

acting in Washington and is charged with formulating the programme, had suggested some observations, our government was obliged to await the result of the negotiations which it had entrusted to the Minister of Chili accredited there, for the purpose of obtaining the definition of the points of the programme referred to, which it considered non-explanatory.

My government has already received the official communication of the agreement adopted in this matter by the said Committee, and consequently finds itself now in a position to reply to Your Excellency.

In accordance with the instructions which the Minister of Foreign Affairs has given me, I accept with pleasure the mission to communicate to Your Excellency, that Chili accepts the invitation to take part in the Second American Conference, inspired by the highest ideas for dealing in an elevated spirit with the matters indicated in the programme, which the said Committee of Washington adopted at the session of May 6 ult.

Our government views with particular satisfaction that the assembling of the Conference is to take place in the capital of the Mexican nation, to which it is united by sentiments of sincere cordiality and the most hearty and loyal friendship.

It likewise considers that the opinion given by the government of Your Excellency that the Conference should occupy itself exclusively with those questions which it would be possible to discuss in a serene and dispassionate spirit, permits us to have confidence in its happy results, especially since the success of this Congress and its beneficent influences in behalf of the political and commercial relations of America, in a great measure will depend on the circumstances, that its deliberations should remain free from all questions that are foreign to its noble and exalted purposes, and which might cause differences between the nations taking part, or which affect previous and already concluded compacts, which are not subject to further revision or investigation.

If, contrary to, what may be expected or desired, such questions not included in the said programme should happen to be introduced, our government reserves all necessary liberty of action to proceed in the manner which is best calculated to serve the rights of Chili, as a sovereign and independent nation.

It gives me pleasure to communicate to Your Excellency, that the government of Chili has appointed Messrs. Augusto Matte, Alberto Blest Gana, Joaquín Walker and the undersigned to take part as Delegates to the Pan-American Congress, which within a short time will commence its sessions in this capital.

May it please Your Excellency to accept the assurance of my most distinguished consideration.—(Signed.) *Emilio Bello C.*—To His Excellency Lic. Ignacio Mariscal, Secretary of Foreign Affairs of Mexico.

DOCUMENTS relating to the incident on change of Programme of the Conference.

EMBASSY OF THE UNITED STATES OF AMERICA.—Mexico, July 10, 1901.—His Excellency, Ignacio Mariscal, Minister of Foreign Affairs.—Mr. Minister: Under instruction from my Government, I have the honor to transmit, herewith, an extract from the report of the proceedings of the meeting of the Executive Committee of the International Bureau of American Republics, held May the 6th,

last, relating to the program of the Pan-American Conference, and to request that Your Excellency's Government will be pleased to furnish copies thereof to the other American States.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.—*Powell Clayton.*

(ENCLOSURE.)

EXTRACT FROM PROCEEDINGS OF THE EXECUTIVE COMMITTEE, OF THE INTERNATIONAL BUREAU OF AMERICAN REPUBLICS HELD MAY 6, 1901. (S. L.) Copy.

EXTRACT.

*Proceedings of the Executive Committee, International Bureau of American Republics, Monday, May 6, 1901.*

The Executive Committee of the International Bureau of American Republics met in the Diplomatic Reception Room, Department of State Monday, May 6th, 1901, at 11 a. m.

The meeting was called to order by Hon. David J. Hill, Acting Secretary of State, as Chairman.

The other members present were:

Señor Don Carlos Martínez Silva, Minister of Colombia;

Señor D. Joaquín Bernardo Calvo, Minister of Costa Rica;

Señor Don Luis Felipe Carbo, Minister of Ecuador;

The Acting Director of the Bureau, Mr. Williams C. Fox, was also present.

*The Acting Director:* His Excellency the Minister of Chili addressed a communication to the Bureau of American Republics, under date of April 30th. ultimo, which I desire to bring to the attention of the Executive Committee. I have acknowledged the communication and advised the Minister that the matter would be presented at the next meeting of the Committee.

The Minister's letter is as follows:

«Legation of Chili.—Washington, April 30, 1901.

