

COMPENSATION TO CONSULAR OFFICERS AND APPOINT-
MENT OF CONSULAR CLERKS.

LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING

Correspondence relative to the inadequacy of the compensation of consular officers, and asking for authority to appoint a limited number of consular clerks.

JANUARY 27, 1859.—Referred to the Committee on Foreign Affairs and ordered to be printed.

DEPARTMENT OF STATE,
Washington, January 25, 1859.

SIR: I have the honor to transmit herewith a communication, with enclosures accompanying it, addressed to Hon. G. W. Hopkins, chairman of Committee on Foreign Affairs, touching the inadequacy, in some cases, of the compensation allowed to consular officers; suggesting some further legislation for their relief; recommending that authority be granted to the President to appoint a limited number of consular clerks; also recommending an amendment of the "Act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte; giving certain judicial powers to ministers and consuls of the United States in those countries," approved August 11, 1848; and appropriations for the salaries of six marshals, and for the rent of prisons to be attached to several of the United States consular courts in China, Turkey, and Siam.

I will thank you to give the communication the proper direction.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. JAMES L. ORR,

Speaker of the House of Representatives.

DEPARTMENT OF STATE,
Washington, January 25, 1858.

SIR: I have the honor to suggest for the consideration of the committee of which you are chairman, and with a view to further legislation upon the subject, certain modifications and amendments of the act entitled "An act to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," approved August 11, 1848; and also the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

Under the provisions of the treaties concluded between the United States and the countries above named, and also more recently with Siam, American citizens charged with the commission of criminal offences are withdrawn from the jurisdiction of those countries, respectively, and are subject to be tried and punished only by the consular officer or other authorized public functionary of the United States. In like manner, all litigated questions arising between American citizens involving the rights of persons or of property are subject to the jurisdiction and regulation of the authorities of their own government, and controversies occurring in those countries between American citizens and the subjects of other governments are regulated by existing treaties without interference on the part of the local authorities. These are very important concessions to American citizens, and, taken in connexion with the act first mentioned, they impose weighty duties and responsibilities, not only upon the consular officers, who, in certain contingencies, discharge the functions of judicial officers, but upon the government of the United States, to provide the means requisite to enable the consular courts to carry into execution their own decisions. Hitherto, in China and Turkey, the consular officers have been dependent upon the courtesy of the English consuls for the use of their jails for the confinement of prisoners either awaiting trial or under sentence of the courts. The United States consuls have repeatedly been informed that the exigencies of the English consular service will not permit the continuance of this privilege, in consequence of which not unfrequently individuals guilty of criminal offences have either not been apprehended, or, after trial and conviction, have been turned loose upon society, in violation of the implied duties of the United States towards the countries with which they have entered into treaty stipulations for the government of American citizens.

It is accordingly recommended that the President be authorized, whenever he shall think there is sufficient reason therefor, to allow consular officers who are clothed with judicial functions in the dominions of the Ottoman Porte, China, and Siam, the actual expenses of rent of jails for the safekeeping and care of offenders; and, for this purpose, an appropriation of three thousand dollars is requested.

No provision has heretofore been made for marshals of the consular courts, and they have been paid either by the consuls from their

own limited salaries, or by special appropriation by Congress; the fines which have been imposed and the fees paid for judicial services having been found entirely inadequate to defray the necessary expenses of the consular courts. These officers are indispensable, and it is accordingly recommended that the President be authorized, whenever he shall consider it expedient, to appoint marshals to the consular courts in Turkey, China, and Siam, not to exceed six in all in number, who shall be entitled to compensation for their services, respectively, at a rate not to exceed one thousand dollars per annum, to be determined by the President, and to assign such marshals, from time to time, to such consulates in said countries, with such duties and instructions as he may think proper, and for this object an appropriation of six thousand dollars is recommended.

The attention of the committee is also invited to the suggestion of the United States minister in China, an extract from whose communication on the subject is hereto appended, on the subject of a modification of the act of August 11, 1848, so as to confer upon the United States minister in China jurisdiction in certain cases, and also to the despatch of the United States minister in Turkey, recommending an extension of the judicial powers of the minister and consuls in that country, so as to give them jurisdiction in civil cases in which American citizens are concerned.

I beg leave also to renew the recommendation, heretofore made by my predecessor and myself, for authority to appoint consular pupils, or clerks, at certain of the most important consulates, and to refer to the communications upon the subject which have heretofore been made to Congress, copies of which are hereto annexed.

