich enough amply to repay the labor of cultivation. The climate in the winter is healthy and invigorating, and the summer would be cooled by the breezes of the southwest. As a sanitarium for the worn-out inhabitants of Hong Kong it would be unequalled. The mission of the Cormorant was intended as one essentially of peace and mercy, but, with the experience now gained, and with a force sufficiently strong, a single well-organized attack would drive the savages from the coast, and a few years of government protection would do the rest. I trust that the matter may be ere long taken up in the proper quarter and effectually carried out. The importance of the question affects not alone the English, the American, or any other nation, but touches all who are in any way connected with China—either its trade or its government."

* * * * *

I have the honor to remain, most respectfully, your obedient servant,

ISAAC J. ALLEN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burlingame to Mr. Seward.

No. 144.]

LEGATION OF THE UNITED STATES,
Peking, July 14, 1867.

SIR : Referring to my despatch of last spring relating to the condition of the indemnity fund, I have now the honor to acknowledge yours of April 5th, No. 195, in which you direct me to purchase bills on London and remit the surplus of the fund to you. This, though a little different from the first intimation, has been complied with; and on the 11th instant I transmitted orders to Messrs. Olyphant & Company, the depositary at Hong Kong, to draw out the sum of

two hundred and twenty thousand dollars, for which I furnished them an order on the manager of the Oriental Bank corporation. The management of this transaction was necessarily left very much to their judgment and knowledge, my directions being to get safe bills of exchange payable to your order on the most advantageous terms, and remit them directly to you. By the time that I learn the amount of interest money still remaining in the bank, I shall probably have received your reply to my previous despatch about building, and then the whole can be drawn out.

I still cherish the hope that this money will be applied to the purpose for which I have so often urged its appropriation, and the school which its income might support will yet be established to do good to this people, and be an honor to the American name in this land. I confidently rely on your own influence in its favor to aid in carrying out the plan which you have approved.

I have the honor to be, sir, your most obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Burlingame.

No. 204.]

DEPARTMENT OF STATE,
Washington, July 6, 1867.

SIR : I have received your despatch of April 10th, No. 134, together with accompanying documents, namely, certain memorials to the Chinese government and its replies on the subject of enlarged institutions for scientific education.

The proceedings described in these papers are exceedingly interesting, and manifest a strong tendency on the part of the imperial government toward assimilation to the institutions and customs of the western nations.

Trusting that you will lend your best exertions to favor this tendency,

I am your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 206]

DEPARTMENT OF STATE,
Washington, July 15, 1867.

SIR : The department has received a despatch of the 1st of April last from Mr. Le Gendre, the United States consul at Amoy, accompanied by an extract from a letter of a Mr. McPhail, of Formosa, on the subject of the wreck of the American bark Rover, on a shoal near that island, and the subsequent murder by the savages of thirteen out of fourteen of her crew. Mr. Le Gendre says that he was about to embark in the United States steamer Ashuelot for the scene of the disaster for the purpose of inquiring into the case; that he had written to you, and had asked instructions in regard to it. The directions to you upon the subject, contained in my No. 202 of the 20th of last month, are repeated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Le Gendre to Mr. Seward.

No. 17.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Annoy, April 1, 1867.

SIR : I have the honor to bring to your immediate knowledge an extract of a despatch just received (enclosure No. 1) from Mr. McPhail, of Formosa, and conveying to me the painful intelligence of the murder of 13 Americans.

I shall leave at once for the seat of the occurrence, availing myself of the presence, at Foochow, of the United States gunboat Ashuelot to strengthen my hands in the measures I may be compelled to take to obtain redress and compensation from the local authorities of the island.

I advise the minister at Peking of the affair, asking for instructions as to future steps.

This painful news reached me as I was furnishing a special report of the Coolie case, tried in this court during the quarter ended March 31, 1867, which I had hoped to send you by this mail; I shall do so by the next French mail. This case appears, however, in the usual quarterly report sent to the department through the consulate general.

I have the honor to be, sir, your obedient servant,

CHARLES W. LE GENDRE,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Extract of letter of Mr. McPhail, of Formosa.

About ten days ago the American bark Rover, from Swatow, bound to Neuchwang, in ballast, was wrecked on the "Bashas." The crew, 14 in all, made their way to a place called "Pang Livio," about 20 miles from Tachow, in the long boat, where they were all murdered by the savages, except one who has arrived at Takow.

