

CORRESPONDENCE.

ARGENTINE REPUBLIC.

ARGENTINE-CHILE BOUNDARY DISPUTE.

[Telegram.]

Mr. Day to Mr. Buchanan.

DEPARTMENT OF STATE,
Washington, D. C., July 29, 1898.

BUCHANAN, *Minister, Buenos Ayres:*

Learning with great regret of the tension which has arisen in regard to the boundary demarcation between the Argentine Republic and Chile, the Government of the United States charges you to express the earnest hope that the parties may find it practicable to compose their differences in accordance with the agreement already existing for marking the boundary by the commissioners, and for arbitrating any point on which the commissioners may be unable to agree.

DAY.

Mr. M. Garcia Mérou to Mr. Hay.

[Translation.]

ARGENTINE LEGATION,
Marblehead Neck, Mass., September 25, 1898.

MR. SECRETARY OF STATE: I have the honor to inform your excellency that I am just in receipt of a telegram from my Government advising me that the boundary question pending between the Argentine Republic and Chile, by mutual agreement of both Governments, is to be submitted to the arbitral decision of Her Majesty the Queen of Great Britain, in conformity with the stipulations in existing treaties, and particularly with the agreement of 1896, which I had the pleasure of communicating to your excellency with one of my earlier notes. According to said compacts the line whose fixation is given into the hands of an arbitrator is that which runs from the twenty-sixth parallel to the fifty-second—the definitive tracing of the frontier in the region known as "Puna de Atacama" being yet to be determined by means of direct negotiations which are now proceeding without hindrance.

This solution, which removes, happily, all fear of conflict between the two countries while satisfying the wishes of both, in no way diminishes the gratitude which my Government feels for the interest shown by that of your excellency for a pacific settlement of the long-standing and complicated difficulty.

In begging your excellency to transmit these sentiments to His Excellency the President of the United States I reiterate to your excellency the assurance of my highest and most distinguished consideration.

M. GARCIA MÉROU.

Mr. Adee to Mr. M. Garcia Mérou.

No. 29.]

DEPARTMENT OF STATE,
Washington, September 28, 1898.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, in which you are pleased to inform me that you have received a telegram from your Government stating that the boundary question pending between the Argentine Republic and Chile is, by mutual accord of both Governments, about to be submitted to the arbitration of Her Majesty the Queen of Great Britain, in conformity with the stipulations of existing treaties, and in particular of the agreement of 1896, according to which compacts the lines submitted to arbitration run from the twenty-sixth to the fifty-second parallels of south latitude, leaving for future settlement by means of direct negotiations, which are forthwith to be undertaken without interruption, the definitive location of the frontier in the regions known as "Puna de Atacama."

The gratifying information which you thus convey has been confirmed by telegrams which I received from the United States minister at Buenos Ayres, who has been careful to keep the Department advised of the progress of the negotiations in conformity with the instructions which have been sent to him from time to time expressing the great interest felt by this Government in a just and peaceful solution of the pending controversies.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. M. Garcia Mérou to Mr. Hay.

[Translation.]

LEGATION OF THE ARGENTINE REPUBLIC,
Washington, December 15, 1898.

MR. SECRETARY OF STATE: In compliance with instructions from my Government, I have the honor to officially confirm the information which I was able to give you in the conversation had with your excellency two weeks ago respecting the designation by the Governments of the Argentine Republic and of Chile of his excellency, Mr. William Buchanan, to form part of the commission which shall definitely determine the boundary line in the region called Puna de Atacama, it being his function to act as third arbitrator if the conference of the delegates of both nations, which is to meet on the 10th of March, shall not succeed in reaching an accord concerning the demarcation of the said boundary.

My Government charges me, moreover, to make known to your excellency that up to this time the two Governments have not communicated to Mr. Buchanan the designation which has been agreed upon in the protocols drawn up to that end, as the Government of the Argentine

Republic is awaiting the reply of that of Chile in order to comply with the aforesaid stipulation in official form.

Notwithstanding that the matter concerns a personal designation, the Argentine foreign office understands that the minister of the United States will ask of your excellency's Government the authorization necessary to accept the same upon there being communicated to him by the Argentine Republic and by Chile the honorable choice which has been made of him; the Government which I have the honor to represent has ever believed that the Government of the United States would find no obstacle to authorizing his excellency Mr. Buchanan to accept the important mission which has been confided to him, thus giving the additional proof of the esteem and sincere friendship which the Argentine Republic has always enjoyed at its hands.

