COLOMBIA.

SEIZURE OF VESSELS OF AND ALLEGED DISCRIMINATIONS AGAINST AMERICAN ENTERPRISES IN COLOMBIA.

Mr. Hay to Mr. Hart.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 22, 1902.

(Mr. Hay states that it has been represented to the United States Government that the Colombian Government has seized the vessels of the Compañía Fluvial de Cartagena and also that it has discriminated against the company in the matter of navigation regulations, sailing permits, and government competition. Mr. Hart is instructed to bring the matter to the attention of the Colombian Government and say that an immediate restitution of the property, with full indemnity for damages caused by illegal acts of Colombian authorities toward said company, is requested by the Government of the United States.

That it has also been represented that the Colombian Government fails to afford reasonable protection to the Cartagena-Magdalena Railroad Company and its warehouses, and that the Government interferes with employees of the company and impresses them into the service of the Government, and that it discriminates against the company in respect to its traffic.

That it has also been represented by the Cartagena Terminal and Improvement Company that the Colombian Government discriminates in the administration of law against it by requiring payment of port and light-house dues in gold at Cartagena and not at other ports.

Mr. Hart is directed to immediately bring these matters to the attention of the Colombian Government and to request just treatment of the American companies mentioned above.)

---

Mr. Hart to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Bogotá, February 1, 1902.

(Mr. Hart acknowledges the receipt of the Department's telegram of January 22, and requests instructions as to amount of indemnity to be demanded of the Colombian Government. * * *)
Mr. Hay to Mr. Hart.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 8, 1902.

(Mr. Hay directs Mr. Hart, if the facts are as represented in Department's telegram of January 22 last, to make firm demand, as instructed, without specifying amount of indemnity, which depends upon further investigation.)

Mr. Hart to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Bogotá, February 15, 1902.

(Mr. Hart acknowledges the receipt of Department's telegram of February 8, and reports that, after receipt of Department's telegram of January 22 last, he at once addressed a note to the Colombian minister for foreign affairs, following literally those instructions, which note, up to the present time, is without acknowledgment, probably on account of a change in the ministry for foreign affairs; another change will be made within a few days, and Mr. Hart will then press the case from his knowledge of the circumstances; it is his belief that the facts are as represented; but the companies' agent in Colombia is more conversant with the facts, and difficulty of communication with Cartagena renders impossible any further early investigation from Bogotá.

Mr. Hart states that he has always understood that the company would not accept the return of the vessels until the amount of indemnity had been fixed, and inquires if he is instructed to at once proceed with the demand.)

Mr. Hay to Mr. Hart.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 20, 1902.

(Mr. Hay directs Mr. Hart to demand of the Colombian Government immediate restitution of the vessels of the Fluvial Company of Cartagena, and full indemnity for damages occasioned by their seizure and use; and also to demand full indemnity for use of and damages done to the Cartagena-Magdalena Railway Company.)

Mr. Beaupré to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Bogotá, May 15, 1902.

(Mr. Beaupré reports that he has received from the Colombian minister for foreign affairs a reply concerning the subject-matter of Department's telegram of January 22, 1902, which reply is as follows: First. The Colombian Government vindicates the right of com-
pulsiory use made of the vessels as being justified, during a disturbance of public order, by urgent necessity, precedent, international law, and the provisions of the treaty, article 8 of which is quoted.

Second. The Colombian minister for foreign affairs contends that because the company will receive hire and indemnification it has benefited by the seizure, whereas otherwise the vessels would have been forced to remain idle.

Third. That the governor of Bolivar has offered to the company's representative fair terms of settlement, both as to the return of the vessels, hire, and indemnification, which offer has failed owing to the perversity of Ford, the company's agent, who would not concede two points insisted upon by the Government, viz., that the Government would not again take the vessels, and that the Government would not interfere with the vessels carrying freight for the Government.

Fourth. The governor will be instructed to return the vessels to the company, to settle the question of hire and indemnification, and to advance moneys necessary for repairs.

Regarding the railway company, the governor is instructed to report as to complaints of want of protection, recruiting of employees, and interference in traffic. The minister for foreign affairs complains of want of precision in statement of grievances.

Regarding the terminal company, the minister for foreign affairs makes the same complaint; vindicates the right of the Colombian Government to levy dues in gold, but denies that this company has been singled out for harsh treatment.

The minister for foreign affairs commented unfavorably on the disposition of Ford, first, because of his arbitrarily fixing railway rates in currency unrecognized in Colombia, to the prejudice of commercial interests in Cartagena; second, in appealing to a diplomatic representative without having first had recourse to the tribunals of the country, and third, because of his unpleasantness, rudeness, and perverseness in dealing with officials of the Colombian Government.)

---

Mr. Beaupré to Mr. Hay.

No. 611.] LEGATION OF THE UNITED STATES, Bogotá, May 15, 1902.

SIR: On February 1, 1902, Mr. Hart addressed a note to the Colombian minister for foreign affairs, embodying the instructions contained in the Department's telegram of January 22, 1902, concerning the Compañía Fluvial de Cartagena, the Cartagena-Magdalena Railroad Company, and the Cartagena Terminal and Improvement Company.

I have endeavored at various times to impress upon the minister for foreign affairs the desirability and necessity of promptness in answering that note from this legation. On the 11th ultimo I addressed him a note to that effect, to which he responded the following day, saying that the delay was caused by the difficulty and slowness of communicating with the coast, where he was obliged to send for the data essential for his reply, but that I might anticipate his answer within a few days.

The few days lengthened into a month, but finally, on the 14th
instant, I received from the minister the statement of the views of his Government in this matter.

Considering the delay, as well as the importance of the subject, I deemed it best to embody a full brief of the minister's note in a telegram to the Department, which telegram is confirmed.

I have the honor to inclose herewith a copy and translation of the said note.

I am, etc. A. M. Beaupré.

[Inclosure.—Translation.]

Mr. Paul to Mr. Beaupré.

REPUBLIC OF COLOMBIA, MINISTRY OF FOREIGN AFFAIRS,
Bogotá, May 12, 1902.

SIR: Now, as formerly, during a disturbance of public order which has already been going on for over two years and a half, it has been found necessary to make use of private property in order to aid the reestablishment of order. The requisition of property by the legitimate authorities has been extended to foreigners, as is sanctioned by the principles of international law, as also by treaties.

The Government has no flotilla in the Magdalena River. This river is the principal means of communication with the interior. The defense of this river has therefore to be provided for in times of disturbance by the arming of merchant vessels. This has been done with regard to boats, the property of various fluvial companies. Up to now objection has never been raised to this practice as being illegal, although such is now the contention of the Cartagena Fluvial Company. This company is evidently ignorant of what has been the practice up to now, and which is allowed by article 8 of the treaty still in force between Colombia and the United States, which sanctions the use which is being made of the said boats.

On this point the law of Colombia is clear that vessels of whatever class, engaged in the navigation of rivers subject to the jurisdiction of Colombia are, under the obligation of giving their services to the Government, subject to indemnization, whatever may be the services the latter may require, whether absolute transfer or only the use of the said vessels.

In times of revolution traffic on the Magdalena river and tributaries is completely interrupted. It is therefore difficult to understand the objections raised to the use of the vessels by the Government. Instead of having to bear the cost of keeping the boats in repair during a period of inactivity, they are receiving the pay of hire to the Government besides compensation for any deterioration that may result from their use.

With regard to the use made of the boats of the Cartagena Fluvial Company, the official bulletin, No. 46, published in Barranquilla, publishes the basis of arrangement proposed between the governor of the department of Bolivar and Mr. J. F. Ford, the representative of the above-mentioned company.

The principal points of the proposed arrangement referred to the return of the vessels to the company; to the fixing of the hire to be paid for their use; to the valuation and repair of the damages suffered by the said boats. A suitable arrangement had almost been arrived at; the governor had even set aside a considerable sum of money to be handed over to the company, which was being realized when matters were brought to a standstill by the absence of Mr. Ford. Although Mr. Shipley took charge of the business, he did not feel himself authorized to yield on two of the points brought forward by Mr. Ford, and which while being unacceptable to the Government are of no importance to the company, seeing that in all probability there will be no need for the present to again take over the boats which have been returned to the company; nor is there any idea of the Government continuing to run the traffic of merchandise for its own account. And these are the two points which are the subject of controversy.

Had it not been for the persistence of the company's representative with regard to the above, the vessels returned would already have begun to receive the benefits accruing from the transport of articles of import and export, instead of keeping exposed to rot by lying idle.

I have entered into the above explanations in order to give a satisfactory reply to Mr. Hart's note of the 1st of February last. Mr. Hart, referring to the occupation
of the vessels of the said company, deals also with the desired restitution of such vessels as still form part of the Government flotilla as soon as the Government can spare them. Orders in this sense will be transmitted to the governor of the department. He will be instructed to conclude with the representative of the company such arrangements as may be necessary to terminate the question at issue, granting him all the facilities necessary for the prompt repair of the vessels. For this he is, as has already been stated, to pay on account certain sums of money as an advance on the debt and indemnity payable to the said company.

Moreover, once the rebellion has been put down the Government will act as they have done in former times when the river companies have accepted the terms of payment offered. They will use every means in their power to raise the sums necessary for the prompt settlement of the debts owed by the Republic as the result of expenses incurred; expenses which it has not been found possible to meet with the sources of revenue hitherto at the disposal of the Government. These sources of revenue have consisted in emissions of paper money and extraordinary taxes on private property, as the ordinary sources of revenue have almost entirely ceased to give any yield whatsoever.

The above-mentioned note of the 1st of February last has been transmitted to the governor of the department of Bolivar. His report on the subjects which have been the cause of dispute with the Cartagena Fluvial Company will be transmitted to your legation; also the governor's report relative to the complaints of want of protection, recruiting of employees, and interference in traffic, formulated by the Cartagena-Magalena Railroad Company.

Moreover, it must be pointed out that the governor can not furnish these reports or explanations till the companies shall have put their complaints into a concrete form. For example, with regard to the complaint of want of protection put forward by one of them, it is not known whether in a particular instance the company appealed for and was refused protection which it was in the power of the authorities to grant or whether the company regards itself as entitled to a permanent protection, even in the most critical moments, when the course of military operations would render such impossible.