It will be remembered that when the bill regulating the diplomatic and consular systems of the United States was under consideration provision was made for the appointment of such officers; and, at certain consulates to which clerks were to be assigned, salaries were recommended by the department at a corresponding lower rate. In consequence of the repeal of the seventh section of the said act, consular clerks are paid by the consuls from their own limited compensation. It not unfrequently happens that the duties of the most important consulates devolve upon the chief clerks of such consulates, and it is very desirable that such clerks should be American citizens possessing experience in the discharge of the consular duties, and the qualities requisite for the faithful discharge of them.

I beg leave, therefore, urgently to recommend that the President be authorized to appoint consular clerks, not exceeding twenty in number, with authority to assign them to such consulates, and with such instructions, as he may think proper, and at a rate of compensation, to be fixed by the President, not to exceed in any case one thousand dollars, which shall be paid entirely from the consular fees received at the consulates to which such clerks shall be respectively assigned. Should the authority be granted to make such appointments no appropriation will be required.

The experience of two years, during which the consular system has been in operation under the provisions of the act of August 18,

1856, has shown to the satisfaction of the department that, in many cases, the salaries established by that act are inadequate for the support of consular officers, and do not afford, especially in view of the expenses to which they are necessarily subjected in consequence of their official position, an adequate remuneration for their laborious services, or the responsible duties which they are required to discharge.

I beg leave to call the attention of the committee to the several communications, copies of which are hereto appended, and also to the despatches of the consuls at Calcutta, Bremen, Hamburg, Frankfort, Liverpool, St. Martin, and Havre, and the commercial agent at the Amoor river, heretofore transmitted, received from consular officers respecting the inadequacy of consular compensation. These despatches are by no means all which have been received relating to this subject, but are sufficient, as it is believed, to furnish the necessary information upon the subject.

It is also proper to state that new consulates might with advantage be established for the protection of seamen, the care of American interests, and for the development of an increasing commercial intercourse between the United States and the districts and countries in which the following places are situated, viz: Taiwhau, in Formosa; Swatou, in China; Harburg, in Hanover; Ghent, in Belgium; and a commercial agency at Lagos, in Africa.

No provision was made by the act regulating the diplomatic and consular systems of the United States, approved August 18, 1856, for salaries at forty-three consulates and commercial agencies, at which, at the suggestion of the department, small salaries from \$500 to \$1,000 each had been previously allowed, which were barely sufficient to reimburse the consular officers at these places for the additional expenses to which they were necessarily subjected in consequence of their official position. The total amount of these salaries was \$36,250, more than half of which was returned into the treasury from the consular fees collected at these consulates. At some of these places, where important commercial interests require the presence of consular officers, as at Malta, Gibraltar, Arica, and a few others, some relief might be given by restoring the salary formerly allowed, or by appropriating a larger amount for the same purpose, and permitting the consular officers at these places to transact business.

I have also to recommend that the provisions of the act of August 11, 1848, hereinbefore mentioned, with such modifications as may be thought expedient, be made applicable to Siam, under the treaty concluded May 29, 1856; and to Persia, under the treaty concluded December 13, of the same year, so far as the several provisions of the said treaties may permit.

I am, sir, your obedient servant,

LEW. CASS.

Hon. GEORGE W. HOPKINS,
*Chairman Committee on Foreign Affairs,
House of Representatives.*

*Mr. Cass to Messrs. Sickles and Barksdale.**

DEPARTMENT OF STATE,
Washington, May 11, 1858.

GENTLEMEN: Your letter of the 30th March, inviting any suggestions which the department may think it proper to make with reference to our diplomatic and consular system, has been received.

There are some changes in the present law upon this subject which could doubtless be made with advantage, and this is especially the case in reference to the salaries of our consuls and secretaries of legation. In the present state of the treasury, however, and in consequence of the near approach of the end of the session, I think it better to defer a full reply to your letter until the next session of Congress.

But there is one point to which I wish to call your attention now. On the 27th of March, 1856, a resolution of the House of Representatives was referred to this department, with the request to communicate the views entertained by it upon the expediency of modifying the diplomatic and consular service of the United States.

The views of the department were embodied in the form of drafts of two bills amending the act of March 1, 1855, remodeling the diplomatic and consular systems of the United States, and preserving them entirely distinct from each other. These drafts were transmitted to Hon. A. M. C. Pennington, chairman of the Committee on Foreign Affairs of the House of Representatives, accompanied by communications from my predecessor, dated respectively May 23 and June 26, in explanation of the provisions of the bills.