It is allowable for me, in conclusion, to state to your excellency in fulfillment of express orders, that as I had the pleasure to communicate to your excellency on previous occasions, Mr. Buchanan enjoys the greatest esteem of the Argentine Government for his high intellectual endowments and the precision and uniform tact of his official and private actions, and that in this sense my Government has not hesitated for an instant to designate him as arbitrator in a matter of such importance, being assured of the impartiality of his judgment and of his high spirit of justice.

For my part, I feel a keen satisfaction in transmitting to your excellency the contents of this note, and I avail myself of this opportunity, etc.

M. GARCIA MÉROU.

Mr. Hay to Mr. M. Garcia Mérou.

No. 31.]

DEPARTMENT OF STATE,
Washington, December 16, 1898.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, handed to me in person the same day, in which you inform me officially, and in confirmation of oral statements heretofore made by you, of the choice of the United States minister at Buenos Ayres, Mr. William I. Buchanan, as a member of the commission to definitely determine the boundary line in the region known as Puna de Atacama, with a view to his acting as arbitrator if the conference of the delegates of the two nations which is to meet on the 10th of March next shall not reach an accord respecting the demarcation of that line.

As I had the pleasure to inform you orally, the Chilean representative in this capital had already informally acquainted the President with the choice of Minister Buchanan as a member of the commission in question, and Señor Morla Vicuña has been informed of the provisional assent of this Government to such choice in case the two Governments should ask it.

If in accordance with the understanding of your Government Mr. Buchanan should advise me of the request concurrently made of him by your Government and by the Government of Chile to act as a member of the arbitral commission to which your note refers and shall request the permission of this Government to accept the same, it will afford me pleasure to communicate to him the consent of the President for the personal performance of the mission with which he has thus been honored.

Be pleased to accept, etc.

JOHN HAY.

Mr. Hill to Mr. Buchanan.

No. 428.]

DEPARTMENT OF STATE,
Washington, December 21, 1898.

SIR: I inclose for your information copy of a note from the Argentine minister at this capital informing the Department that you had been selected by the Argentine and Chilean Governments to act as third arbitrator in the matter of the Puna de Atacama boundary line, in case the delegates of the two countries who are to meet on March 10 next fail to reach an agreement concerning it.

Copy of the Department's reply is also inclosed.

I am, etc.,

DAVID J. HILL, *Acting Secretary.*

[Telegram sent in cipher.]

Mr. Buchanan to Mr. Hay.

LEGATION OF THE UNITED STATES,
Buenos Aires, February 21, 1899.

HAY, Washington:

Argentine and Chilean Governments have formally asked me accept position on limits commission referred to in my No. 591. What are wishes of the Department?

BUCHANAN.

Telegram received Washington, D. C., February 23, 1899.

Mr. Hay to Mr. Buchanan.

BUCHANAN, Minister, Buenos Aires:

President authorizes your acceptance.

HAY.

SETTLEMENT OF THE CLAIM OF THOMAS JEFFERSON PAGE.

Mr. Buchanan to Mr. Day.

No. 565.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, October 1, 1898.

SIR: I have the honor to advise you that the claim of Capt. Thomas Jefferson Page, which has been before the Argentine Congress for so many years, was day before yesterday finally passed by that body, and to append on the overleaf a copy of my telegram of yesterday so advising you.

The sum awarded by Congress was \$4,242.35, Argentine national (paper) currency, to be paid in national 6 per cent internal debt bonds. These bonds were provided by an act of Congress some several years back to cover internal obligations, and, as the national exchequer has been depleted by the country's heavy expenses during the past few years, Congress, as well as the Executive, adopts this plan for paying all claims it can.

The amount awarded is exactly that recommended by the executive power when the claim was presented to Congress, now some fifteen years ago. At that time, however, gold was the standard "currency" here, and the recommendation of the Senate committee then was that the bill should be paid in "national currency," which recommendation the Senate at once confirmed.

It will be remembered that in my dispatches I have explained that when the claim then reached the House of Deputies it was discussed and amended to read \$780, which sum that body approved; that Captain Page refused to accept that sum, and that the claim has ever since slumbered in the committee room of the House of Deputies.