I am also obliged to defer for the present any explanation relative to the complaint put forward by the Cartagena Terminal and Improvement Company with regard to payment of light-house and port dues, for want of details, as it will be necessary for them to specify the actual causes of complaint. With regard to this matter, however, it must be noted that in conformity with the legislative decrees of 1900 and 1901, light-house, harbor, port, tonnage, pilot, and ballast dues, and, in general, all dues connected with the port, have to be paid in gold or in the currency of the country, as the case may be. With regard to port and light-house dues, the case turns on the question as to whether they are the property of the nation or private concerns. In the latter case it depends on the arrangements made or the contracts which may be concluded in the future with the respective concessioners. The result, therefore, has necessarily been that, notwithstanding the fact that the measure applies generally, in some cases the said dues are payable in gold and in the others in paper currency. This does not mean, however, that payment in gold is to fall particularly on certain persons or companies. Payment of dues in gold is one of the measures which have been adopted with a view to restoring the circulation of a metallic currency.

The companies dealt with in this note are called upon to play a great part, resulting in benefit to themselves and to that portion of the country in which they have established themselves. But they need the impulsion of a just administration. Considering the fact that the interests of the country and those of the company are one and the same, I feel it my duty to draw your attention to the above in the belief that your legation will deem the moment opportune to take the necessary steps so that the said companies may be properly informed of the real state of the case.

From the correspondence exchanged between the governor of the department and the representatives of the companies as well as from the reports transmitted by the former, the policy of the companies is clear. They wish, under any pretext, to rid themselves of the burden of carrying on the negotiations by having immediate recourse to the diplomatic channel. At the present stage this is quite unnecessary, ignoring as it does the nature of contracts concluded between the Republic and the companies. In the contracts themselves and in the laws can be found means sufficient for the settlement of any differences or difficulties that may arise.

In defiance of the contracts and of the laws relative to the circulating medium, the representative of the companies has arrogated to himself the right of fixing the tariff for freight, passenger tickets, etc., in currency nonconcurrent in the country, thus raising disproportionately the prices and directing trade from Cartagena. The commercial portion of that city, as well as the authorities, complain of the proceedings of the
said representative, his spirit of perpetual hostility in everything, and the brusque-ness of his character.

It is clear, therefore, that it is owing to the measures taken and the disposition shown by the manager of these companies that instead of benefiting by the reaction now taking place in favor of peace, they are working their own ruin.

The Government has always taken into favorable consideration any claim put forward by these companies. Both the contracts and the laws of the country offer them every facility for the carrying into effect of their rights. The contracts themselves provide for arbitration when differences may arise as to their interpretation. The law decrees that the goods, rights, and interests of foreigners shall be subject to the decision of the same judges, tribunals, and administrative authorities as deal with the cases of their own nationals; that contracts concluded in Colombia between the Government and foreigners, whether as individuals or companies, shall be concluded in conformity with the Colombian law, and that the rights and obligations arising out of these contracts shall be subject to the exclusive interpretation of the local judges or tribunals.

The fact that the companies represented by Mr. Ford are privileged or subsidized by the Republic only proves the interest the Government takes in them, as was clearly shown when the governor of the department drew up the basis of an arrangement by which the Fluvial Company of Cartagena would again be in a position to carry on the business of navigation for its own account. It is to be hoped that the above-mentioned company will see its way to meet the patriotic advances made by the governor of the department, who, with the exception of two of the boats, has put their vessels at their disposal. These two will be returned as soon as possible, payment being made for hire and damage.

With regard to the other two companies, they will continue to receive not merely the treatment to which they are entitled, as is requested by your Government, but also such protection as the authorities can possibly extend to them and as the actual situation of the country will allow.

I avail, etc.,

FELIPE F. PAUL

Mr. Hart to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Bogotá, November 30, 1902.

(Mr. Hart, referring to the legation’s dispatch, No. 611, of May 15, 1902, reports that the Colombian Government has ordered that all the Magdalena River boats except three, which are not named, be returned to their owners.

Mr. Hart understands that, until the indemnity is fixed, the boats of the Cartagena company will not be received.)

PROTECTION OF ROBERTO BECK, A SWISS CITIZEN, BY UNITED STATES OFFICIALS IN COLOMBIA. *a*

Mr. Hart to Mr Hay.

No. 573.]

LEGATION OF THE UNITED STATES,
Bogotá, February 25, 1902.

Sir: I have the honor to inclose copy and translation of a letter from Roberto Beck, a citizen of the Swiss Republic, doing business in Colombia and claiming the protection of this legation.

Some time ago Beck came to this legation asking advice as to the purchase of mules which, he said, he needed to transport coffee. I told him the question was one of business, which he would have to

---

*See also under Switzerland, page 979.
resolve for himself. He replied that he understood the risks and would purchase the mules; from which it appeared that the legation could not serve him in the matter of advice.

Since the taking of Beck's mules I have done what I could to aid him by the use of good offices, and it appears that my inability to accomplish the impossible has displeased him. * * * * I required him to come to the legation for his papers and to give me a receipt for them.

I am, etc.,

Chas. Burdett Hart.

[Inclosure.]

Mr. Beck to Mr. Hart.

Bogota, February 20, 1902.

Mr. Minister: Two months ago, on the 18th of December of last year, I had the honor to address myself to your honorable legation, in order to seek protection for my own interests and those of foreign houses, which have been affected by the armed forces of the one and other of the two parties fighting in this country. Already since June 23 of the same year and with the same object I had applied to your legation, without having reached any result, with notable injury to the interests which I represent and which, belonging to individuals, neutral as I am, ought to be assisted with due protection.

Only three days ago a new attack was made on my property. An armed force throwing down the gate and breaking the lock, entered a field of the hacienda of "El Guasimal," in Tena, where I had 56 beasts, and took them to La Mesa by order of an officer, Ampudia, in the service of the Government.

Mr. Minister has signified to me, verbally, that it has not been possible for him to obtain an audience of the minister of war of Colombia to speak about the protection which I have asked for as a foreigner and neutral, and this said circumstance is sufficient reason of itself why I should not insist with that honorable legation about that matter, for if the diplomatic minister of the American nation in Colombia can not succeed in being favored with an interview with one of the members of the cabinet, it must be believed that if the opportunity presented itself to have his petitions granted they would be indefinitely deferred.

For this reason, to avoid greater damages to the foreign interests which I represent and in order that the said property shall not continue to be at the will of the first person who may wish to take them, simply because he commands an armed force, I am obliged, with regret, to ask Mr. Minister to return to me, with the bearer of this communication, the documents which I have placed in your hands relating to these affairs, in order to send them to Washington with a copy of my correspondence with your legation, with the object of asking for the direct protection of that Government now that it has not been possible for the minister, whose good will I am pleased to recognize, to obtain it.

Roberto Beck.

Mr. Hay to Mr. Hart.

Department of State.
Washington, May 31, 1902.

Sir: Referring to your No. 573, of February 25 last, in regard to the complaint of the Swiss citizen, Roberto Beck, I inclose copy of a memorandum left with me by the Swiss minister at this capital, in which he asks this Government to make representations to the Colombian Government, with a view to putting an end to the expropriation of Mr. Beck's mules, and to obtain compensation for the injuries already done to him.

Printed, page 979.
The Department would be pleased to receive a more complete report regarding the case and the action taken by you than that contained in your dispatch above referred to.

I am, etc.,

JOHN HAY.

Mr. Hart to Mr. Hay.

UNITED STATES LEGATION TO COLOMBIA,
Washington, June 10, 1902.

Sir: I have the honor to acknowledge the receipt of the Department's communication of May 31, 1902, in regard to the complaint of the Swiss citizen, Robert Beck, and enclosing copy of a memorandum left with the Secretary of State by the Swiss minister, in which the Government of the United States is asked to make representations to the Colombian Government in Beck's behalf, and in which the Department asks for a more complete report regarding the case and the action taken by me than that contained in my dispatch No. 573, of February 25, 1902.

There is little, if anything, to add to my No. 573, in which I had the honor to advise the Department that "I have done all I could to aid him (Beck) by the use of good offices, but it appears that my inability to accomplish the impossible has displeased him."

The fact is that I have given to Beck all the assistance in the way of good offices that I could possibly have given to any American citizen, and I have been unable to secure the payment of his claim for the same reasons that have made it impossible to secure the payment of claims of citizens of the United States whose beasts have been expropriated as were the mules of the Swiss citizen, Robert Beck.

It is well to add that in the use of good offices it will be no more practicable to put an end to the expropriation of Mr. Beck's mules than it has been by like endeavor to put an end to the expropriation of mules and other property of citizens of the United States.

I have, etc.,

CHAS. BURDETT HART.

Mr. Hay to Mr. Beampré.

No. 400.] DEPARTMENT OF STATE,
Washington, June 20, 1902.

Sir: Referring to the minister's unnumbered dispatch of the 10th instant, explaining his action in behalf of the Swiss citizen, Robert Beck, I inclose copy of the Department memorandum of the same date in regard to the case, addressed to the Swiss legation at this capital.

I am, etc.,

JOHN HAY.

*Printed, page 980.
DEATH OF PRESIDENT SANCLEMENTE.

Mr. Beaupré to Mr. Hay.

No. 584.]

LEGATION OF THE UNITED STATES,
Bogotá, March 22, 1902.

SIR: On Wednesday, March 19, 1902, at 4 o'clock in the afternoon, Dr. Manuel Antonio Sanclemente, titular President of the Republic of Colombia, died at his residence in Villeta, after nearly a century of existence. He was 93 years old.

He was buried quietly at Villeta and with little ceremonial, as he had requested. In this city the Government caused a salute to be fired, and the usual symbols of public mourning to be assumed. The flags of the different foreign legations and consulates were unfurled at half-mast for three consecutive days.

Dr. Sanclemente's death was not a surprise, for it has been expected for a considerable time. His health had been failing rapidly, and for a month or more the end had seemed in sight.