«Mr. Director:

«On May 26th., 1900, you addressed to me the following circular letter:

«Mr. Minister: By direction of the Executive Committee of the International Bureau of American Republics, I have the honor to transmit to you herewith a copy of the Programme of the proposed International American Conference, prepared by the Executive Committee in pursuance of the resolution adopted at the informal meeting of the Diplomatic Representatives of the Countries of the Union, held at this Bureau on the 14th. of April, 1900.

«Pursuant to the terms of said resolution, the enclosed programme is to be submitted to the various Governments of the Union for their consideration and for any suggestions they may see fit to make.

«I have the honor to be, Mr. Minister, your obedient servant, (Signed): *W. W. Rockhill*, Director.»

«The Programme of the proposed International Conference forwarded with this circular letter, consisted of five items, as follows:

«I. Points considered by the previous Conference which the new Conference may decide to reconsider.

II. Arbitration.

III. International Court of Claims.

IV. Means for the protection of industry, agriculture and commerce. Development of communications between the countries of the Union. Consular ports, and custom house regulations. Statistics.

V. Reorganization of the International Bureau of American Republics.

«The Government of Chili in its answer to the Minister of the United States of America at Santiago, dated May 21st., 1900, stated that it would be ready to attend the proposed American Conference, provided that, according to its declared programme, it should not assume the adoption of resolutions of retroactive character, arrogating to itself the cognition of subjects present or past in which any of the Republics invited and attending may have an interest, the object of this condition being to avoid the danger of vexatious questions being raised between those Republics.

«The Government of Chili gratefully received the Programme of the proposed American Conference, drafted by the Executive Committee of the International Bureau of American Republics, carefully considered it, and stated the suggestions that it saw fit to make at the Executive Committee's express invitation, in a communication addressed to the Minister of Chili at Washington, dated the 1st. of October, 1900, which, according to instructions, was raised to the consideration of the State Department at Washington on the 25th. of November, 1900.

«In that communication the Government of Chili remarks that the first proposition of the programme is too ample and suggests the convenience and even the necessity of confining it to the subjects named in order to avoid the danger of dissensions of opinion at the Conference.

«The Government of Chili also remarks, that the terms of the second and third propositions of the Programme are too vague and indefinite and carry with them the same danger of the first proposition.

«The Government of Chili therefore concludes with the expression of the following wish, in answer to the circular communication addressed by the Director of the Bureau of American Republics in the name of the Executive Committee to the several representatives of the said Republics in Washington on May 26th., 1900: «That it is most desirable that the Executive Committee of the American Republics should precisely define articles 1st., 2nd. and 3rd. of its proposed Programme.» The Government of Chili expressly states that, after seeing the manner in which its remarks to the Programme are received, it will be able to give a definite answer to the invitation to the Second American Conference addressed to it.

«Please therefore, Mr. Director, lay this communication before the Executive Committee of the American Republics, in order that it may adopt the resolution it may deem most convenient in view of the desire expressed by the Government of Chili.

«I am, dear Director, Yours very truly, C. Morla Vicuña.»

*The Chairman.*—This communication was submitted in response to the invitation which had been given to the different Governments to make any notes they might see fit in regard to the Programme referred to.

*The Minister of Costa Rica.*—I have been informed of the details of the communication from Chili, and have prepared a paper on the subject, which I desire to read and submit as a report and answer to the communication of the Minister of Chili for the consideration of the Executive Committee.

The Minister read his report as follows:

«Abiding by the resolution proposed by His Excel-

lency the Mexican Ambassador, Señor Aspíroz, and adopted at the meeting of the representatives of the countries forming the Union of American Republics held on April 14th., 1900, the Executive Committee submitted the Programme to the consideration of their respective Governments, inviting them to make any suggestions they would see fit in regard to the proposed programme.»

Said resolution reads as follows:

«The Executive Committee of the International Union of American Republics, having considered all matters which prompted this meeting, is authorized to prepare a draft of the subjects that, in its judgment, should be submitted to the International American Conference.

