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**Four claims of the government of China against the United States : communication from the president of the United States transmitting with a letter from the director of the Bureau of the Budget, a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for the payment of four claims presented by the government of China against the government of the United States.**

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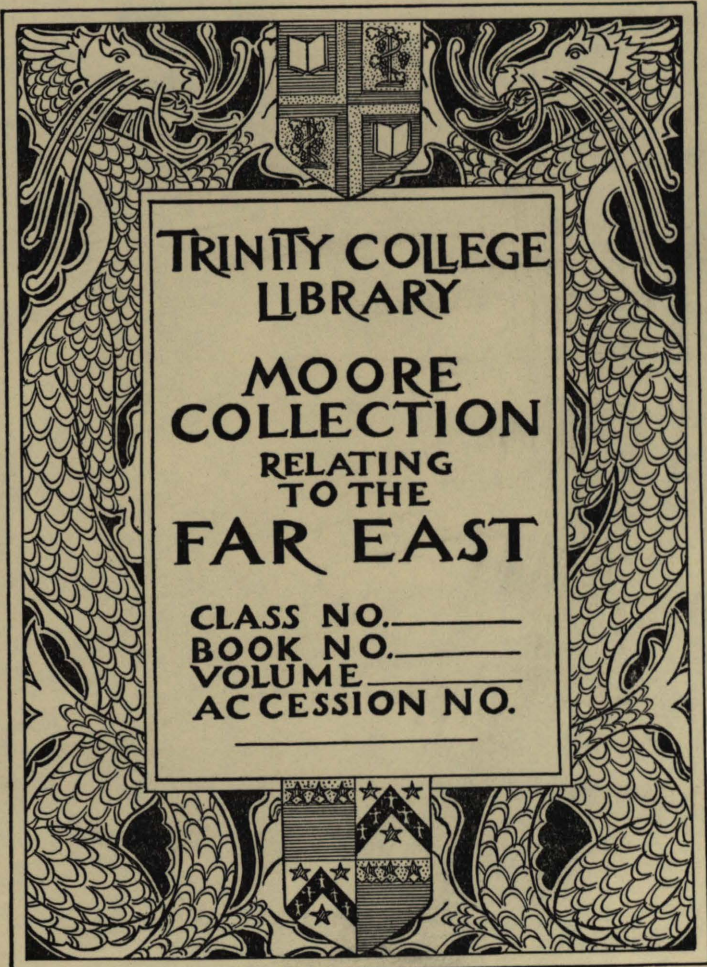
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**FOUR CLAIMS OF THE GOVERNMENT OF CHINA AGAINST  
THE UNITED STATES.**

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**COMMUNICATION**

FROM

**THE PRESIDENT OF THE UNITED STATES,**

TRANSMITTING,

**WITH A LETTER FROM THE DIRECTOR OF THE BUREAU OF THE BUDGET, A SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE DEPARTMENT OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 1923, FOR THE PAYMENT OF FOUR CLAIMS PRESENTED BY THE GOVERNMENT OF CHINA AGAINST THE GOVERNMENT OF THE UNITED STATES.**

DECEMBER 9, 1922.—Referred to the Committees on Appropriations and Claims and ordered to be printed.

THE WHITE HOUSE,  
Washington, December 8, 1922.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit for the consideration of Congress a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for the payment of four claims presented by the Government of China against the Government of the United States which arose as the result of negligent and unlawful acts in China of persons connected with the military and naval service of the United States.

The details of this estimate are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, and I am also in receipt of a communication from the Secretary of State advising me that he has been informed by the United States minister at Peking, China, that failure to make provision for the settlement of these claims is proving most embarrassing in connection with his efforts to press for the settlement of claims of American creditors against the Chinese Government. I therefore renew my recommendation of March 9, 1922, that as an act of grace and without reference to the question of the legal liability of the United States an appropriation in the amount of \$5,913.79 covered by the estimate submitted herewith be made so as to permit settlement of these claims.

Respectfully,

WARREN G. HARDING.



TREASURY DEPARTMENT,  
BUREAU OF THE BUDGET,  
*Washington, December 8, 1922.*

SIR: I have the honor to transmit herewith for your consideration and, upon your approval, for transmission to Congress, a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for the payment of four claims presented by the Government of China against the Government of the United States, \$5,913.79.

Claims of Chinese Government: To pay to the Chinese Government as an act of grace and without reference to the question of the legal liability of the United States, in satisfaction of claims arising out of the negligent or unlawful acts in China of persons connected with the military and naval services of the United States, as follows: Indemnity to the family of Li Shih Chi, \$1,000; indemnity to the family of Chang Tsu Tsao, \$1,000; indemnity to the family of a Chinese policeman murdered near Jehol, and expenses of Chinese witnesses at the trial of the offender, \$1,500; and damages resulting from the sinking of a Chinese junk by the U. S. S. *Palos*, October 23, 1917, on the Yangtze River, \$2,413.79 (submitted) . . . \$5,913.79

These four claims arose as the result of negligent and unlawful acts in China of persons connected with the military and naval service of the United States, and the facts concerning them, as presented by the Secretary of State, are as follows:

(1) Hilton A. Williams (alias Carter) and John Rohrer (alias Cook), both deserters from the American military forces stationed at Tientsin, China, in 1915, committed a robbery near Jehol, China, and Rohrer shot and killed a Chinese policeman who, in the course of his duty, had attempted to arrest them. When taken into custody both men claimed to be British subjects and were, therefore, turned over by the Chinese authorities to the British consul general at Mukden for trial by the British authorities. From Mukden they were transferred to Shanghai, where it was discovered that they were American citizens. Upon being arraigned before the United States Court for China both men pleaded guilty, Williams to the crime of robbery and Rohrer to that of murder.