In 1898 Dr. Sanclemente and Dr. José Manuel Marroquin were elected President and Vice-President, respectively, by the National party. The president took possession of his office, but it being speedily determined that he could not live in this climate, he did not remain in Bogotá more than a month, retiring to Anapoima, after obtaining leave of absence from the Senate. His physicians publicly declared at the time that he would never be able to return; and so it has been, he having continued to reside at Anapoima and latterly at Villeta. Notwithstanding his absence from the capital, Dr. Sanclemente continued to exercise the functions of his office until July 31, 1900, when Vice-President Marroquin, by a coup d'État, took possession of the Government and declared himself in the exercise of the executive power, and has so continued in possession to this date.

Dr. Sanclemente has long been a prominent figure in the affairs of Colombia. As a lawyer he was eminent, becoming a judge and then a magistrate of the supreme court. He was a member of the old provincial congresses, and afterwards a representative and a senator in the National Congress. He was active in politics, and was governor of the department before he was elected President.

While his death removes all question as to the legality of the Government, it will probably not have much effect on political conditions.

I am, etc.,

A. M. BEAUPRÉ.

-----------------------------------------

Mr. Hay to Mr. Beaupré.

No. 394.]

DEPARTMENT OF STATE,
Washington, April 28, 1902.

SIR: In reply to your No. 584, of the 22d ultimo, I have to say that the Department has learned with great regret of the death of the late President of Colombia.

I am, etc.,

JOHN HAY.
COLOMBIA.

REOPENING OF UNITED STATES MISSIONARY SCHOOLS AT BARRANQUILLA, BOGOTÁ, AND MEDELLÍN, CLOSED BY COLOMBIAN AUTHORITIES.

Mr. Hay to Mr. Hart.

No. 385.]

DEPARTMENT OF STATE.

Washington, March 26, 1902.

Sir: I inclose copy of a letter from the board of foreign missions of the Presbyterian Church in the United States protesting against the action of the governor of Barranquilla in closing a boys' school in that city conducted under the auspices of that board.

You will report what you have done and what can be done to secure to the missionaries sent by this board all the rights they may have under the treaties between the United States and Colombia.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. From to Mr. Hay.

THE BOARD OF FOREIGN MISSIONS OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES,

New York, March 19, 1902.

My DEAR SIR: I have the honor to present for your consideration inclosed documents as follows: A letter dated February 10, 1902, from the Rev. Walter Scott Lee, a member of the Barranquilla station of the Colombia mission of the Presbyterian board of foreign missions in the United States; another letter from the Rev. W. S. Lee, dated February 17; a letter of February 5, 1902, from the United States consul, George W. Colvig, to the Hon. Joaquin F. Velez, governor of the department of Bolivar, and the governor's reply of February 11; a letter of January 11, 1902, from Jose Joaquin Cassas to the governor at Barranquilla, and his reply of January 30.

It is possible that the matter referred to in these letters may have already been brought to your attention by the United States consul, Mr. Colvig, but as it has been the desire of our missionaries in Barranquilla that the matter should receive as speedy adjustment as possible, I venture to send these documents to you in the hope that it may be possible for the State Department to take such steps, or to advise such steps on our part, as may effect a relief of the present embarrassing conditions. Thus far our station at Bogotá has not been unpleasantly affected by the action of the Colombian Government decreeing the closing of all schools without special permit from the local authorities. The trouble at Barranquilla has, I think, been precipitated by the action of the Rev. W. S. Lee in endeavoring to secure from the business men of Barranquilla contributions toward a fund for a new building in connection with the boys' school. He has secured for this purpose contributions from those interested in the school, amounting to somewhat more than $800 gold.

On learning of this movement, the Catholics of the city published an alarm, entitled "Awake, Catholics," a copy of which I will inclose you herewith. The governor of the city, being evidently a strong Roman Catholic, apparently saw his opportunity in the edict issued by the Central Government, and determined to close the school for which those funds had been asked. You will note, from his own statement of the reasons for his action, that the chief of these reasons is a religious one. It is quite possible that according to the constitution of the Republic of Colombia he has a legal right to base his action on such grounds, but whether or not it is necessary that American citizens laboring in that country for the education and general enlightenment of its people should submit to restrictions based on religious grounds, is a question which our board desires to propose to you.

The constitution of the Colombian Republic, adopted in 1886, contains contradictory statements with reference to this matter, article 38 reading as follows:

"The Roman Catholic Apostolic religion is that of the nation. The public authorities shall protect it and cause it to be respected as the essential element of social
order. It is understood that the Catholic Church is not and shall not be official, and it shall preserve its independence."

Article 39: "No one shall be molested on account of his religious opinions, nor compelled by the authorities to profess beliefs or to observe practices contrary to his conscience."

Article 40: "The exercise of all worship that may not be contrary to Christian morals, or to the laws, is permitted. Acts contrary to Christian morals or subversive of public order, which may be occasioned under the pretext of worship, shall be judged by the common law."

The treaty between the United States and New Granada, now Colombia, stipulates that "the citizens of the United States residing in the territory of the Republic of New Granada, shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious beliefs."

With reference to the contention of the Government that Mr. Lee, the member of our mission in charge of the boys' school, had been offensive in his remarks as to what the Colombian Government would be compelled to do, you will note Mr. Lee's own answer, in which he flatly denies having taken any such attitude. Mr. Lee is a very enthusiastic and energetic man, but we regard him also as a man of good judgment and discretion.

Should the State Department desire any further information with reference to the institution most immediately concerned, or with reference to any other matter pertaining to this question, I shall esteem it a privilege to forward such information upon receipt of your request.

Hoping for your kindly consideration of this matter, which concerns so vitally our work in the entire Republic of Colombia, in which we have three mission stations, I am, etc.,

COURTENAY H. FENN.

P. S.—It is possible that the first thought with reference to this matter which the State Department would naturally embody in its answer would be, that the proper course for the matter to take would be through the United States minister to Colombia, the Hon. Charles Burdett Hart, at Bogotá. I would say that the reason why we have not waited for such a course of procedure was because of the excessively disturbed political conditions at present existing in the Republic of Colombia, which have rendered communication between Bogotá and Barranquilla extremely difficult and uncertain. It might be a matter of some months before the documents relating to the case could be brought before the minister in Bogotá. If, therefore, it is possible to secure the initiation of some measure of relief through the State Department at Washington it will greatly rejoice us.

COURTENAY H. FENN.

[Subinclosure 1.]

Mr. Lee to Mr. Fenn.

BARRANQUILLA, February 10, 1903.

My Dear Mr. Fenn: In October the station gave me permission to try to raise some money here in Barranquilla to be used toward the construction of a boys' school building. As I have already told you, I was able to obtain a little more than $800 here. About two weeks after I had finished asking the business men of Barranquilla to contribute toward this fund the article "Awake, Catholics" was published in one of the leading papers of this city. As I have already sent you a copy of this article it will not be necessary to inclose it in this. Of course the article was meant as a direct insult to the foreign Protestants and the Jews who contributed, and they took it as such. When the Sisters of Charity and the priests went to ask for their regular Christmas offerings from the merchants, a number of merchants showed the solicitors the article and told them that as they, the merchants, were "heretics," that their money and gifts were "bad" also, and that, further, they would give what they meant to go for religious or charitable purposes to the representatives of their own "heretical faith" here in this city. We were in no way a party to this, and did not know of it until after it had taken place.

It is the common opinion that the decree which I inclose, dated at Bogotá, January 11, 1902, came from Bogotá, but was originated here as a measure of retaliation against us. I shall try to communicate with the missionaries at Bogotá to see if this is a fact. As is stated in the decree, we went to the governor of this department to
ask permission of him to open our schools. He answered us in the negative, giving the following reasons:

First. Because we are foreigners, and all foreigners are enemies of the Government, he could not grant us the permission.

Second. Because we are Protestants, and teach liberal and revolutionary ideas, he could not grant it.

Third. Because we are Protestants, and propagate a religion which is contrary to the religion of the country, he could not grant it.

We asked him then if we were to understand that the decree was made directly against us as foreigners and Protestants, and he answered frankly that it was. We also asked him if there were any other colleges open, to which he replied that he supposed not, as no other college had asked for permission to open. At the same time we knew that there were three girls' schools open and one boys' school. When we asked him if he had received any damaging reports of our schools, he replied that he was not compelled to answer such a question, and that it was sufficient for him to say that we were Protestants. He based his refusal on no facts, but rather on what he thought or on his opinion, as we are positive that he made no investigation whatever. He also said: "I would be an imbecile if I would not oppose this religion with all my power." He also told us that we could appeal to higher powers if we wished to, but that he would fight us to the end. We then consulted our consul here, Mr. George W. Colvig, and he advised us as a preliminary measure that we should let him send a memorial to the governor, asking him to reconsider his decision. He also asked us for a set of all the text-books in use in our schools, so that he might offer them to the governor for examination.

We gladly submitted them. The enclosed memorial, dated February 5, was sent on Friday morning, February 7, but as yet the governor has not sent an answer. We are certain, however, that if he answers at all, it will be to refuse us permission. Indeed, our consul is of that opinion so firmly that he advised me to write to you immediately for advice as to how we are to proceed.

I quote a part of the treaty between the United States and Colombia, as New Granada, dated 1846, which is in force to-day:

"Art. XIII. Both contracting parties promise and engage formally to give their special protection to the persons and the property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country.

"Art. XIV. The citizens of the United States residing in the territories of the Republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country.

"Art. XXXV. * * *

"Fourth. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Fifth. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaint of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right."

The governor's three reasons for refusing us permission to open our schools clearly violate both Articles XIII and XIV of the treaty, and according to Article XXXV he personally is to be held responsible as to the permission, or refusal of permission, which power had been granted to him.