By the eighth section of the draft of the consular bill it was proposed that "the President be authorized to appoint consular pupils, who shall be citizens of the United States, and to assign the same for service under the consuls general, and the consuls prohibited from trading as merchants whenever, in his opinion, such pupils may be needed for the transaction of the consular business; and each of said pupils shall receive a salary not to exceed one thousand dollars per annum, the actual amount received in each case to be determined by the President. Before such appointment, however, proof of his qualification and fitness for the office, by examination or otherwise, shall be furnished to the Secretary of State, and by him laid before the President." The term "consular pupil" was here used as nearly synonymous with consular clerk, and agreeably to the phraseology introduced into the consular convention on the 23d of February, 1853, between the United States and France, by which important rights and privileges were granted to this class of consular officers.

A certain grade of salary was assigned to the principal consulates, varying with their relative importance and the amount of business

* Reference is made to this communication in the preceding letter addressed to the chairman of the Committee on Foreign Affairs.

transacted at each of them. These salaries, which were subsequently established by Congress without essential change, were fixed with reference to the section above quoted, by which it was expected that such clerical assistance as might be required at the most important consulates would be rendered by the consular pupils, under the instructions of the President, a copy of which is herewith enclosed, without expense to the consuls. Congress, at its last session, having repealed the seventh section of the act of August 18, 1856, which authorizes the appointment of consular pupils, and made no corresponding increase in the consular compensation, the expense of employing clerks has fallen very heavily upon certain consuls, and thus rendered their salaries entirely inadequate for their support; especially is this true of the consuls at Liverpool, Havana, Calcutta, Shanghai, and some other places. Chiefly for this reason the government has lost at the two last named consulates two of its most efficient and experienced consular officers. In confirmation of the views of the department, I beg leave to transmit herewith extracts and memoranda from despatches received from several of the consular officers at the principal ports. I desire likewise to refer to a communication addressed by my predecessor to Hon. R. M. T. Hunter, on the 3d of January, 1857, which will be found on page 364 of the Congressional Globe, 3d session, 34th Congress, and to invite your attention to the remarks in the Senate of Mr. Mason and Mr. Hunter, in explanation of the views of the department, and of Mr. Florence and Mr. Marshall in the House of Representatives.—(See pages 572 and 573 of the same volumes.)

I therefore recommend, unless it be considered expedient to restore the 7th section of the act of August 18, 1856, that the President be authorized to appoint consular clerks, not exceeding ten, to be assigned with such duties to such consulates general and consulates named in schedule "B" as he may think proper, who shall be entitled, respectively, to receive compensation for their services at a rate not to exceed one thousand dollars per annum, to be determined by the President.

Should the authority which is now requested be granted, there will be no necessity of increasing the amount of the appropriation for the salaries of the diplomatic and consular officers of the government, provided the department be authorized to pay the compensation of such consular clerks as may be appointed from the balance remaining unexpended on the 30th of June next of the amount appropriated for salaries of consular officers for the fiscal year ending on that day; or provision may be made by law for their payment from the consular fees received at the several consulates to which such clerks may be respectively assigned.

I beg leave to add, for your further information, that it is stated by the Secretary of the Treasury that the total amount of fees paid into the treasury of the United States by the United States consular officers, from July 1, 1855, to December 31, 1856—the period during which the act remodeling the diplomatic and consular system of the

United States was in existence—was \$115,309 92; and during the year ending December 31, 1857—being the first year of the existing consular act—the amount was \$172,490 28.

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

LEWIS CASS.

Hon. D. E. SICKLES and Hon. WM. BARKSDALE,

Committee on Foreign Affairs, House of Representatives.

Mr. May to Mr. Hunter.

DEPARTMENT OF STATE,
Washington, January 3, 1857.

SIR: I have the honor to call your attention to an item in the diplomatic and consular bill now before the Senate, for the salaries of consular pupils, which was submitted by this department to Congress, in the estimate presented at its present session, but which has been stricken out by the House of Representatives. This item was introduced into the estimates in accordance with the seventh section of the act "to regulate the diplomatic and consular systems of the United States, approved August 18, 1856," which provides "that the President be, and he is hereby, authorized, whenever he shall think the public good will be promoted thereby, to appoint consular pupils, not to exceed twenty-five in number at any one time, who shall be citizens of the United States, and entitled to a compensation for their services, respectively, at a rate not to exceed \$1,000 per annum, to be determined by the President; and to assign such pupils, from time to time, to such consulates, and with such duties as he may think proper; and before the appointment of any such pupil shall be made, satisfactory evidence, by examination or otherwise, shall be furnished of his qualifications and fitness for the office to the Secretary of State, and by him laid before the President."