Mr. Burlingame to Mr. Seward.

No. 145.]

LEGATION OF THE UNITED STATES,
Peking, July 17, 1867.

SIR : I have the honor to forward a modification of the treaty respecting the penalty to be levied on the masters of merchant vessels for overpassing the allotted time of 48 hours after entering port without reporting their arrival.

The reasons for this will be found in enclosures A and B.

It is agreed between Prince Kung and myself, pending a reference to you, that the XIXth article of the treaty of Tientsin shall be understood to include hulks and storeships of every kind under the designation of *merchant vessels*; and shall be defined for this offence by the first sentence of article XXXVII of the British treaty, and the legal penalty to be inflicted on the master for neglecting to report his arrival within 48 hours shall be a fine of 50 taels for every day's delay, but not to exceed in all the sum of 200 taels.

This modification is made known to United States citizens in China, in manner and form as set forth in enclosure C.

This change in the treaty puts no additional hardships upon commerce, but removes doubts as to construction, and prevents a violation of the spirit of the treaty.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Prince Kung to Mr. Burlingame.

[Translation.]

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication: It is on record that the collector of the port of Canton informed the foreign office in the month of October, 1866, that the American sailing ship Tropic had entered that port, and that the consul had overpassed the limited time without reporting her to the customs. On learning this proceeding, instructions were given to Mr. Hart, the inspector general of customs, to learn the facts of the case, and he has now sent in the following report:

"I have received a despatch from the commissioner of customs at Canton, in which he states as follows:

"The foreign treaties all contain a provision that, when a merchant ship enters port, she is allowed 48 hours within which to report her arrival at the customs, and failing to do so, she subjects herself to a fine; but the treaty with the United States does not mention any fine, though the same limit is given for reporting the vessel. On the 19th of July, 1866, the American ship Tropic came up the river to Whampoa, but no notice having been given by the United States consul of her arrival for half a month afterwards, the collector sent a note to him inquiring about her. He replied that, as she was only a hulk, he did not deem it necessary to report her at the customs; to which the collector rejoined, that though she was a hulk, it was incumbent on the consul to report her just the same; and that, as she had overpassed the allotted time, she had subjected herself to a fine. The consul did not reply precisely whether or not he thought that she ought to be reported; but contended that, while the British treaty expressly mentioned the amount of the fine to be levied in such cases, the American treaty did not state any sum, and argued, further, that even if it should be decided that hulls should be reported the same as other vessels, this one could not, according to the American treaty, be fined for not doing so. During the month of August the statement of the United States consul of the circumstances connected with the Tropic coming into port, with the letters that passed between him and the collector, were all forwarded to Peking to the American minister, and to the foreign office, that the question might be discussed and settled between them."

In looking over this correspondence between the consul and collector, it appears that the discussion involves two points: one, whether hulls come properly under the regulation about reporting ships; and the other, whether an American ship that has failed to report her arrival within 48 hours should be fined the amount mentioned in the treaty with another country.

As to the propriety of hulls reporting their arrival in port to the customs, it is enough to refer to the article XIX of the American treaty, in which it is stipulated: 'Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee shall, within 48 hours, deposit the ship's papers in the hands of the consul, who shall cause it to be communicated to the superintendent of customs,' &c., &c. Now, the expression *merchant vessel* has a wide signification. It includes the greatest and smallest craft; those made of wood, and those made of iron; those with one, two, or three masts, whether called sailing vessels or steam vessels; whatever floats that is employed to convey merchandise or passengers, whether it goes and comes at certain intervals, or remains constantly at anchor within the limits of the port, storing goods in its hold, or affording accommodation as a residence. These are all properly termed *shang chuen* or *merchant vessels*, and the *tun chuen* or *hulks* are nowise different, and, like other merchant vessels, should be reported at the custom-house. Now, it is plain that this ship Tropic should have been reported by the consul the same as any other trader, for she was once a regular merchantman, which had afterwards been lying in Hong Kong as a receiving hulk, and had now come up to Whampoa to go into dock to be fitted up for freighting cargo.

In regard to the other question, whether an American merchant vessel that is not reported at the customs should be fined according to the stipulations of another treaty, as, for instance, the British, it may be observed that, when a British vessel overpasses the prescribed limit without being reported, she is of course fined according to it. But let this question be looked at from another point of view. Although article XXXVII of the British treaty contains an express provision that a vessel that is not reported subjects herself to a fine, yet it might sometimes be excused if the reason for overpassing the stated time had been owing to the captain or consignee's inability, or any other cause; but the delay in reporting this ship was entirely owing to the American consul erroneously concluding that it was needless to do so in the case of a hulk. It was, in fact, only at the end of August, after a long controversy on the subject, that he first reported her.