We must of necessity make a protest against the refusal of the governor, and we write to you for advice as to how to act. Shall we protest in the name of the board, or in the name of the station, or in the names of the principals of the two schools, or by one single missionary? Shall we, or shall we not, make any claim for damages? It might make them act more carefully in the future and insure us against such annoyances as this; but, on the other hand, I think it is not the custom of the board to ask indemnity where no property is destroyed.
We are bound to be given our rights in the end, and as a result of this we shall have more pupils than ever. We in the boys' school would have started with about 75 boys, which is an unusually large number to begin with. The usual number is from 20 to 40. These same pupils will come back to us, and many more, when we are able to open the school. All the pupils who at any time have been in attendance in either of our schools are being refused admission into the Catholic schools. They are being told that being in a heretical school they will contaminate the children in those schools. This persecution is in direct violation of the constitution of Colombia of 1886, made by the conservatives themselves. In the first article it says that there shall be entire separation between church and state. The governor in his refusal said that he would oppose us because we were propagating a religion contrary to that of this country. The third article of the constitution says that there shall be entire freedom of religious worship and belief.

I speak of this that you may know that our attendance will not be likely to be at all diminished by this interruption in our work. We hope that this interruption in our school work will not influence you to withhold the granting to us the appropriation of the $2,500 we have asked for the new building for the boys' school. Instead of influencing you not to give it, it should be an argument to persuade you to grant it.

First. Because this advertises the school more than ever and as a result we shall not have room for the boys who will come.

Second. It will take at least a year to build in this country even so small a building as the one we plan to satisfy our absolute needs.

Third. I shall have more time to supervise the building during the time of forced inaction in school duties. If you realize how carefully the process of building must be supervised here this last argument will appeal to you as strongly as it does to us.

Mr. Pellet, who has been living in this country for more than thirty years and has for a number of years been United States consul here, said that he regarded the governor's answer that the schools were closed because the missionaries were foreigners and Protestants as the "crucial point" on which to base a protest. In his opinion the missionaries who received the answer ought to make affidavit of that before the American consul. Some one suggests that as there is no one here who holds the power of attorney for the board, and as these properties are not under the name of the board, action will have to be taken in the name of an individual or individuals. I believe it takes a long time to get the power of attorney. We know of one case which took nearly a year.

We anxiously await your reply.

Yours, very sincerely,

WALTER SCOTT LEE.

[Later.]

FEBRUARY 10. —3 p. m.

I have just returned from the consulate where I saw the answer to the consul's memorial. As this is entirely private you will please treat it as such. The governor said that as the girls' school had been run with such moderation, and that as almost all the pupils are Protestants (which is not true, of course), it would not be inconvenient for him to grant Mrs. Ladd the permission to open her school. Mrs. Ladd will go this afternoon to obtain permission thus granted. He also said in the letter that he would appoint day after to-morrow, Wednesday, at 2 o'clock, to have a conference with the representatives of the boys' school. It seems as if he is beginning to back down. I will write to you by the next mail to tell you the result of the conference.

Yours, very truly,

WALTER SCOTT LEE.

[Subinclosure 2.]

Mr. Lee to Mr. Fenn.

BARANQUILLA, February 17, 1902.

My Dear Mr. Fenn: By the inclosed letter you will see that Mrs. Ladd has been granted permission to open the girls' school on the ground that she has used such moderation in her teaching, and that most of the pupils are of Protestant parents. In justice to Mrs. Ladd I would say that she has taught the Bible faithfully, and in no way done any different than you yourself would have done under the same circumstances. As for the children being mostly of Protestant parents, I would say that it is not so, for I regard that we have in the boys' school as many Protestant boys in proportion as she has in the girls' school. I believe that the real
reason that the governor allows the girls' school to open and not the boys' is that he thinks girls are less likely to wield an influence for the spread of Protestantism than boys.

You will see that the governor has absolutely refused us permission to open the boys' school. The grounds on which he bases his refusal are not such as refer to the present time, but rather to all time. We must fight against this or it will lead to our entire exclusion from Colombia if we do not. None of his charges hold against us. We have never tried, but rather avoided, when there was no principle at stake, to do anything hostile to the government. As for teaching any liberal or revolutionary ideas it is sufficient to say that we have taught the Bible and nothing else except our regular course of study, which it is unnecessary to say has nothing to do with political matters.

The declaration which the governor attributes to the rebels about their receiving money from mission boards on condition that the Protestant church would be made the state church was manufactured by a priest in the department of Santander in order to arouse the people against the liberals as well as against Protestants. It was proved to all persons open to conviction that it was a scheme of a priest and nothing else. You yourself know how foolish and unfounded a statement that a mission board, or boards, giving money for such a cause would be.

His charge that all liberal and revolutionary leaders and forces are not true Roman Catholic is absolutely false. The great majority of them hold firmly to the Church of Rome.

The argument used against the teaching of English in the school, that it weakens the spirit of loyalty to the country, must appeal to you as thoroughly ridiculous. You will surely understand that it is the wish of parents that the children learn the English language simply because it is the commercial language of the world, and therefore very useful to merchants in a seaport town like this. Naturally our aim in teaching the boys English is to teach them in the most practical way so as to enable them to have a speaking knowledge of the language. Our method of speaking to the children as much as possible in English appeals to the parents and pleases them very much, and this has been one of the drawing cards of the school. Of course the entire course of study is in Spanish, as must be the case in a Spanish-speaking country.

I absolutely deny the charge that I was not careful in expressing my opinion in public. I knew the kind of man I had to deal with, and therefore was especially careful. As for predicting the success that I would obtain through the intervention of the consul, I would say that I thought the governor might be influenced to grant permission through the memorial of the consul, but I never predicted the success, because I was never sure of it. I furthermore say most emphatically that I never discussed the matter in any public place. If anyone made such a remark I am very sorry, but I am in no way to blame for it. You will notice by this letter that the governor refused that audience only on the statement that I had spoken disrespectfully about him in connection with this matter. It seems clear to me that either he would have refused to grant us permission to open the school or else put so many restrictions on us that we could not have opened it.

His reasons, as expressed in this letter, are, as you know, in direct opposition to our treaty. As a result of this we will need to make a protest. Our consul thinks that it would be possible for you to make the protest at Washington directly, or if you think best, it can be made here. In either case I am sure you will use all the power and influence that you can to obtain our rights. As the other school is open, if you decide to have the protest made from here, I suppose it will most naturally be made under my name. Our consul is willing to help us in any way in his power, but he and we thought it best to wait for instructions or advice from you before we attempt to do anything further here. This decree affects our fellow-workers in Bogotá and Medellin also, and unless they have succeeded in getting permission from the governors of their departments, they are having the same difficulty that we are. A letter from Mrs. Candor informed us that the decree has been published in Bogotá, and she was afraid that it would close their schools.

It was suggested by several persons here that we open the school regardless of the decree, and regardless of the refusal of the governor to give us permission to open, basing our action on our treaty rights, but to us this did not seem wise unless we were instructed to do so by our board.

I meant, too, to say that I had no idea of coercion when I went to the consul about this matter, but hoped only for his friendly office to help us when at our first interview with the governor he refused us permission to open the school and refused also to discuss the matter with us.

Knowing that you will do your part, and hoping to hear from you as soon as possible, I am, etc.,

WALTER SCOTT LEE.
Mr. Coltig to Governor Velez.

Consulate of the United States,
Barranquilla, Colombia, February 5, 1902.

Sir: The faculty of the Colegio Americano de Barranquilla para Varones, Colegio Americano para Señoritas, and Escuela Popular have complained to me of your action in refusing them a permit to open their several institutions, which have been closed by operation of the national decree dated at Bogotá, December 30, 1901, subject to your option.

With a view to a continuance of friendly relations which have heretofore existed between these American schools and the government of this city and its inhabitants, I am asked to use my kindly offices to induce you to reconsider your former decision whereby you refused them permission to reopen their schools.

The decree referred to provides for official inspection of schools, doubtless to ascertain whether any revolutionary sentiment was being taught the pupils or whether the course of instruction has a tendency to weaken the national spirit of loyalty. The faculty have submitted to me the books employed in the several institutions and the published prospectus or list of studies pursued therein, and I annex the said list to this letter and tender herewith the said books for your inspection, hoping and trusting that you will examine the same and give these people a further hearing before you decide to close up their institutions which they have labored many years to establish.

I acribe, etc.,

George W. Coltig,
United States Consul.

[Subsreclosure 4.]

Governor Velez to Mr. Coltig.

Barranquilla, February 11, 1902.

Dear Sir: I have the pleasure to-day of amplifying my letter of yesterday in answer to yours of the 5th instant. I think that the National Government in resolving to close the private colleges that did not have special permission for their continuation has had in view the limitation of the propagation that is made against it in those establishments, and it is the duty of the governors not to concede authority to those colleges whose teachings are opposed to our institutions and to the tendencies of the present Government, teachings that justify and foment indirectly the war that is destroying the country.

The facts that I have respecting the American college for boys oblige me to include it among those that my duty obliges me to keep closed, and in order that I may not appear to adopt unfounded measures I shall make some explanations on the subject.

I have been able to observe that the generality of the foreigners maintain, without disguise, a position adverse to the Government, departing from the duties that the most simple discretion imposes; such an attitude as is unjustifiable with the guarantees and considerations that the Government vouches to them can obey no other course than a religious one; a special demonstration being noticed in the Protestants, who, considering the present Government, Catholic and clerical, think themselves obliged to hostile it and make propaganda against it.

The influence that the religious question obtains in this civil struggle is clearly proved by explicit manifestations made by the representatives of the rebels in the United States, Dr. Antonio José Restrepo, and of General Duran, one of the chiefs of the radicals in arms, who has declared publicly that by virtue of compromises of a religious character, which would be fulfilled if the revolution triumphs, this one (viz., the revolution) would receive aid in various ways from Protestants and Free Mason societies. These circumstances argue that all religious propaganda of Protestant tendency includes hostility towards the Government, against which the Government must prepare itself. Among the differences of doctrine that divide in Colombia the party that to-day governs and that which is in arms, that one that is most prominent is the religious divergency; the first having as its standard respect and protection for the Catholic Church, and the second hostility toward the same. Under these circumstances it is clear that the teaching of doctrine opposed to the Catholic religion, which it defends, must be considered as contrary to the Government, because they inculcate in the young the beliefs for which the rebel radicals struggle.
The national spirit suffers great loss by the weakening of the elements that constitute the nation, of which the first in line are the religion of the country and the mother tongue. Since that in the American college a teaching contrary to our religion is carried on, and it is the established rule of the college that the use of the English language for the boarding pupils of the establishment is obligatory, it is not risky to aver that as a result of such propaganda the decay of love of country would be the result, a pernicious influence at all times, and especially to day when civil war afflicts us whose principal mark has been the obliteration of national boundaries.