«The Executive Committee shall inform, as soon as possible, all the representatives of the countries forming the International Union of American Republics of the result of its works, in order that they may be communicated to their respective governments, with the object that, if the invitation is accepted by said Governments, the necessary instructions may be issued.»

The Executive Committee has now before it an official communication in which, through His Excellency the Minister of Chili, Señor Morla Vicuña, the Government of that Republic suggests that arts. 1st, 2nd and 3rd of the programme are vague and indefinite and should be defined with more precision in order to avoid the danger of vexatious questions being raised in the Conference, the discussion of which may jeopardize the uniformity, the harmony and the practical results of said Conference. This suggestion implies no modification or exclusion of any point of those proposed in the programme, but a request for an explanation or definition that the Executive Committee is naturally willing to take into consideration and decide.

The Executive Committee in drafting the Programme deliberately abstained from going into details, leaving them to be suggested by the invited Governments, deeming this course as most conducive to secure the three indispensable conditions: the universal attendance of the American Republics: the harmony in its deliberations, and the attainments of practical ends for which the unanimous concurrence of the Republics represented is necessary.

In this spirit the Executive Committee was and is of the opinion that in the programme for the Second International American Conference no vexatious questions should be included likely to cause divisions among the Republics invited to labor in common for the good of all.

The Executive Committee therefore, resolves to answer the request of the Government of Chili in the following terms:

Art. 1st. Subjects studied by the First Conference that the Second Conference may decide to consider.

Among the subjects studied by the First Conference, with the exception of that of International Arbitration which forms the subject of art. 2nd of the Programme, there was not any subject which raised vexatious questions in the First Conference, and consequently, there can be no danger of the Second Conference selecting any such, from among the subjects which it may decide to consider.

Art. 2nd. Arbitration.

It is meant prospective and in nowise retrospective, for the differences that may arise among the

American Republics at a date posterior to the date of the exchange of ratifications of the treaty of arbitration that the Conference may adopt.

The Executive Committee obviously abstains from any idea of submitting in any manner existing questions as part of the proposed Programme, or of prejudging any existing conditions. This article in itself substitutes art. 7th of the Programme of the First Conference.

Art. 3rd. International Court of Claims.

A court of the nature of the mixed international commissions frequently created by international conventions with jurisdiction to consider and decide upon claims presented by citizens of one Republic against the Government of another Republic, for injuries to the person or damages to their property, due to the action of the civil or the military authorities of the respondent Government.

*The Minister of Columbia.*—I understand the object of arbitration is to avoid war between nations and to have in sight a method of settling difficulties and questions which may arise from wars. The principles should be such as would cover all cases, present and future. It would be perfectly useless to proclaim a principle of arbitration and leave out pending questions. These questions might give rise to a war against the principle. If every nation says, I accept the principle in the abstract, but I do not accept it for cases pending, then the principle is void and useless. I would, therefore, accept the propositions of Mr. Calvo, but I would like to know the opinion in general on the subject. It would be perfectly useless to proclaim a principle which could not be put to practical application, but which will remain in abstract principle and not come to the facts. This is my opinion and the opinion of my Government: to submit all questions to arbitration that may be submitted to arbitration.

*The Minister of Ecuador.*—I think the principle of arbitration is acceptable to all, but for the moment that is not the question. That should not be decided for the future as well as for the past in a proposed Programme. While I am of the same opinion as the Minister of Columbia, I think the question should be decided by the countries. The question is, will it be for the future or for the past? The claim of the Government of Chili is that it does not want arbitration for the past. I think it assumes too much.

*The Minister of Columbia.*—The decision must always be for the past and for questions not settled: it is always for the past.

*The Minister of Ecuador.*—The Minister of Chili contends that for all differences in future Chili is willing to accept, but not for differences in the past. Questions arising in the past and pending he is not willing to submit to arbitration.

*The Minister of Colombia.*—For instance, I have a question with Chili. I would submit that to arbitration. Chili will say, and every one else, this question will not be submitted to arbitration. When we have had a war, then we shall turn to arbitration to settle the case.

