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Memo No 9.

On the 8th inst. Mr. Ferguson,
His Netherlands Majesty's Charge
d'affaires, called upon me at the
Acton House to pay his respects. On
the 10th I returned Mr. Ferguson's visit,
and in the course of our conversation
this Gentleman stated that he had
done himself the honor to call upon
His Imperial Japanese Majesty's Ambassa-
dor, but that His Excellency had
not returned the Compliment. In connection
with the interview which I had with Mr.
Ferguson on this occasion I beg to
submit Enclosures Nos. 1 and 2
which

which sufficiently explain themselves.

It appears from Mr. Ferguson's statements (Enclosures No. 1, 2) that His Imperial Japanese Majesty's Ambassador had not returned the call of His Netherlands Majesty's Charge d'affaires, either directly or through an officer holding the same rank as Mr. Ferguson; or if, as we know was done, Mr. Ferguson's call was returned in the latter manner, he (Mr. Ferguson) was not aware of it; and he improved the opportunity thus afforded him to express his disappointment at not having been favored with a personal return visit from His Excellency. This leads us to inquire whether His Netherlands Majesty's Charge d'affaires had any right

to expect a return visit from Mr. Sayeshima in person.

There are two kinds of Charges; those who are originally sent and accredited by their Government, and those substituted in the place of the Ministers during their absence. (Martens Manual Diplomatique, Chap. 1, paragraph 11).— Mr. Ferguson claimed that he was of the first category, and also ranked as an Envoy. (See Enclosures No. 1 and 2).

It may be that Mr. Ferguson's Commission is so worded that he can claim the second rank among diplomatic officers, under paragraph 2nd, Article 1st of the Rules of the Recess of the Congress of Vienna of the 19th March, 1815.

"ou Autres accredites aupres des souve-
 rains". To decide the point his commis-
 sion should be examined; but this I had
 no opportunity to do. But if we should
 venture to decide from what we know
 of Mr. Ferguson's position by his verbal
 statements during one conversation of the
 8th inst. we must not overlook the fact
 that, if A. N.'s government gave its
 agent the title of 'Charge d'affaires'
 because the Emperor of China would not
 have received him had he come to China
 with the title of Envoy, and A. N. Majesty
 did not wish to be thus affronted, it
 must follow that he was simply accred-
 ited to the Minister of Foreign Affairs;
 and this conclusively brings him, under
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the rules, in the fourth class of diplomatic officers, who cannot claim admittance to the presence of the sovereign of the Country to which they are accredited. In this Capacity, however, Mr. Ferguson figures as the Chief diplomatic officer of the Netherlands in China, where he has been permanently stationed; and inasmuch as H. J. M.'s Ambassador returned the call of the Chief of H. J. Q. M.'s mission, ranking one degree below Mr. Soyeshima, His Excellency might, without impropriety, have returned in person the call of Mr. Ferguson, who, though ranking three degrees below him, yet stands at the head of H. J. M.'s mission, under the peculiar circumstances in which
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The diplomatic body is situated at Peking. (See my letter to Mr. Ferguson, noted above, lines to 1.)

On the other side, Mr. Soyeshima can claim that the position of affairs at Peking has nothing to do with the case. Diplomatic calls are not so much intended as marks of respect to the representatives called upon as to the persons they represent. As Charge d'affaires, Mr. Ferguson represents A. S. U.'s Minister for Foreign affairs. Mr. Galy represents the Emperor of Russia; and Mr. Soyeshima may justly claim that, although he is an Ambassador, and not expected to return the calls of officers of an inferior rank to his own, still he

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he will give that mark of respect to such of his colleagues as, like himself, represent a sovereign, but he is not prepared to adopt the same course with others who represent only the sovereign's secretaries.

I have dwelt at length upon this subject because, although it belongs rather more to the code of manners than of laws, the discussion of it may aid in applying rules in respect to visits of etiquette, the non-observance of which with one member of the diplomatic body may be resented by all the others, and therefore may be attended with inconvenience in the performance of the more serious and important duties which may devolve upon us.
(Martens)

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(Martens Manual Diplomatique, Ch 4, §§ 33-36.)

According to Article 4 of the rules of Vienna, quoted above, the diplomatic officers will take rank, amongst themselves, in each class according to the date of the official notification of their arrival at their port.