These considerations and the character of the institutions for which you have intervened oblige me to adopt the resolution of not conceding the necessary permission for their opening.

I must confess that I had the same impression concerning the American college for young ladies, but having heard the ideas of several persons, among whom is the priest of San Nicolas, who inform me that Mrs. Ladd is very circumspect in her teaching, and that the greater part of the pupils are daughters of Protestant parents, I have been inclined to offer to concede permission for that school to open.

After having offered to you that I should concede the audience solicited for the directors of those colleges, I have been informed that the director of the school for boys has not had reserve in expressing his opinion in public on this subject in such terms that are little in conformity with the respect due to the authorities and predicting the success that he would obtain through the intervention of that consulate. This leads me to state to you that my condescension in respect to the opening of the school for young ladies is due to what I deemed just and nothing more; and at the same time I would request you to inform that gentleman that your intervention in this matter could not in any way be coercive, because I am not easily intimidated, and furthermore, I know how far a foreign consul can meddle in the disposition made by the Government. I furthermore inform you that, having adopted a firm resolution on this matter, and not considering myself obliged to receive those who do not know how to respect the authority that I exercise, by which he furthermore shows his desire to hostilize the Government, I believe the conference that I offered to have with the directors of the said colleges is unnecessary, and consequently I withdraw the citation that through you I have given to those gentlemen.

With feelings of consideration, I remain, etc.,

Joaquin F. VeLez.

[Subinclosure 5.]

Minister of Public Instruction to Governor VeLez.

Bogota, January 11, 1902.

Governors — — —, Barranquilla:

With date of December 30, in use of the respective constitutional authorization, the Government issued a decree authorizing the inspection of private establishments of instruction. The decree provides that until public order is reestablished it is prohibited to open such establishments, of whatever grade, class, or condition they may be, without special or express permission of the Government, and that those who act contrary to this edict will be compelled to close their establishments and will pay a fine of 500 to 2,000 pesos. Please let the public know of this decree and enforce it in that department. You are authorized to grant the permission referred to or to deny the same according to the circumstances of each institution and with regard to the actual state of the nation.

Jose Joaquin Casas.

[Subinclosure 6.]

Governor VeLez to the Minister of Public Instruction.

Barranquilla, January 30, 1902.

Minister of Public Instruction, Bogota:

I had the honor of receiving on the 28th instant your important telegram communicating the substance of the decree of the Government dealing with the inspection of private establishments of instruction, which document will be published to-morrow officially. In the carrying out of the same and in exercising the authority that your honor gives me I will not permit the opening of any such schools where directly or indirectly revolutionary spirit is fermented or where is weakened the national sentiment so necessary for the maintaining of sovereignty and national independence. I greet you cordially.

Joaquin F. VeLez.
The Protestant minister and principal of the American college is collecting a sum in gold for the construction of a building for said college. No one is so foolish as not to believe that that college is for the propagation of Protestantism, although they deny it, and surely no Catholic will commit the error of aiding with his money, even though in form of a loan, the work of heresy. It is good that the foreigners here, who are almost all of them Protestants or Jews, should contribute; but that one of our fellow-countrymen, a son of a country so Catholic as Colombia, should help the Yankee Protestants to sow the seed of disbelief in the minds of the youth, to say the least of it, with all its fatal consequences, thus preparing the way to Americanism, is not only sinning against religion, but also against society and against our native country.

Awake, Catholics and Colombians! Do not be deceived! Have no respect for any man! Before this, our country; and before our country, God.

Mr. Beaupré to Mr. Hay.

No. 607.]

Legation of the United States,
Bogotá, May 29, 1902.

Sir: Referring to the Department’s No. 385, of March 26, 1902, concerning the closing of the Presbyterian boys’ school in Barranquilla, I have the honor to report that very nearly the same difficulties were experienced in this city, and it required considerable pressure on the part of Mr. Hart before permission was given to open the schools. Both the girls’ and boys’ schools are now running, the latter with an unusually large attendance.

On the 17th of March, 1902, I was handed a letter from the Rev. J. G. Touzeau, of Medellin, dated February 8, 1902, complaining that the governor of the department of Antioquia had refused to grant permission for opening the Colegio Americano in that city. I immediately called at the ministry of public instruction, and the minister being absent, I took up the matter with the subsecretary, who promised to acquaint the minister with what I had said. On the following day I again called at the ministry, and the minister being present said that the subject had already had his attention, and that he had telegraphed orders to the governor of Antioquia to permit the opening of the school. On the same day I wrote the Rev. J. G. Touzeau, giving him the above information.

A short time after this the Rev. A. R. Miles, of this city, told me that he had received a telegram from the Reverend Touzeau, saying that the schools had been opened.

With reference to the trouble at Barranquilla, this legation had no information until the receipt of the Department’s instructions. I then called on the minister for public instruction, who said that before giving peremptory orders for the opening of the boys’ school in that city he preferred to institute some inquiries; but that if he found the conditions there the same as at Bogotá or Medellin permission would be given to open the school. He promised to notify me as soon as possible of the result of his inquiries.

I am, etc.,

A. M. Beaupré.
Mr. Beaupré to Mr. Hay.

Legation of the United States,
Bogotá, July 11, 1902.

Sir: Referring to my No. 607, of May 12, 1902, concerning the closing of the Presbyterian boys' school at Barranquilla, I have the honor to report that I have received a note from the Colombian minister for foreign affairs, dated yesterday, in reply to one of mine dated the 7th instant, saying that the governor of the department of Bolivar would be instructed to permit the opening of said school.

I am, etc.,

A. M. Beaupré.

Right of United States Citizens in Colombia as to Expropriation of Property.

Mr. Beaupré to Mr. Hay.

Legation of the United States,
Bogotá, April 23, 1902.

Sir: With reference to the expropriation of the property of American citizens by the Colombian authorities, I desire to submit for the consideration of the Department, in connection with "the most-favored-nation" clause in our treaty of 1846, the following extract from the treaty between Great Britain and Colombia of February 16, 1866. Article XVI reads as follows:

The subjects and citizens of each of the contracting parties in the dominions and possessions of the other should be exempted from all compulsory military service as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and finally forced loans and military exactions or requisitions.

Article 3 of Colombian law 56 of 1890 says:

In the event of the presumption alluded to in the preceding article (grounds of public utility of expropriation) not being refuted, the expropriation will be decreed against whomever it corresponds, be it private individual, society, corporation or community, or political or municipal entity, save the rights, exemptions, or immunities recognized in laws or in public treaties.

I am not citing the foregoing in view of any particular case, but rather as general information for the Department.

Would it not seem that the said Colombian law 56 precluded the plea of legality for expropriations on the ground of municipal law? If treaty provisions prohibit expropriations, could the plea of urgent military necessity be interposed as justification in the absence of a state of war, even although military operations were in progress against insurgents, particularly when the military necessity, if any, was remote, and the articles taken consisted of mules and general equipment for an army not actually engaged with the enemy, being in fact strictly private property seized in a district occupied by and under the control of the Government authorities, and never having been under the jurisdiction of the insurgents?

Finally, is the intendment of the treaty quoted sufficiently clear to warrant its construction as an absolute prohibition of expropriation?

I am, etc.,

A. M. Beaupré.
Mr. Beaupré to Mr. Hay.

LEGATION OF THE UNITED STATES,
Bogotá, May 5, 1902.

Sir: Reference being had to my No. 599, of the 23d ultimo, concerning the expropriation of property by the Colombian Government, I have the honor to lay before the Department some additional information.

The position of the Government on this question is well defined by a telegraphic order addressed by the Colombian minister for foreign affairs to the departmental government of Antioquia, on July 10, 1901, and which is still in effect. This order laid down in terms that foreigners residing in Colombia were subject to the constitution and laws of Colombia in the same way as natives, compulsory military service being excepted, and that, consequently, if very urgent necessities made it indispensable to seize animals belonging to foreign private individuals for the maintenance and restoration of public order, these animals might be taken under the same conditions as from Colombians.

I enclose herewith a translation of said telegraphic order of July 10, 1901.

While this can not be admitted to be a correct view of the rights of foreigners protected by treaty stipulations, nor of the authority of the Government to impress the property of neutral foreigners for use against the enemy or in the public service in general, under existing conditions, still it is not the order itself that is especially to be complained of, but rather the importance and unlawful uses made of the authority it vests in the subaltern officials charged with expropriations.

The "amigos del Gobierno" (friends of the Government) constitute a favored class, seemingly under special protection, and suffer scarcely at all in their persons or property. All over the savannas are herds of cattle, horses, and mules, belonging to such native friends, who might, it would seem, other things being equal, not unreasonably be selected in preference to foreigners to discharge the burdens arising through "urgent necessity" of the kind mentioned.

I wish to cite a case that recently came under my personal observation:

On the 3d instant Mr. Albert B. Dod, a citizen of the United States, was in Bogotá on some business, intending to leave early the following morning. His two riding mules, with saddles, bridles, saddlebags, waterproofs, etc., he left at the stable of a foreigner named Turner. Mr. Dod took a noon breakfast with me at my residence, after which he went to look after the animals, and there found that his saddles, bridles, etc., had been taken by a Government official, who had left a receipt for the property, fixing its value in the receipt at 1,000 pesos. It was impossible to trace the property that day, so that Mr. Dod was, therefore, compelled to go to a saddler and buy another outfit, which, although substantially no better than the one taken, cost him about 5,000 pesos.

Aside from the inconvenience and vexation of such a seizure, Mr. Dod is certain to be a large financial loser, for the Government insists upon its right to arbitrarily fix the value of expropriated property. Even with the good offices of this legation, I do not believe that he can get more than 1,000 pesos for his property, and even that only
after months of perseverance and waiting. I am quite of the opinion that such a claim should go through the diplomatic channel.