*The Minister of Ecuador.*—As a fact we cannot compel such ideas to be accepted.

*The Chairman.*—Practically the only point we have to consider is whether it is the duty of this Committee to promulgate a Programme or not. If Chili shows an indisposition to come to the Congress unless these definitions are made, if you refuse

to make the definition, you exclude Chili from the Congress. Therefore you would not have a Congress of all the American Republics: and if the Congress, made up of a part, and not of the whole, should pass resolutions regarding arbitration, you could not enforce it against Chili. This Congress must include all the different American Republics, and as the action of this Committee is only provisory, it seems right that the principles should be made such as will admit all into the Congress.

*The Minister of Ecuador.*—It is a matter for the Congress to settle.

*The Minister of Costa Rica.*—It seems to me that my propositions covered all of those points.

Upon motion duly carried, the resolutions were unanimously adopted.

DEPARTMENT OF FOREIGN RELATIONS, Mexico, June 30, 1901.—Mr. Ambassador: In due course I received Your Excellency's note, dated 10th. instant, with which you enclose a copy of the minutes of the session of the executive Committee of the International American Conference of May 6 ultimo. In those minutes it is stated that the Chilean Minister accredited at Washington requested in the name of his Government that the programme of the Conference, transmitted to the American Nations with the invitation made by Mexico, should be modified or interpreted in a certain manner. The object for which Your Excellency is pleased to remit to me that document is that the Government of Mexico, communicate its contents to the different Republics which have received the invitations alluded to.

I did not at once reply to the said note of Your Excellency, because it was announced to me that I was to receive other documents relating to another session about the same subject, held by the Executive Committee on the 16th. of the month referred to: at last they came into my possession, through the Mexican Ambassador at Washington, and I have been able to take them under consideration, as well as those previously remitted by Your Excellency, and all that has occurred in this connection.

In view of all, and by direction of the President of the Republic, I have the honor to reply as follows:

We regret very much not to be able to accede to the desire of the Government of Your Excellency, that the Government of Mexico should circulate among all the Republics of America a modification or interpretation by the Executive Committee, of the programme originally proposed by the same. The reason for this is, that this Government, when it has once invited, with a certain programme, thinks that it has complied with all, which in this respect was its duty, and it is of opinion, that the Conference should be left in entire liberty to accept, modify or interpret the programme, as it may deem proper.

On the other hand, there would hardly be time enough for the interested governments to receive any circular which might now be addressed to them, and that their respective answers could be known in Washington and Mexico. In view of the attitude taken by the Governments of the Republics of Argentina, Bolivia and Peru, it must be feared, above all, that their answers might reveal, at least, the same hesitancy to take part in the Conference, now shown by Chili. For this reason, Mexico cannot contribute in any manner to prevent the realization of the just desires that the next Pan-American Conference be as numerous as is possible.

I take pleasure in renewing to Your Excellency the assurances of my very distinguished consideration.—(Signed.) *Ignacio Mariscal.*—To His Excellency Mr. Powell Clayton, Ambassador Extraordinary of the United States of America.

DEPARTMENT OF FOREIGN RELATIONS.—Mexico, August 23rd., 1902; Mr. Ambassador: In reference to my note dated July 30th. ult., in which I stated the reasons for the decision of the Mexican Government against the circulation of the resolutions adopted by the Pan-American Congress in its session of May 6th. ult.; I deem it necessary to offer Your Excellency, a brief explanation.

The Mexican Government in its desire to observe the most complete neutrality in regard to the question which caused said resolution to be adopted, neither wishes nor intends to reprove it, in any way, neither does it oppose its circulation among the Representatives of the Republics invited to take part in the Conference; what it desired was that Mexico itself should not circulate said resolution, because from the moment that any opposition is manifested to the matter, such a step would be a most inappropriate one for Mexico, considering the fact that she is charged with the extension of invitations to a fraternal reunion in the capital of this Republic and that she must retain her neutrality and maintain a necessary indifference to the disputes existing between her sister Republics in South and Central America.