Knowing all this, I have felt certain ever since I have had anything to do with this claim that the best thing that could be expected from the committee of the House of Deputies, within whose room it has slumbered for the past ten years, would be that they might be induced to recommend its approval in the form it had reached them from the Senate years ago. Beyond that I was convinced they would not go. I therefore felt that whatever the amount awarded, it would in all probability be "current money," because of the fact that, notwithstanding gold was current when the claim was filed, it was not specifically named either in the recommendation of the executive power in the beginning or of the Senate committee at that time.

Owing to the Chilian boundary question and other matters of importance claiming the attention of Congress this year, it has been considerable of a task to secure attention for this old claim. I was so desirous, however, to get some sort of a settlement for Captain Page that I allowed no opportunity to pass wherein I could do anything to that end, and am therefore glad to be able to say that, through the generous interest taken in the case by the speaker of the House and the chairman of the committee of claims and the kindly recollection of Captain Page had by several of the older members of the Senate, I am thus enabled to write you that the claim has been concluded.

All I could do was to use my best efforts toward getting the claim out of the committee's room, where it had lain so long, and through Congress in the best shape possible.

This I have done, and only hope the result may be measurably satisfactory to the claimant and my course meet your approval.

I have, etc.,

WILLIAM I. BUCHANAN.

CLEARANCE OF HAWAIIAN VESSELS UNDER AMERICAN FLAG.

Mr. Buchanan to Mr. Hay.

[Telegram.]

BUENOS AYRES, *November 16, 1898.*

Hawaiian schooner *Americana*, carrying the flag of Hawaii, has arrived from St. John, where was cleared by consul of the Hawaiian Islands. That Government was never represented here. Captain has applied the United States consul. Will you please send telegraph instructions for his guidance.

BUCHANAN.

Mr. Hay to Mr. Buchanan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 17, 1898.

Schooner mentioned telegram 16th should be recognized by Argentine Government. Consul should act for Hawaii's commercial intercourse so far as necessary and proper.

HAY.

No. 416.]

Mr. Hay to Mr. Buchanan.

DEPARTMENT OF STATE,
Washington, November 17, 1898.

SIR: I confirm on the overleaf copy of your telegram of the 16th instant, and of my reply of the 17th, in regard to the recognition of the Hawaiian schooner *Americana* by the consul of this Government at Buenos Ayres.

As you no doubt understand, the United States minister at Honolulu ceased to discharge his diplomatic functions on July 4, 1898, but until Congress shall enact the necessary legislation our consul-general there has been instructed to perform his commercial duties as heretofore, and in like manner the consuls of the Hawaiian Government continue to perform their commercial functions in the United States, and of course in foreign countries, during the interval before Congress shall otherwise provide.

Appending for your information copy of a telegram from the Acting Secretary of the Treasury of the 17th instant upon the subject,

I am, etc.

JOHN HAY.

[Inclosure 1 in No. 416.—Telegram.]

Mr. Hay to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, November 16, 1898.

Our minister at Buenos Ayres telegraphs following:

Hawaiian schooner *Americana*, carrying the flag of Hawaii, has arrived from St. John, where was cleared by consul of Hawaiian Islands. That Government was never represented here. Captain has applied the United States consul. Will you please send telegraph instructions for his guidance?

This Department is of the opinion that Hawaiian consul was correct in clearing the vessel from St. John. Kindly give expression of your opinion on subject in order that minister may be instructed.

JOHN HAY.

[Inclosure 2 in No. 416.—Telegram.]

*Mr. Spaulding to Mr. Hay.*TREASURY DEPARTMENT,
November 17, 1898. (Received 10.35 a. m.)

This Department of opinion that clearance of Hawaiian schooner *Americana*, mentioned in your telegram of yesterday afternoon, from St. John by Hawaiian consul should be recognized by Government of Buenos Ayres and by United States minister and consul there, and that our officers there should be instructed to act for Hawaii in such matters so far as necessary and proper.

O. L. SPAULDING,
*Acting Secretary.**Mr. Buchanan to Mr. Hay.*

[Telegram.]

BUENOS AYRES, November 19, 1898.

Have received telegram 17. Schooner English built, owner Hawaiian, manager and captain British. Ship's papers with port perfect. Captain to apply to United States consulate for clearance and the right to hoist United States flag. What shall consul require and do? No official notice of annexation has been received here.

BUCHANAN.

Mr. Hay to Mr. Buchanan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 21, 1898.

Can not authorize captain schooner *Americana* hoist United States flag in absence Congressional legislation. Hawaii formally annexed August 12, but legislation necessary to carry into operation internal and foreign commercial arrangements.

HAY.