There are dozens of stores in Bogotá selling saddles, and hundreds of saddles for sale at a fair price. Therefore whence comes the urgent, immediate, and pressing emergency that would justify the forcible expropriation of Mr. Dod’s property? Certainly, under the system of arbitrarily fixing the value of such property it is much cheaper to get it in this way, and the day of payment is indefinitely postponed, but I can not believe it consistent with the guaranties of public treaties nor the law of nations.

It is altogether probable that in the majority of cases the reasons for expropriations are no more valid nor just than those in the case just cited. Necessarily, with the financial distress of the Government it is almost impossible to collect claims, large or small, and the Government has announced to many, and to one American at least whom I know, and who has had a large amount of property seized, that no payments would be made until the close of the war. Therefore it is earnestly to be hoped that our citizens in Colombia will not in future be afflicted with this sort of amercement too often.

On the 3d instant I received a letter from Mr. Luis Soto L., the representative in Colombia of Messrs. G. Amsinck & Co., of New York, dated the 1st instant, saying that the owner of a coffee plantation, a debtor of the firm he represented, had informed him that he had received intelligence that the Government was thinking of issuing a decree expropriating all the coffee remaining in the different plantations which have their outlet on the Upper Magdalena River, and which had not been heretofore exported because traffic had been suspended on that part of the river; that the greater part of all that coffee is the property of Messrs. G. Amsinck & Co., who would suffer great loss should such a measure take effect, asking that this legation seek information about the matter and then take action to prevent such a decree being issued.

I have the honor to send herewith a translation of said letter.

I have no information whatever with respect of the intentions of the Colombian Government in the premises. The planter does not state the source of his knowledge, and it can only be presumed that there is a possibility of such a decree issuing.

I am, etc.,

A. M. Beaupré.

[Inclusion.—Translation.]

Columbian minister for foreign affairs to departmental governor at Antioquia.

[Telegram.]

BOGOTÁ, July 10, 1901.

To the Governor of the Department of Antioquia, Medellín:

I have pleasure in replying to your important telegram of the 20th ultimo, received yesterday.

Foreigners residing in Colombia are subject to the constitution and laws of Colombia in the same way as the natives, the compulsory military service being expected. Consequently, if very urgent necessities make it indispensable to seize animals of foreign private individuals, for reasons relating to the maintaining or restoration of public order, you may give orders that they be taken under the same conditions as from Colombians, avoiding outrage or violence, being careful to record the same and to make corresponding valuations, in order to avoid unjust claims.
Desertion being a military crime, and as recruiting (drafting) is authorized by our laws, you may order that deserters be pursued, and that soldiers be recruited from the establishments of foreigners, only the residences of diplomatic ministers being inviolable and protection restricted to them. The above relating to individuals also applies to foreign companies. Foreigners are obliged to maintain strict neutrality in all civil disputes of the country, under penalty of being expelled from the Republic's territory, in accordance with our act 145 of 1888. You will kindly give notice to this effect, and in the event of your having to expel any person or persons, you will previously inform this ministry in order that you may obtain the necessary authority.

Yours, faithfully,

ANTONIO J. URIBE.

Authentic:
J. J. CHICA.

[Inclusion 2.—Translation.]

Mr. Soto to Mr. Beaupre.

BOGOTÁ, May 1, 1902.

Sir: One of the owners of coffee plantations, debtor of Messrs. G. Amsinck & Co., of New York, whose attorney and agent I am in this city, has come to say to me that he has just been informed that the Government is thinking of issuing a decree expropriating the coffee still deposited in the different plantations which have their outlet on the Upper Magdalena, and which, on account of there being no navigation on that part of the river, has not been exported.

As your excellency knows, all the coffee, or at least the greater part of the coffee, deposited in the houses of that region is the property of Messrs. G. Amsinck & Co., of New York, who, by having advanced money for it, have already paid its value, as I have had the honor of communicating to your excellency through letters addressed to that legation, and as this measure of the Government, if it should be brought into effect, would cause heavy damages to those I represent, Messrs. G. Amsinck & Co., of New York, I hasten to let this fact be known to your excellency, with the object that your excellency may find out the truth about it, and if possible to prevent the said measure being put into effect, which would largely fall on the foreign houses doing business in this country, and very especially on that of Messrs. G. Amsinck & Co., of New York.

It is highly honorable for me to subscribe myself, etc.,

LOUIS SOTO L.

Mr. Hay to Mr. Beaupré.

No. 397.]

DEPARTMENT OF STATE,
Washington, June 5, 1902.

Sir: I have to acknowledge the receipt of your No. 599, of the 23d of April last, in regard to expropriations.

In reply I have to say that the benefit of the provisions of Article XVI of the treaty of 1866 between Colombia and Great Britain in relation to exemption from military contributions and expropriation of property in Colombia can not be claimed by the United States by virtue of the most-favored-nation clause of our treaty of 1846 with New Granada (Article II), by which the United States and New Granada mutually engage not to grant any particular favor to other nations "in respect to commerce and navigation" which shall not immediately become common to the other party, "who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional."

As between the United States and Colombia, the matter is governed by the express terms of the treaty of 1846 between the United States
and New Granada (Colombia), Article VIII of which provides that "the citizens of neither of the contracting parties shall be liable to any embargo nor be detained with their vessels, cargoes, merchandise, or effects for any military expropriation nor for any public or private purpose whatever without allowing those interested an equitable and sufficient indemnification."

I am, etc.,

John Hay.

Mr. Hill to Mr. Beaupré.

No. 407.]

DEPARTMENT OF STATE,
Washington, June 28, 1902.

Sir: I inclose copy of a dispatch from the United States consul at Barranquilla, forwarding correspondence alleging the forcible expropriation by the Colombian military authorities at Santa Marta, without compensation, of the property of American citizens.

You will notify the Colombian Government that this Government will hold it responsible for any proven cases of the seizure of American property for military purposes without due compensation.

I am, etc.,

David J. Hill,
Acting Secretary.

[Inclosure.]

Mr. Colvig to Mr. Hill.

No. 20.]

CONSULATE OF THE UNITED STATES,
Barranquilla, Colombia, June 4, 1902.

SIR: You will note by the inclosed letters that a very disturbed condition of affairs exists at Santa Marta, Colombia, which is at present occupied by a large force of Government troops. Messrs. Senter and Edwurn are American citizens engaged in business near the town and reside in said place. It is evident that the civil authorities are unable to control the troops, and it would therefore seem important that the United States should take some appropriate measure to command respect and afford protection to the American residents there.

I respectfully lay the matter before the Department as to what measures should be adopted to effect the desired end.

I am, etc.,

George W. Colvig, U. S. Consul.

[Subinclosure 1.]

Mr. Trout to Mr. Colvig.

CONSULAR AGENCY OF THE UNITED STATES,
Santa Marta, May 31, 1902.

SIR: I beg to call your attention to the herewith inclosed statements of Messrs. Edwurn and Senter, in which a gross injustice is reported to have been done to American residents of this city, and which the chief authorities absolutely refuse to take notice of.

The facts are that the house of an American resident of this city has been entered by the Government troops, and without the knowledge of said American personal property has been taken there to the value of at least $300 gold, and, as above stated, on protest being made to the governor he refuses to take any notice of the action of his troops. I therefore believe that public exigencies require the presence of a United States man-of-war at this port, and would request that one be ordered to visit this port with as little delay as possible.

I am etc.

William A. Trout,
U. S. Consular Agent.
FOREIGN RELATIONS.

[Subinclosure 2.]

Mr. Senter to Mr. Trout.

SANTA MARTA, May 31, 1902.

DEAR SIR: The numerous inconveniences and insults we foreigners have been subjected to lately in Santa Marta have culminated in the forcible entry of our horses and the taking therefrom of our personal property.

At daylight this morning my house was forcibly entered and my saddle horse and a mule taken for Government use, without compensation or receipt, and my efforts to get restitution are met by the governor's statement that the Government is in no way responsible for illegal acts of its soldiery. This statement was made to me in the anteroom of the governor's office, in the presence of a number of people, and you can readily imagine had a bad effect on foreigners' interests here.

I wish again to urge the necessity of a ship's presence here for our protection.

Yours, very truly,

HENRY M. SENTER.

[Subinclosure 3.]

Mr. Edwurn to Mr. Trout.

SANTA MARTA, May 31, 1902.

SIR: In accordance with your suggestion I make the following report of an occurrence this morning:

At daylight this morning a squad of police or military forced its way into the house of Mr. Henry M. Senter and myself, and without warning or explanation, or the giving of a receipt, took from us two horses and a mule. We immediately sought the proper authorities, who informed us that they agreed it was an evil deed done by ignorant soldiery, and while the Government held itself "morally responsible, it was not legally so for the acts of its soldiers and police." The governor refuses to return the animals.

We are informed that this act has been repeated in the house of at least one other foreigner to-day.

Yours, very respectfully,

LEO. EDWURN.

Mr. Hill to Mr. Beaupré.

No. 412.]

DEPARTMENT OF STATE,
Washington, July 31, 1902.

SIR: I have to acknowledge the receipt of your No. 605, of the 5th of May last, reporting the position of the Colombian Government on the subject of expropriations.

It appears from your dispatch and its inclosure that the Colombian Government has announced that "if very urgent necessities make it indispensable to seize animals of foreign private individuals for reasons relating to the maintaining or restoration of public order," such property may be taken.

The Government of the United States regrets its inability to acquiesce in the application of such measure to its citizens. While it is not disputed that circumstances might arise in which the property of foreigners, as well as of natives, situated in Colombia might be lawfully expropriated for military uses or State purposes, it is impossible to recognize an order couched in such vague and general terms that it could be considered as a license to seize and confiscate the property of citizens of the United States under circumstances and for purposes which could not warrant and justify the seizure either upon principles of public law or under existing treaty stipulations between the United States and Colombia.
A state of public war does not exist in Colombia, and the belligerent right of expropriation which may sometimes be lawfully exercised does not exist. But even if the measure were defensible, which is not conceded, the discrimination alleged to be practiced by the seizure of private property of citizens of the United States, while property of "amigos" or friends of the titular Government, similarly situated, is untouched, could not be characterized otherwise than as odious and intolerable.