Furthermore, supposing the Tropic had been a British ship, on this reasoning she could not have been fined even with the declaration in the British treaty of the amount of the fine; and of course still more so in the case of an American ship, judged by a provision in the British treaty. The whole argument would go to nullify the reason for fining any ship whatever. If the stipulation in this matter in the British treaty be taken as the test, and it be

undetermined whether offending American vessels can be brought under it, the whole question under discussion becomes very difficult of decision. For if, when the treaty of one country states no definite sum, and the case can be decided only by the express declaration given in the treaty of another nation, it is not permitted to refer to that treaty, the point can only then be decided by general principles of international law.

"The treaty stipulations of one country refer only to the natives of that country, and are to be carried out by its particular officers. In article XL of the French treaty it is stipulated that whatever provisions in the treaties with other countries are not contained in the French treaty, shall yet be enjoyed by all French subjects; and a similar favorable clause is also contained in the American treaty. Even if the principles of international law confirm the view, that an American vessel should be fined according to the stipulations of the British treaty, yet as both the French and American treaties contain clauses which give them its advantages, there seems to be no need of inquiring what decision international law would give in this question.

"It is known that every foreign treaty contains an express stipulation requiring the consignee of every merchant vessel on entering port to hand in a true manifest of her cargo, and that if she be detected in giving a false manifest, she subjects herself to a fine of 500 taels. But the American treaty, while stipulating that every American merchant vessel must hand in a true manifest, says nothing of the fine to be levied for infringing this requirement. The foreign office brought this point to the notice of the United States minister in 1863, and after a full examination of the subject he agreed to a modification, and sent instructions to all the United States consuls at the ports, making it a rule that whenever the consignee of any vessel gave in a false manifest of her cargo, the vessel was subjected to a fine of 500 taels, according to the provisions of the British treaty. Now it would be well if this case of the Tropic could produce another like arrangement, and a rule be made that hereafter, whenever an American ship came into port, and overpassed the time for reporting herself, her offence should be brought under the same rule. A limit of two days for reporting at the customs causes no damage or hindrance to the merchants; and as a proviso in the treaty clearly stating it is desirable for carrying on business at the custom-house in a uniform manner at all the ports, I respectfully request the foreign office to communicate and consult on the subject with the American minister, and request him to issue a notice like the one he issued in 1863, to all the United States consuls at the ports, requiring them whenever a merchant vessel of any size or description enters a port, to report her arrival at the customs within the appointed time; and if it be overpassed without reporting, that then, although the American treaty does not mention any sum, she shall be fined according to the provisions of article XXXVII of the British treaty. A notice like this will make the practice uniform at all the custom-houses, and prevent all further controversy on this point. This present case of the Tropic, charging her with not having been reported within the specified time, resulted, in fact, partly from the unintentional mistake of the American consul, and partly from the remissness of the consignee in not reporting to him; it therefore need be no further discussed, nor the amount of the fine to be levied."

On reading this report of the inspector general, I find it stated that in the year 1863, when the American traders were found on some occasions to have given in false manifests of cargo, that this office consulted with your excellency on the subject, and it was decided that in future such offences should be punished by fine according to article XXXVII of the English treaty, so that they need not be subject to any heavier mulct. It appears, too, that article XIX of the American treaty stipulates that a period of two days after entering the port is allowed every merchant vessel to report to the customs; and the phrase "merchant vessel" is a term of wide application, and includes hulks as well as all other sorts, and that when these last enter port they should be required to report within two days, as well as all others, under penalty of a fine. The American ship Tropic has committed the offence of not reporting within the appointed time, and as it appears from the inspector general's report, in consequence of the neglect of the consul at Canton. It is not clear on what grounds the consul excuses this neglect, for his correspondence does not agree with itself. It ought to be punished by the fine stated in article XXXVII of the British treaty, but as Mr. Hart explains the circumstances of the transaction, it may be overlooked, and no further discussion taken on it.