Mr. Buchanan to Mr. Hay.

No. 582.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, November 22, 1898.

SIR: On the 15th instant the captain of the Hawaiian schooner *Americana*, which had arrived the previous day at the entrance to this port, with lumber from St. Johns, New Brunswick, called at our consulate and asked what he should do with regard to entering the docks, he having left St. Johns under the Hawaiian flag and register; and, also, as to whether our consul would enter and clear his ship.

Consul Mayer called to see me before giving an answer, and I advised him to withhold replying until I could advise you of the case and receive your instructions.

Upon being so informed by the consul, the captain of the schooner said he could not afford to lie outside the harbor awaiting a reply and

that he should hoist the Hawaiian flag, enter the docks, and deliver his ship's papers to the captain of the port. This he did.

In accordance with my reply to Consul Mayer, I telegraphed you as follows on the 16th instant:¹

On the 17th instant I received the following reply to my inquiry:¹

Inasmuch as your reply did not afford me the information I desired with regard to the status before our consul of the schooner in question, I deemed the case one of sufficient importance to justify my again telegraphing you with greater detail than I had thought necessary to do at first.

I therefore wired you on the 19th instant as follows:¹

To my said telegram you replied as follows on the 21st:¹

I have to-day furnished Consul Mayer with a copy of these telegrams and have said to him that it was clear therefrom that he could not clear the schooner in question, inasmuch as she was not entitled to carry the United States flag; and that I deemed it proper for him to so advise her captain to the end that he may, when ready to sail, either change his ship's registry to such flag as he desires, other than our own, or clear through the office of the captain of the port, as he entered, with the Hawaiian flag, or in such manner as he chooses.

The case is certainly a peculiar one, and of more than usual interest.

Had it not been for the fact that the legation was without official advice as to the annexation of Hawaii, and that I knew, from conversations, that this Government was equally without notice of such fact, I would probably not have been so careful to have telegraphed you as I did. As it now appears, I am glad I did so, because I am certain I should otherwise have reached a conclusion different from that outlined in your last telegram.

Had the legation had official knowledge of the annexation of Hawaii, I am inclined to think I should have assumed it to be a self-evident fact that the Hawaiian flag as an insignia of sovereignty and nationality ceased to exist when hauled down from over the Government House in Honolulu on August 12 last; and that from that moment the schooner in question had neither registry nor flag, since her registry would appear to be as much a part of the public property of Hawaii delivered to the United States by the terms of the first paragraph of the act of Congress accepting Hawaii as would the public record of deeds of the country; and assuming it to be a fact that the Hawaiian flag could not have been hoisted over a plantation there, for instance, after August 12 last, it would have appeared to me logical to presume therefrom that it could not be kept up over the schooner in question, which had been, equally with the plantation supposed, private Hawaiian property.

Following out that line of reasoning, I would, I think, have been inclined to the conclusion that it would appear reasonable to believe that, if the public Hawaiian record of deeds became in fact and actually a United States record by the act of changed sovereignty effected by the annexation of the islands, then it would equally follow that the Hawaiian registry of ships would, by the same change of sovereignty and flag, become a United States registry, notwithstanding the fact that in the case in point such a conclusion would run counter to the terms of section 348 of the consular regulations, and possibly other legislation.

I have, etc.,

WILLIAM I. BUCHANAN.

¹ Printed, *ante*, p. 7.

Mr. Hay to Mr. Buchanan.

No. 436.]

DEPARTMENT OF STATE,
Washington, January 13, 1899.

SIR: Referring to your No. 582, of November 22 last, relative to the request for the entry and clearance of the Hawaiian schooner *Americana*, I inclose copy of a letter from the Acting Secretary of the Treasury stating that such vessels can not be considered vessels of the United States without additional legislation.

I am, etc.,

JOHN HAY.

[Inclosure in No. 436.]

Mr. Spaulding to Mr. Hay.

TREASURY DEPARTMENT,
Washington, January 10, 1899.

SIR: I have the honor to acknowledge the receipt of your letter dated the 7th instant, transmitting for an expression of the views of this Department a copy of a dispatch from our minister to the Argentine Republic, reporting the case of the Hawaiian schooner *Americana*, whose master desired the United States consul at Buenos Ayres to enter and clear his vessel.

It appears to this Department that such vessels can not be considered as vessels of the United States without additional legislation. Pending such legislation, all proper action should be taken by the minister to facilitate their entry and clearance.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.