Nor can the Government of the United States concede for a moment the right of the Colombian authorities arbitrarily to fix the value of the property so taken, so as to defeat the right of the owners of such property to full compensation and indemnity for its actual value when taken. For all property of United States citizens thus taken by the authorities of the Colombian Government the Government of the United States will expect that such compensation be made.

I am, etc.,

DAVID J. HILL,
Acting Secretary.

Mr. Adee to Mr. Hart.

No. 414.]

DEPARTMENT OF STATE,
Washington, August 4, 1902.

Sr: Referring to Department's Nos. 407 of June 18 and 412 of the 31st ultimo, in regard to the expropriation of the property of United States citizens in Colombia, I inclose copy of a letter from the Navy Department and invite your attention to paragraphs 8, 9, 10, and 11 of the report made by the commanding officer of the U. S. S. Ranger regarding his visit to David.

I am, etc.,

ALVY A. ADEE,
Acting Secretary.

[Inclosure.]

Mr. Taylor to Mr. Hay.

NAVY DEPARTMENT,
Washington, July 30, 1902.

Sr: I have the honor to inclose for your information a copy of a letter received to-day from the commanding officer of the U. S. S. Ranger at Panama, dated the 19th instant, reporting on a visit to David.

Very respectfully,

H. C. TAYLOR,
Acting Secretary.

[Subinclosure.]

Commander Potter to Mr. Moody.

No. 3.]

U. S. S. RANGER,
Panama, Colombia, July 19, 1902.

Sr: 1. I have the honor to report that, in obedience to the Department's telegram of July 10, I left Panama on the 12th instant and arrived off the bar at the mouth of David River on the 14th.

2. On the morning of the 15th I proceeded up the river in steam launch to Pedregal, the head of navigation, 15 miles from the anchorage, and by carriage to David, 3½ miles inland.
3. Consul-General Gudger accompanied me.
4. Consultations were had with the English and French consular representatives and with some of the principal American property holders in the province of Chiriqui, two of whom from Boquete were fortunately in David at the time.
5. Most of the Americans are located at Boquete, some 40 miles in the interior from David, engaged in the culture of coffee, and do not appear to have been interfered with any more than would naturally be expected from the unsettled condition of the country.
6. Gen. Benjamin Herrera, the leader of the revolutionists, had left David by land with the greater portion of his forces for some point on the Gulf of Panama, presumably to meet the Government forces.
7. I received personal assurances from Gen. Manuel Quinteros, jefe civil y militar, the representative of General Herrera at David, that there would be no interference with the persons and property of Americans, and that orders had been issued that their native labor should not be molested or withdrawn to any greater extent than the exigencies of the situation demanded during the present condition of affairs.
8. The house of an American named Lawler, married to a Colombian, had been searched during his absence for the presence of Government sympathizers, for which a written apology was given immediately after the occurrence.
9. Mr. Lawler lost eight horses, which the authorities claim were taken by irresponsible marauding parties, and he was given written authority to recover them wherever found. The general informed me that in the meantime Mr. Lawler would be furnished with eight horses in lieu of his own until they could be recovered.
10. No general manifesto had been issued to foreigners in regard to levying money or supplies, as was reported. One individual demand was made in the case of a Frenchman, and that may have been for cause.
11. The reports of interference with foreigners appear to be much exaggerated, and, in my opinion, the Americans residing in the vicinity of David and in the province of Chiriqui are in no danger of person or property, although unavoidably subjected to some inconvenience in their business relations on account of the presence of armed forces in the locality.
12. Consul-General Gudger concurs fully in this view of the situation.

Very respectfully,

W. P. Potter,
Commander, U. S. Navy, Commanding.

Mr. Hart to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Bogotá, August 21, 1902.

(Mr. Hart inquires if he is to understand, from Department’s instruction No. 407, of June 28, 1902, that due compensation must be made at the time of seizure of property; and states that American citizens must continue to suffer without practical remedy if such rule is not observed.)

Mr. Hart to Mr. Hay.

No. 650.]

LEGATION OF THE UNITED STATES,
Bogotá, August 23, 1902.

Sir: Referring to the Department’s No. 407, of June 28, 1902, just received, in the matter of the forcible expropriation by the Colombian military authorities at Santa Marta, without compensation, of the property of American citizens, I have the honor to submit the following:

On Thursday last, 21st instant, being the one day of the week fixed for the reception of diplomatic agents accredited to this Government,
I called at the foreign office to lay before the minister the several matters of complaint communicated to me in the Department's instructions bearing June dates. The assistant secretary said that the minister had been called to a cabinet meeting and had left word that any minister who desired to discuss any matter might do so with the assistant secretary. This was far from satisfactory, but, in order to lose no time, I opened to the assistant secretary, among other things, the case now under consideration, which I promised to set forth fully in a note to the minister for foreign affairs. The assistant secretary said that of course his Government learns always with regret of such unlawful acts, unhappily too frequent occurrence during the present civil war, and he had no doubt that a prompt and thorough inquiry would be made.

Assuming the truth of the statements in the Santa Marta matter, this is not the first case of its kind during the present civil war; and, if the war continue, it will not be the last, unless more impressive steps shall be taken to arouse the Colombian Government to a realizing sense of its responsibility. In my conversation, above referred to, with the assistant secretary of the foreign office, he said that unfortunately the military and police do as they please, and the more remote from the capital the more difficult it is to check them. He admitted that many so-called cases of expropriation are no more than common thefts committed in the interests of the seizing officers. The assistant secretary agreed with me that this does not relieve his Government of responsibility for the acts of its agents.

In my dispatches to the Department during the present civil war in Colombia I have frequently called attention to the free-handed way in which the property of foreigners is seized by the Colombian military authorities. During my absence in the United States, on leave, Mr. Beaupré, in No. 605, of May 5, 1902, laid before the Department a good specimen case of an outrage committed against an American citizen under the very thin disguise of an expropriation for military purposes. I take the liberty to recall Mr. Beaupré's dispatch to the Department's attention, because the act therein reported was committed at this capital and under circumstances which made Mr. Beaupré familiar at once with all the details. We have here a case that can not be lost in a distant Department, nor swept away by anybody's denial, nor justified on the ground of pressing public necessity—that can not be belittled nor befogged in any way whatsoever. Yet, if the matter be allowed to rest as it is, the American citizen whose property was taken will be paid, if ever, the ridiculously inadequate price arbitrarily fixed by the officer who arbitrarily took his property.

In the Santa Marta case there was forcible expropriation by the Colombian military authorities, without compensation and without receipt for the property taken.

In the Bogotá case there was forcible expropriation by the Colombian military authorities, without compensation, receipt being given for a ridiculously small part of the value of the property taken.

Cases of each kind are of frequent occurrence. Where they involve the property of American citizens, what can this legislation do to extend the protection which the circumstances seem to warrant? And what is "due compensation"? If by "due compensation" is meant a fair price paid at the time of taking the property, and if the Colombian Government be notified of the intention to exact these conditions, the
seizure of American property for military purposes will come quickly to an end. Compensation fixed capriciously and delayed indefinitely can not be "due compensation."

The Colombian Government announces that while the war lasts it will not pay claims growing out of expropriations, so that the use of good offices in this behalf must almost certainly be unavailing.

I respectfully ask definite instructions in respect of the expropriation of the property of American citizens, so that, if there be a way to do so, I may know how the Department would have me proceed to extend to American citizens the protection which they ask, and, failing this, that I may secure for them promptly the compensation to which they may be entitled.

I am, etc.,

CHAS. BURDETTE HART.

Mr. Adee to Mr. Hart.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 27, 1902.

(Replying to Mr. Hart's telegram of August 21, Mr. Adee states that article 8 of the treaty of 1846 stipulates equitable and sufficient indemnification; that the treaty does not stipulate when compensation shall be made but, according to general principles of international law, private property is subject to seizure only by way of military necessity, and the military commander must cause receipts to be given which will serve owner to obtain indemnification guaranteed by treaty, unless compensation is made at the time of seizure.)

Mr. Adee to Mr. Hart.

No. 421.]

DEPARTMENT OF STATE,
Washington, September 6, 1902.

Sir: Referring to the Department's telegram of August 27, and previous instructions, regarding the expropriation of the property of American citizens by the military authorities of Colombia, and the hearing thereon of the stipulations of Article VIII of the treaty of 1846, I inclose copy of a dispatch from the United States vice-consul-general at Panama reporting instances occurring near Cali.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure.]

Mr. Ehrman to Mr. Hill.

No. 329.]

CONSULATE-GENERAL OF THE UNITED STATES,
Panama, August 25, 1902.

Sir: I have the honor to transmit herewith, for your information, a copy of a letter received from Mr. W. A. Barney, consular agent at Cali, Colombia, together with a letter from the firm of Holman & Shearer to Mr. Barney.

I have no information in regard to this subject other than that which is set forth in the inclosed letters.

Awaiting your instructions, I am, etc.,

FELIX EHRMAN,
United States Vice-Consul-General.
COLOMBIA.

Mr. Barney to Mr. Gudger.

[Subinclosure 1.]

UNITED STATES CONSULAR AGENCY,
Cali, August 12, 1902.

Dear Sir: Your favors of June 25, July 12 and 25 came to hand by the last mail, which was received here on the 8th instant.

I beg to say that I am somewhat surprised myself that you find anything new regarding the situation here in my notes to you of June 21, as I have copies of my former communications addressed to you bearing dates of December 19, 1899, December 3, 1901, January 14, 1902, March 22, 1902, May 18, 1902, and June 26, 1902, in which I endeavored to acquaint you with what was taking place here and asking instructions.

However, I hope that something can be done to relieve the trying situation here, and I inclose a letter which I received yesterday from the firm of Holman & Shearer, Americans, doing business here, which merits attention and on which I await your comments and instructions.

On the 9th of this month the military authorities here in Cali took from me, without asking or consulting me in any way whatsoever, 40 miles, unloading the animals and leaving the loads out in the open, without cover and subject to the weather and thieves, and later sent the animals off with soldiers in different directions, without acknowledging my ownership in any manner.

They have no excuse for this action under any circumstances, but less in view of the fact that there has never been an occasion when the Government has sent to me asking for animals that I have not given them those which they needed, and never received pay for the services rendered, either. I have furnished them with animals in large numbers at least a dozen times.