There being no officer of the rank of Ambassador at Peking, Mr. Soyeshima will be invited to take the seat of honor at all public ceremonies, and to preside at all official meetings.

In my opinion, Mr. Soyeshima has a right to expect the first call from the Envoy of other powers after they have been notified of his arrival in Peking, and it will be good taste on his part to return their calls promptly
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and in person, at least to Envoys.

The notification which I have said
should be made to the diplomatic circle,
is generally communicated to the Minister
of Foreign Affairs by a secretary of the
Embassy, or any other person attached to
the mission, who hands to the Minister
a copy of the Ambassador's letter of
credence, at the same time requesting an
audience of the Sovereign for his principal.
If the full power authorizing the Ambassa-
dor to negotiate has been inserted in
the letter of credence, a copy of the
same might be joined to the notification;
if the power is made in the shape of letters
patent, they should be copied and sent also.

All these matters of detail are gener-
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ally attended to by the Secretary of the Legation. They are fully explained in Martens Manual Diplomatique, which work I should invite the gentleman who may be vested with that important position in the Embassy to consult, We have not this work in our library; in fact we have no foreign work of any kind upon such subjects. I could not buy any in Japan or in China; and when I applied for them in Yedo, Mr. Smith stated that the Department had none. He said that the ones which he used were his private property and that he could not part with them. However, I doubt not that a copy of Martens may be procured at either the French or the Russian Legation in Peking. Mr. Hirai
being

being rather better posted on such matters than any body else in the Embassy, having had much practice in Yedo as Secretary to H. E. Mr. Seyshima, and speaking several languages, I should respectfully recommend his appointment as Secretary of the Embassy, and that he enter upon the duties of his Office at once.

The other members such as Mr. Yamagawara and Mr. Yoda may be gazetted under their present rank as being on special service in China with the Embassy; and the others, like Mr. Shi, as Interpreter, first, second and third attaches and so forth. After the Treaty shall have been ratified and other matters settled, all these Offices may be left as diplomatic or Commercial agents with such

Such titles as Minister, Superintendent of
Trade and Consul General, etc., as Mr. Soy-
-shima will consider it proper to confer
under the authority he has received from
His Imperial Majesty.

The positions which the members of
the Embassy are to hold should be settled
at once, otherwise the members of other
Legations will be at a loss to
determine the degree of consideration
with which each member should be
treated, and the same may lead to
misunderstandings and involuntary
offences, which, being resented, may
result in ill feelings which may
ultimately endanger our success
in China.

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Unofficial & Confidential.

Shanghai, April 12th, 1873.

Dear Sir:-

I gathered from the conversation
I had the honor to have with you
on the 16th inst, that Mr. Seyeshima
had not returned your call before his
departure, either in person or otherwise.
You also stated, I believe, that you
considered yourself entitled to a return
visit from the Ambassador, owing to the
fact that, being a Charge d'affaires
A. E. J. A. Ferguson originally
A. N. de Charge d'affaires etc etc.

Originally sent by the Government of
H. M. Majesty, you belong to the class
of Diplomatic Officers designated in
the rules framed at Vienna as being
accredited to the person of the Sovereign,
(*"en qualité accrédités auprès des Souverains"*);
and inasmuch as you understand that
Mr. Soyéshima has returned the calls of
Officers of that class of other nations,
you felt that he should have returned
your visit; that, moreover, owing to the
peculiar attitude of China in her relations
with foreign powers, the diplomatic officers
in the East stood on a footing of equality with
each other, they all being denied admittance
to the presence of the Emperor and notwithstanding
the rank which they hold under
their

their respective Governments, they must,
as *Charge' d'affaires* Generally do,
transact their business through the Minister
of Foreign affairs, and besides you held
that the powers which are conferred
upon Officers of the second rank are
equal to those which, in former times,
were exclusively given to Ambassadors;
and therefore the former, owing to long
usage, are treated with the same
consideration as the latter class; and
as you are an Officer of the envoy
category, you felt that, under the rules,
Mr. Soyéshima was not justified in the
course he took.

You finally called my attention to the
friendly relations which have long existed
between

between the Government of His Netherlands Majesty and that of Japan, and you pointed out the fact that if the late occurrence were reported to your Government these friendly feelings might be disturbed.