It will be recollected that the necessity of a revision of the consular system having been repeatedly urged upon the attention of Congress during the last quarter of a century, an act was passed on the 1st of March, 1853, with great unanimity, by both branches of Congress, to remodel the diplomatic and consular systems of the United States, which went into operation on the 1st of July of the same year. In carrying the act into practical operation some provisions were found defective, and others necessary to be supplied by future legislation. The friends and advocates of the law, knowing the difficulties attendant upon a measure of so much magnitude as that of remodeling two great departments of the public service, foresaw that supplemental legislation would be needed, and it was rightly supposed that whatever of inevitable imperfection there might be in that initiatory enactment it was a step in the right direction, and would, of course, in due season, receive the attention of Congress. Accordingly, at the next succeeding session, and after the law had been more than a year in operation,

tered it. A clerk of the ability of what a consul should be would be entitled to \$2,500 and his board, and, besides, has opportunity to speculate, and looks forward to advancement.

I am sure Mr. Smith will find that he cannot live here on the salary that he is to receive.

Very truly, yours,

GEORGE B. GLOVER,
Acting United States Consul.

MEMORANDUM OF MR. C. W. BRADLEY, UNITED STATES CONSUL, NINGPO.

Notes on the additional Chinese ports opened by conventions with the four treaty powers.

Niuchwang, in the Manchu province of Shinking, is the most northern port opened by any of the treaties. It is situated at the mouth of the Liao river, which empties into the northeastern extremity of the Gulf of Liautung, in about latitude $40^{\circ} 45' N.$, longitude $122^{\circ} 50' E.$, some thirteen leagues from Moukden, the capital. The limited productions of the province are wheat, barley, pulse, millet, ginseng, rhubarb, timber, camels and horses, some of which are now exchanged at Kí-iu-wán, (a market town on and within the frontiers of Corea,) and others are bartered with the Fuhkien junkmen, who mostly monopolize the trade of the place by sea. A few of the native craft also ply between this and Tientsin, laden with grain for the "Great Northern Capital." The harbor is artificial, formed by strongly built stone piers, between which an opening is left capable of admitting the largest junks, which, however, can only enter and depart at high water; at low tide the larger vessels remaining within it always ground. The winters in this region are represented as long and intensely severe. I imagine that no American consul will be required here, and that the opening of the port was obtained by Great Britain rather as a convenient place for watching the movements of Russia towards the south and west than for the inconsiderable commercial advantages which it affords. Count Poutiatine, the Russian minister, was opposed to this concession, and I think it was solely on political grounds.

Tangchau-fu, the largest seaport in the fruitful province of Shantung, is situated near the Straits of Míatau, on a point of land which forms the southeastern boundary of the Gulf of Pechili, in about latitude $37^{\circ} 45' N.$, longitude $121^{\circ} 16' E.$ Its harbor is good, although it can only be entered at high water. Williams ("Middle Kingdom," I, 76) intimates that its maritime trade is small, and confined to the neighboring coasts of Shinking and Corea. In this he is mistaken; for large fleets of junks from the provinces of Fuhkien, Chehkiang, and Kiangsu are constantly engaged in traffic, carrying away the abundant productions of this agricultural region, viz: millet, rice, wheat, maize, and fruits. Mineral coals are also largely exported. A consul will probably be required here within two or three years.

Tanshwui lies on the northwest coast of the island Taiwan, or Formosa, (belonging to the province of Fuhkien,) in latitude 25° N., longitude $121^{\circ} 18'$ E. I know nothing of its advantages as an open port, except its vicinity to the abundant coal fields of Kílung, from which it is distant a little more than one degree. There is likely to be a considerable trade between it and the opposite coast on the main land, of such products as are exported from Taiwan. There will probably be little or no American trade here for some years to come.