It is proper, however, to request your excellency, for the regulation of the American trade in China, to issue a notice similar to that made in 1863, to the merchants through their consular officers, directing that in all cases when an American merchant vessel of any description enters any port, that she must be reported at the customs within two days, under penalty of the fine stated in article XXXVII of the British treaty. A distinct rule of this sort will prevent a consul repeating the mistake of not reporting a vessel, and also prevent the merchants being involved in a mulct without any fault of their own, an advantage in fact, to both nations.

The adjudication of the offence of the consul at Canton in not reporting the vessel, is left entirely in your excellency's hands.

His Excellency ANSON BURLINGAME,
United States Minister.

JUNE 29, 1867, (Tungchi, 6th year, 5th moon, 28th day.)

Mr. Burlingame to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, July 11, 1867.

SIR: I have the honor to acknowledge your despatch of the 29th ultimo, in which you inform me that the American ship Tropic, which came into port at Canton in July, 1866, was not reported at the custom-house for a fortnight after her arrival, and that when the collector wrote to inquire about it, the United States consul replied that he did not deem it necessary to report hulks; to which the collector rejoined, that it was not only necessary that hulks should be reported like other vessels, but this one had subjected herself to a fine for not doing it; whereas the consul again gave answer that the treaty with the United States contained nothing about fining a vessel for failure to report; and that finally the discussion on these points could not be satisfactorily terminated by these officers.

I have carefully examined into this case and conclude that the consul, supposing it to be unnecessary to report hulks at the customs, allowed the Tropic to overpass the allotted time for doing so. Moreover, as he did so with a full knowledge of all the circumstances, he has sent me a report of all, so that I can understand and decide the matter. It has been the custom for many years past for hulks to come up the river to Whampoa, and there remain without reporting to the customs, so that, seeing that the usage had existed for so long a time, it does not appear that it was an unintentional mistake of the consul in not doing so.

But the reasons alleged in the despatch now under reply, why hulks should be reported like other merchant vessels, commend themselves to my judgment as being proper; and so also do those urging that when an American vessel overpasses the allotted time for reporting herself, she should be fined. I have accordingly deemed it proper to inform the consuls of the United States at all the ports, that for the present, whenever an American merchant vessel enters any port and exceeds the allotted time without reporting herself at the custom-house, she shall be liable to the same fine as stated in article XXXVII of the British treaty.

I shall send a full statement of this matter to the government of the United States, and when I have been honored with the commands of the President in reply, I shall again bring the subject to the notice of your highness.

I have the honor to be, sir, your highness's obedient servant.

ANSON BURLINGAME.

His Imperial Highness Prince KUNG, &c., &c., &c.

C.

Mr. Williams to United States consuls in China.

LEGATION OF UNITED STATES,
Peking, July 17, 1867.

SIR: His Excellency Hon. Anson Burlingame, United States minister, having been in consultation with his imperial highness Prince Kung, respecting the penalty to be levied on the masters of merchant vessels under the treaty of Tientsin for overpassing the allotted time of 48 hours after entering port without reporting their arrival, it has been agreed between them that pending a reference to Washington, the XIXth article of said treaty shall be understood to include *hulks* and storeships of every kind, under the designation of *merchant vessels*, and shall be defined for this offence by the first sentence of article XXXVII of the British treaty, and the legal penalty to be inflicted on the master for neglecting to report his arrival within 48 hours shall be a fine of 50 taels for every day's delay, but not to exceed in all the sum of 200 taels.

I am directed to make known this modification of article XIX of the American treaty for your guidance and the information of American citizens under your jurisdiction.

By order:

S. WELLS WILLIAMS,
Secretary of Legation.

To _____
United States Consul.

Mr. Seward to Mr. Burlingame.

No. 207.]

DEPARTMENT OF STATE,

Washington, July 18, 1867.

SIR: I have to acknowledge the receipt of a despatch from you dated the 1st of May, No. 138.

That paper is accompanied by copies of regulations relating to pilotage, and

to passengers' luggage, proposed by the Chinese government and agreed to by the representatives of the treaty powers at Peking. While approving your action on assenting to the propositions referred to, it is deemed necessary to remark that such assent is not intended to modify our treaty rights in any manner, and that this government reserves the right of future objection to any interpretation of either of the regulations which may be found inconsistent with existing treaties.

You are instructed to make these views known to the Chinese government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Memorandum on the pilot and port rules forwarded by Mr. Burlingame in his despatch No. 138.