In connection with the trial of these men, certain Chinese witnesses (the number is not indicated) were sent from Jehol to Mukden and from Mukden to Shanghai at the request of the British authorities. They were required to wait several months before the trial took place, and as a consequence incurred considerable expense for travel, lodging, etc. The Chinese Government has presented a claim for \$6,195 Mexican, covering these expenses. The matter of expense of the witnesses was brought to the attention of the judge of the United States Court for China with the hope that some allowance for witness fees might be made by the court, but it appears that the judge has taken the position that inasmuch as the witnesses failed to make application for the payment of fees within the time prescribed by law there is no legal method by which such fees may now be paid.

The Chinese Government, in a communication dated April 14, 1919, and in a number of communications since that date, has requested that this Government reimburse the witnesses for the expenses incurred by them in attending the trials and that a compassionate allowance be given to the family (five dependents) of the Chinese policeman whom Rohrer killed. The American minister at Peking has expressed the opinion that the claim for expense is exorbitant and that \$1,000 would cover the amount. He has recommended an allowance of \$1,000 for the expense incurred and \$500 as a solatium for the family of the Chinese policeman who was killed.

(2) The U. S. S. *Palos*, in October, 1917, while convoying the steamer *Meitan* up the Yangtze River, caused the sinking of a Chinese junk, with its cargo, and the drowning of two Chinese citizens. The accident is said to have been due to the failure of the American vessel to sound its whistle or otherwise give warning of its approach.

In a communication of December 14, 1917, and in a number of subsequent communications, the Chinese Government has requested that this Government reimburse the owners of the junk and cargo for the losses sustained by them, and pay a solatium to the families of the two Chinese who were drowned, who are said to be in extremely



destitute circumstances. The Navy Department apparently admits liability for the sinking of the junk, and has recommended an appropriation for the payment of damages. Upon the recommendation of that department a bill was introduced in the House of Representatives on August 1, 1921, providing for the payment of the sum of \$2,413.79 to the Chinese Government. This bill passed the House of Representatives on November 5, 1921, and it is understood that it is at present before the Senate Committee on Claims.

(3) Homer Merritt Darke, a ship's cook of the third class, United States Navy, who was serving on the U. S. S. *Elcano* while that vessel was anchored in the Yangtze River, on September 4, 1920, seized a Chinese cobbler who had peaceably boarded the vessel, apparently for the purpose of collecting a debt, and without justifiable cause threw him overboard into the river. The man, whose body was not recovered, is said to have left a widow and four minor children. Darke was tried for the offense in the United States Court for China and was sentenced to a term of imprisonment for two years and to pay a fine of \$500 and costs.

The Chinese Government, in a communication of September 20, 1920, and subsequent communications, has requested that a monthly allowance for the maintenance of the widow be paid by this Government until a son, who at that time was stated to be 10 years of age, reaches his majority. It is understood that the Navy Department has recommended that the sum of \$1,000 be appropriated as an indemnity for the widow, but that the recommendation has not as yet been acted upon by Congress.

(4) The fourth case is that of Private Petticrew, of the Quartermaster Corps, assigned to the United States Army transport *Merritt*, who, in September, 1920, while ashore on leave at Chinwangtao, China, entered a Chinese wine shop and, without provocation, shot and killed Li Shih Chi, a native employee therein. It is stated that the soldier, who was under the influence of intoxicants, upon entering the shop fired an automatic pistol at Li Shih Chi and killed him while he was in the act of escaping from the place; that he then turned and fired upon the proprietor, but the shot did not take effect. Petticrew was tried for the offense by general court-martial at Tientsin, China, and was sentenced to be dishonorably discharged from the service, to forfeit all pay and allowances, and to be confined at hard labor for the period of his natural life.

The Chinese Government has several times requested that some allowance be made for the benefit of the family (a wife and four children) of the Chinese citizen whom Private Petticrew killed.

These claims were presented to Congress on March 9, 1922, as shown by House Document No. 204, but no appropriation has been made for their settlement.

Approval of this estimate is recommended.

Respectfully,

H. M. LORD, *Director*.

The PRESIDENT.

*Estimates of appropriations required for the service of the fiscal year ending June 30, 1923, by the Department of State.*

Claims of Chinese Government: To pay to the Chinese Government as an act of grace and without reference to the question of the legal liability of the United States, in satisfaction of claims arising out of the negligent or unlawful acts in China of persons connected with the military and naval services of the United States, as follows: Indemnity to the family of Li Shih Chi, \$1,000; indemnity to the family of Chang Tsu Tsao, \$1,000; indemnity to the family of a Chinese policeman murdered near Jehol, and expenses of Chinese witnesses at the trial of the offender, \$1,500; and damages resulting from the sinking of a Chinese junk by the U. S. S. *Palos*, Oct. 23, 1917, on the Yangtze River, \$2,413.79; in all (submitted)..... \$5,913.79





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