Taiwan-fu, the departmental city in the island of Taiwan, (Formosa,) is situated on the southwest coast of the island, in latitude 23° N., longitude $120^{\circ} 7' 50''$ E. It carries on a large and thrifty commerce with many places on the main land and in the Eastern seas, exporting rice, maize, fruits, timber, camphor, indigo, salt, sulphur, &c. A considerable and increasing European trade has been permitted at this port for the past three or four years. I deem it highly important that it should have a consular officer, not only for the protection of commerce, which cannot fail to be considerable, but also for the sake of our seamen, many of whom are from time to time wrecked on the Formosan coast, where they are either put to death or held in captivity, or otherwise suffer extreme hardships.

Swatau, the entrepôt of Chauchau-fu, is a large town lying at the mouth of a small river on which the "*fu*" city of the department (Chauchau) is situated. It is in the province of Kwangtung, near the northeast boundary which divides this province from Fuhkien. More definitely, its position is on the Tropic of Cancer, longitude *circa* 117° E. Chauchau-fu, after Canton, is, perhaps, the principal city in Kwangtung. About six years ago the nefarious slave traffic, called "coolie trade," was started here by British merchants, under an indirect sanction of the Hong Kong government, since which it has become the chief coolie mart in China. The aforesaid merchants generally employ American vessels for this business, so as to avoid the necessity of an examination at Hong Kong, agreeable to an ordinance which seems to have been gotten up expressly to allow British subjects to engage in the slave trade, if they can manage to conduct it under any other flag but their own. The principal staple of export is sugar, of which vast quantities are shipped yearly to Europe, America, and Australia. Next to Fuhchau, this appears to me the most valuable port opened to us, and, in my opinion, should be made a consulate.

Kiungchau-fu, the capital of the department of Hainan, an island lying south of and near to Kwangtung, to which province it belongs. It is situated on the Straits of Luichau, three miles above the mouth of the Límu river, in latitude about 20° N., longitude $110^{\circ} 20'$ E. Hai-kau-so, the port of Kiungchau-fu, stands at the river's mouth, on a long, narrow peninsula. The harbor is good, but difficult to enter, the straits being narrow and much obstructed with shoals and reefs. The island of Hainan lies directly in the track of the typhoons, (cyclones,) which are most likely to occur in the months of July, August, and September, and cause immense destruction of life and property. Exports: sugar, timber, rice, tobacco, cocoa-nut oil, hides,

wax, *areca catechu*, or betel-nut, cocoa-nuts, and fruits. Imports: cotton and cotton piece-goods, broadcloths, flints, opium, and all kinds of Chinese manufactures. Rice and sugar are commodities which will be likely to attract foreign commerce to this port, and make it a mart of some importance.

Of Chinkiang-fu, on the Yang-tsz'-kiang, and Hankau, I will take note for you hereafter.

Mr. Interpreter Martin very sensibly remarks that "the effect of giving to foreign ships the range of the coast will probably be to throw the whole coasting trade into their hands, to the detriment of the native junks." Already the Chinese prefer foreign vessels, not only because they are swift, insurable, and secure from pirates, but because they sail more cheaply than junks, the latter being subject to restrictions, impressments, and dangers, which oblige them to charge high freights. All that was needed to complete the ascendancy of the foreign ship has now been acquired in the reduction of tonnage dues and exemption from more than one payment in four months. Small American vessels, (say from 300 to 450 or 500 tons,) well officered, will doubtless secure a good part of the coast trade, and are likely to sail more safely than heretofore, since, with the displacement of the native craft, the pirates who preyed upon them may be expected to disappear.

Until, however, our tonnage measurement shall have been altered, and made to conform with that of Great Britain and of maritime Europe in general, we shall probably be under chartered by the vessels of those countries; paying, as they do, four mace for *fifty* feet, as tonnage dues, whilst we pay the same for *forty* feet.

C. W. BRADLEY.

NEW HAVEN, *Connecticut*, November 20, 1858.

Mr. Eustis to Mr. Appleton.

SIR: I beg leave to enclose a statement in relation to the state of affairs at Tehuantepec, and to ask your favorable consideration of the application in relation to the consulship.

I remain, with much respect, your obedient servant.

GEO. EUSTIS.

Hon. JOHN APPLETON,

Assistant Secretary of State.

Mr. Benjamin to Mr. Davidson.

WASHINGTON, January 21, 1859.

DEAR SIR: I have your favor of yesterday, asking me whether I have any private intelligence from Tehuantepec calculated to throw light on the condition of things there. I can best answer your inquiry by extracts from letters of the officers of the company.