The pilot rules heretofore enforced in the ports of China have been promulgated by the foreign authorities. Those forwarded by Mr. Burlingame are proclaimed by the Chinese government, and assented to by Mr. Burlingame. The old system was never got to working well, as there would always turn up some impracticable consul to put obstacles in the way. The rules now proclaimed proceed from a central and undisputed authority, and are likely to be well worked in connection with the well organized customs establishment of the empire.

Under the treaty we have, perhaps, no right to interfere with such pilotage rules as the Chinese make, unless they trench injuriously on the privileges of ex-territoriality accorded to our officers and people in China, or embarrass our trade. I do not know that these do or are likely to do the one or the other.

It may be questioned, however, whether the Chinese have the right to hold the consignee of a vessel responsible for pilotages due on it, (Rule XIV;) and it should not be permitted that the customs should withhold the usual facilities to consignees or masters to enforce the decisions of the harbor-master in certain cases. (Rules XII and XIV.)

The port rules for passengers' luggage, duty-free goods, and steam tugs seem well adapted to the purposes, and in accordance with the treaty and usages, with the following exceptions: The last clause of the rule relating to passengers' luggage should not be construed as a prohibition against conveying dutiable goods as may be convenient. Should there be intent to defraud, it would be right to confiscate the luggage, but, perhaps, not otherwise. And the last clause of the rule relating to duty-free goods might be complained of, as contravening the XX article of the treaty, which provides for the examination of goods when being shipped or discharged at the vessel's side, should it be enforced with unnecessary hardship.

It is, I suppose, always understood that the assent of the minister to rules made by the Chinese government does not forestall his right to demand a change in them when in practical application they occasion unnecessary hardship, (*vide* article XXVIII,) or otherwise contravene our treaty rights.

GEO. F. SEWARD.

WASHINGTON, July 15, 1867.

Memorandum by E. Peshine Smith.

It seems to me that several of the regulations are so vaguely expressed that it is impossible to see they may not be so construed as to infringe on treaty rights, and therefore, that it might be well to accompany an approval of Mr. Burlingame's assent with a notice that we find it necessary to observe that the assent is not intended to modify our treaty rights in any manner, and reserve the right of future objection to any interpretation of either of the regulations which may be found inconsistent with the treaties.

E. PESHINE SMITH, *Examiner.*

Mr. Hunter to Mr. Burlingame.

No. 208.]

DEPARTMENT OF STATE,
Washington, July 24, 1867.

SIR: I have to acknowledge the receipt of your despatch of the 29th of March last, No. 133, enclosing a memorandum drawn by Mr. Hart, illustrating the

liberality of the Chinese authorities in appropriations for the erection of lighthouses. This gratifying communication will be submitted to the honorable the Secretary of the Treasury, whose views on the subject will be sought and communicated to you.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Hunter to Mr. Burlingame.

No. 210.]

DEPARTMENT OF STATE,

Washington, July 24, 1867.

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of April last, No. 137, concerning the shipwreck of the American bark Rover. Substantially the same account had been received through the Navy Department a short time previously to the reception of your despatch. The instructions already sent to you on this subject will, it is believed, prove a sufficient guide for your treatment of this matter.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 213.]

DEPARTMENT OF STATE,

Washington, August 23, 1867.

SIR: You are already acquainted with the tragic affair of the loss of the United States merchant vessel Rover, off the island of Formosa, and the destruction of her crew by the savages residing there.

From a report made upon that subject to the Secretary of the Navy, by Rear-Admiral Bell, I extract as follows:

I am satisfied that the barbarities of those savages cannot be permanently stopped until the government at Peking be induced, by the action of the American and other foreign ministers at that court, to occupy all the villages and bays on the east coast and on the south, and thus drive the aborigines back to the interior of the island. They are a cruel pest to all mariners who may be so unfortunate as to be thrown on their coast; and there is no known way of dealing with them as a community.

The President desires that you will confer with the representatives of the western powers at Peking, and in co-operation with them, if it shall be practicable, earnestly urge upon the Emperor's government the policy suggested by Rear-Admiral Bell. I shall look with much interest for your proceedings under this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANSON BURLINGAME, Esq., &c., &c., &c.

Mr. Seward to Mr. Burlingame.

No. 214.]

DEPARTMENT OF STATE,

Washington, September 13, 1867.

SIR: I have to acknowledge the receipt of your despatch of 12th of March last, No. 131, in relation to the disposition of the surplus of the Chinese insur-