Our only object at present is, that all and every one of the invited nations will take part in this proposed peaceful reunion and that they will exclusively treat on questions which it will be possible to discuss in a serene and dispassionate manner. Otherwise the Congress, not possessing the means or authority to enforce the termination of any disputes or controversies, would only be the medium of inflaming the passions and further irritating the minds already in opposition.

For this reason, having already extended an invitation, with a programme, somewhat vague, it is true, but which was proposed by the Executive Committee at Washington, on our part, we do not desire to appear, as being, even remotely, connected with anything that would give rise to dissension or dispute and prefer that the matter remain as it is, so that the Congress in its wisdom will arrange said programme as it may deem proper.

However, if the Executive Committee, which has already given expression to its opinions regarding the discussion raised by the Republic of Chili, still desires that its decision be made known to the nations interested, it is but natural that such communication be made either directly to the respective governments or through the medium of their representatives at Washington. In this way, the decision referred to, will have the effect desired, and Mexico will retain her neutrality, without its having appeared that she either entertained or expressed one opinion or another on this delicate matter.

I take advantage of this opportunity to renew to Your Excellency the assurance of my highest consideration.—(Signed.) *Ignacio Mariscal.*

To His Excellency, Powell Clayton, Ambassador Extraordinary and Plenipotentiary of the United States of America.

DOCUMENTS COMPLETING the incident relative to Explanation of the Programme of the Conference, debated in the sessions of the Executive Committee of the Bureau of American Republics of May 6th. and 16th., 1901.

NOTE of His Excellency the Minister Plenipotentiary of Bolivia to the Secretary of State of the Government of the United States of America.

LEGATION OF BOLIVIA.—Washington, D. C., May 11, 1901.—Mr. Secretary: I happened to be in the city of Buffalo, on official business for my Government relating to the Pan-American Exposition, when I received, on the 5th. of the present month, an invitation from Mr. W. C. Fox, Chief Clerk of the Bureau of the American Republics, requesting my attendance at a session of the Executive Committee, which was to take place the next day. In the invitation referred to, the object of the meeting was not stated, for which reason I thought that it was a question of matters relating to routine work due to the decease of Dr. H. Guzman, Director pro tem. of the Bureau. I further considered, that inasmuch as only one member of the Committee, Hon. J. B. Calvo, was present in Washington, the session would be postponed; and as it was impossible for me to abandon at the moment the business in which I was occupied, I hastened to state by letter, that I regretted not to be able to attend the meeting.

After my return to New York, I advised Your Excellency, that on the 18th. of this month I would leave for the Republic of Venezuela, near whose Government I am also accredited as representative of Bolivia.

Under these circumstances I received last night confidential advice to the effect that the Executive Committee had decided to fully satisfy the wishes expressed by the Hon. Government of Chili, in regard to the intent and scope which should be given to the principle of Arbitration, which is to be discussed by the Pan-American Conference which will soon assemble in the City of Mexico.

Although this advice came from an authorized source, I doubted its correctness, because I could not conceive, that a decision of such transcendental importance should have been arrived at, unless the object of that session had been announced. In time I learned, that the report sent me to New York was correct.

While I believe that the decision has been inspired by noble and exalted sentiments of American brotherhood, I think that unfortunately it will produce just what it was desired to avoid, that is, that it will provoke the susceptibilities of some of the countries of the Pacific coast, whom I do not desire to mention.

The Government of Bolivia has not made any objections, nor has it exacted any conditions for its participation in the Pan-American Conference, the invitation to which it accepted with sincere satisfaction. Neither has any other Government made any observation whatsoever regarding the programme, which all have accepted, with the sole exception of the propositions presented by the Hon. Government of Chili.

Without entering upon a consideration of the gravity of the consequences which are involved in the resolution referred to, and taking advantage of the few moments which remain today for the transaction of official business of the Department of State, I beg Your Excellency, in my character as member of the Executive Committee over which Your Excellency