To this I replied that as regards the relative ranks of diplomatic officers, I could not concur with you, and I maintained that the custom of sending Ambassadors and conceding to them a higher rank than was given to other diplomatic officers, obtains yet in Europe. As proof, I alluded to Count de Morny's Embassy to Russia in the beginning of the reign of Napoleon the third; and I said that Mr. Soyeshima
considered

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Considered himself entitled to the same
consideration and respect from the foreign
representatives at the Court of Peking
as the Count de Morny, as Ambassador
from the Emperor of France, received
at St. Petersburg: Putting this aside,
and regarding only the alleged fact of
Mr. Soyeshima not returning your call,
I had only to say that he had, in my
presence, expressed his intention of
returning your visit, and I feared
there was a misunderstanding some-
-where, and as soon as I could meet
the Ambassador, either at Tientsin or
at Peking, I would place the above facts
before him, and write you unofficially
about it, unless you desired to have
it

it done in an Official manner.

In order that I may present
this matter in its proper light to
Mr. Foxe-Smith, I would thank you
to kindly let me know whether the
above is a correct resume of our
conversation. I shall go aboard
the steamer tonight, and I beg
that you will have the goodness
to favor me with your reply
today at your earliest conve-
-nience,

I have the honor to be

Dear Sir,

Yours very Respectfully,

J. H. Ferguson Esq.
Chief Officer of the Steamer.

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Shanghai, April 12th 1873.

(Confidential)

Dear Sir!

I just received your
note of to-day, and to comply with
your request concerning an affirmation
of the private conversation which I had
the honor to have with you, at my house,
on the 10th inst., I have the pleasure to
state, that all what you quote in your
letter is correct, as regarding the General

His Excellency

Generalport

General G. W. Le Gendre
etc. etc.

purport of my statements to you in the
said conversation.

Two expressions, however, which I read
in your letter in another light than I
meant them to be understood, I take the
liberty to repeat here.

In the course of our conversation, I alluded
to the friendly relations which exist between the
Government of His Imperial Majesty the Mikado
of Japan and the Netherlands Government,
and that, as the Netherlands Government is
very particular about his representatives in
foreign countries be in perfect harmony with
those of other friendly Powers at the same
Court, it would certainly cause much regret
to my Government, that my visit to His
Excellency the Ambassador of His Imperial
Majesty

Majesty the Mikado, to the same Court to
which I am accredited as Charge d'Affaires
of His Majesty the King of the Netherlands,
has not taken any notice of, by His Excel-
lency, Mr. Soyeshima, - as it would be
attributed to personal dissatisfaction, which
I could not believe to exist, as His Excellency
has honoured me with a generous and kind
reception, at the time I had the honour to
call upon H. E., the day after the arrival of
the Embassy at Shanghai. What regards the
suggestion, that the friendly feelings between the two
Governments might be disturbed, as you
quote in your letter, I am sure that you
misunderstood me - as no Government
can be held responsible for the personal interchange
of civilities among their respective representatives at

at a foreign court.

The second quotation in your letter, in which you misunderstood my meaning, is, that I considered myself entitled to a personal return visit from the Ambassador of His Imperial Majesty the Mikado of Japan to the Emperor of China. On the contrary, although I suggested to you, in this, our private conversation, my subjective views regarding the de facto ranks of the different Diplomatic Agents, as caused by the peculiar political position of China, yet I acknowledged, that an Ambassador, as being the representative of the person of the Sovereign, is not allowed to return officially the visit of any Diplomatic Agent of a second or third rank, but that I expected

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expected a visit from His Excellency
the Ambassador Soyeshima, by the
kind way His Excellency received me,
and that I heard (although I was not
sure of the fact) that His Excellency
had paid a visit to the Russian Minister
and to Dr. Williams the United State
Secretary of Legation.

I should be very sorry, if this
affair should give you the least trouble,
and, as I stated to you, in our con-
versation on the 10th inst, I am
perfectly satisfied with the verbal assu-
-rance you then gave me, and which
you have the kindness to repeat in
your letter: that His Excellency
Mr. Soyeshima had in your presence,
expressed

expressed his intention of returning my
visit, and that there was a mis-
understanding somewhere. I therefore
beg You will not trouble Yourself or
His Excellency the Ambassador, any
more about the matter, as I regarded
the whole affair as terminated the
moment You explained me Your opinion
about the matter.

I have the honor to be

Dear Sir

Yours Very respectfully

J. H. Ferguson.