It is not too late as yet to make an effort to correct matters and to enforce respect for the property of the Americans located here, which I most earnestly ask you to do, for the situation is really most serious for all of us.

I am, etc.,

WILLIAM A. BARNEY,
United States Consular Agent.

[Subinclosure 2.]

MESSRS. HOLMAN & SHEARER TO MR. BARNEY.

REPUBLICA DE COLOMBIA,
Cali, August 11, 1902.

Dear Sir: I beg to call your attention to the circumstances under which the local military authorities took from one of our pastures a lot of 32 animals during the night of the 9th instant, against which action we earnestly protest, and most respectfully ask your assistance in recovering the animals, and, furthermore, asking that the matter may be brought to the attention of our home Government with the object of obtaining some redress and preventing the recurrence of these outrages, of which this, as you are aware, is not the first we have suffered.

Last week I sent to our pastures near the town of Payas and had brought to this city 32 miles, intending to use them in a trip to the railroad terminus loaded with hides, which we wish to ship to New York, and to return with merchandise, for which we are in urgent necessity.

I put these animals into our pasture, located about a mile from the center of this city, on the road to the "Paso de Juanchito." Some time during the night of Saturday, the 9th, they were taken from this place, although the gate was locked, and Sunday morning, after our men had discovered that the animals were missing, they were found scattered through the streets of this city, some loaded with camp equipage and others ridden by officers and soldiers of the troops which were preparing to march. During the day battalion "Pastuso" took some of the animals with them when they left for Popayan, and battalions Nos. 31, 35, and 39 took the others with them to Cordoba.

We were not advised that the Government needed animals, nor were we asked to rent them or to sell them, nor were we advised that the Government intended to take them or that they had taken them, and, having taken them because they had need for animals, were willing to arrange with us for their use. We have no receipt for these animals nor any contract or promise to pay for their use or order for their
return to us, nor have we any promise that they will be returned or to recompense us for their use or loss.

The Government has not and will not assume any responsibility in the question of the return of the animals. Yesterday the military alcalde sent me word by an employee of ours "that they were not responsible for the animals, and if I objected to the Government using them and wished to avoid losing them, I should not own animals at all."

Having stolen our animals, they are now using them precisely as though they were actually of their own legitimate property. We have no voice as to their use, management, disposition, destination, or return. In fact, we have purchased and maintained nearly 200 animals practically for the sole use of the Government, and we are told that we have no right to object. We have absolutely no use or security of our own property. We not only have no use of the amount invested in our animals, but risk and are likely to lose the entire amount. We have lost a few animals at a time all during the war, having been taken from our pastures or off the road.

We bought these animals and have had them for several years for the purpose of carrying our own export products toward the coast and to bring from there our imported merchandise, but on account of the interference of the Government we are unable to use them for our own purposes, and as a consequence we have lost many thousands of dollars' worth of goods of different kinds during the last months, as we have been unable to move them and have had to leave them to perish.

In this particular case we risk the loss of not less than $120,000 as the value of the mules, about $55,000 as the value of the freight charges on the goods which these animals could carry if they were now in our service, at least $300,000 as the value of the merchandise which they would bring and which we are now forced to leave in the wet climate of the coast, where the resulting damage is quick and complete, and at least $130,000 as the value of the exportable goods of a perishable character which for our inability to use our animals we are obliged to leave, with the probability that before we can move them they will be a complete loss.

This is only an approximate estimate in paper money and does not include the amount of the probable profit which we would reasonably expect to realize on the sale of the goods mentioned or the interest on the amounts involved in the cost of the property.

As you know, we have suffered other similar and equally severe losses, about which we will not particularize now.

We further feel it necessary to advise you that we have recently been informed privately that the chief military commanders here have said that they intended to send to our other pastures and take all of our animals. We will further state that we have complied with the requirements of the law and have our "patents" giving us the right to use our animals. It is evidently their intention to ruin us if they are allowed to do so, and we can do very little to prevent them.

We have endeavored to the best of our ability to avoid interference by the Government and not to place ourselves or our property in a position to suffer by any act of the Government. We have taken pains to avoid collisions with the officials, and on this and other similar occasions we have tried to arrange matters quietly and with as little trouble and friction as possible. It seems to be of no use, as they manifest no intention or desire to treat us fairly.

Trusting that you will take such measures as you see fit, and that such may be be prompt and, we hope, of some avail, we are, etc.,

H. M. Shearer,
for Holman & Shearer.

Mr. Hay to Mr. Hurt.

No. 427.] DEPARTMENT OF STATE, Washington, October 6, 1902.

Sir: Acknowledging the receipt of your No. 650, of August 23 last, in the matter of expropriation by the Colombian military authorities of the property of American citizens, I refer, in response, to the Department's cablegram of August 27. The treaty provision and the cablegram referred to cover the question generally.

I am, etc.,

John Hay.
Mr. Hart to Mr. Hay.

Legation of the United States,
Bogotá, October 23, 1902.

Sir: Referring to the Department's No. 421, of September 6, 1902, and to various dispatches of this legation representing the hardships to which American citizens sojourning in this country are subjected, and having in mind the Department's consequent instructions, I assume that the only course open to Mr. Barney and Messrs. Holman & Shearer is to prepare their claims and forward them to the Department of State. I shall bring their cases to the attention of the foreign office; but since I know of no way to compel the immediate payment of indemnity, I presume the cases will rest where they are until the Department of State shall instruct me to present and press the claims.

I am, etc.,

Chas. Burdett Hart.

Mr. Hay to Mr. Hart.

No. 441.]

Department of State,
Washington, December 18, 1902.

Sir: In compliance with the suggestions contained in your No. 678, of October 23 last, claims circulars have been sent to the United States consulate-general at Panama for the benefit of American citizens who have lost their property by military expropriations.

I am, etc.,

John Hay.

Neutrality of Aliens—“Certificates of Neutrality” Not to be Issued by Legations to United States Citizens.

Mr. Beaupré to Mr. Hay.

No. 622.]

Legation of the United States,
Bogotá, June 8, 1902.

Sir: * * * Transit in the country is as difficult as ever. In the case of foreigners desiring passports the authorities are very strict, indeed. On the appointment of General Fernandez as minister of war he issued a note stating that all foreigners were to be considered as enemies of the Government, and that passports were on no account to be granted to them. This order had the effect of confining foreigners to the capital for a time, although it is a notorious fact that native “amigos del Gobierno” were allowed free transit during that period. Fortunately, before the result had become seriously prejudicial an arrangement was made that all foreigners requiring passports should produce a certificate of neutrality from their respective legations countersigned by the minister for foreign affairs. Up to the present time this procedure has worked successfully. The Colombian foreign office has been notified that all foreigners applying for such certificates will be considered as neutral so long as no proof shall be shown to the contrary.
Postal and telegraphic communication is still very slow. The line to Buenaventura, the cable station on the Pacific, works by fits and starts. The director-general explains this as being due to a band of guerrillas near Honda, whose business it is to cut the telegraph wires. The Government is sending out and bringing in mails with more regularity and frequency, but owing chiefly to the slow transit on the Magdalena River it is not safe to figure on much less than two months for the going or coming of correspondence for Washington.

I am, etc.,

A. M. BEAUPRÉ.

Mr. Hill to Mr. Beaupré.

No. 410.]  

DEPARTMENT OF STATE  

Washington, July 22, 1902.

Sir: Your dispatch No. 622 of the 8th ultimo, reporting the political situation in Colombia up to that date, was received here on the 16th instant, thus bearing out your statements touching the delays of the mails owing to the disturbed condition of the country. * * *

Your remarks in regard to the difficulties of individual travel have attracted attention in view of the extraordinary measures affecting foreigners. You say:

In the case of foreigners desiring passports the authorities are very strict indeed. On the appointment of General Fernandez as minister of war he issued a note stating that all foreigners were to be considered as enemies of the Government and that passports were on no account to be granted to them. This order had the effect of confining foreigners to the capital for a time, although it is a notorious fact that native "amigos del Gobierno" were allowed free transit during that period. Fortunately, before the result had become seriously prejudicial, an arrangement was made that all foreigners requiring passports should produce a certificate of neutrality from their respective legations countersigned by the minister for foreign affairs. Up to the present this procedure has worked successfully. The Colombian foreign office has been notified that all foreigners applying for such certificates will be considered as neutral as long as no proof shall be shown to the contrary.

The declaration of the minister of war that all foreigners should be deemed public enemies can not but be regarded as gratuitously offensive, and this Government must remonstrate against such characterization of its citizens availing themselves of their conventional rights of visit and sojourn in Colombia. It should have been made the occasion of instant and vigorous protest. Even though the immediate urgency seems to have passed with the adoption of the scheme of diplomatic certification which you report, the Colombian Government should be energetically advised that this Government can not acquiesce in such an extraordinary measure toward citizens of the United States.

Moreover, this Department is unable to approve the wholly irregular and unauthorized certification of the neutrality of its citizens. As good citizens they are bound by the laws of neutrality which the United States aims to uphold, and if they are unlawfully molested this Government will protect them. If they engage in proven acts violative of neutrality they do so with full liability for the consequences, but even then it is the duty of this Government to see that full justice and opportunity of defense are assured to them. This normal treatment of the matter is not to be set aside for the abnormal procedure you report. It is not deemed competent for the diplomatic
agent to certify to the neutrality of his countrymen. That must be presumed until the contrary be shown. The fact which the certificate purports to certify can not be within the official knowledge of the legation. If within the personal knowledge of the diplomatic agent, he can not be expected to make official certification thereof. The absence of any extraterritorial jurisdiction over the acts of the citizen excludes responsibility on the part of the legation for the repression or chastisement of any unlawful act done by the citizen. The certificate is, in its nature, alike incompetent and irresponsible, and, therefore, an absurdity.

You do not give the language of the certificate, and the Department would like to be assured that it does not exceed your authority by implying accountability on the part of the legation.

Your statement that the Colombian foreign office had "been notified that all foreigners applying for such certificates will be considered as neutral so long as no proof shall be shown to the contrary" is not clearly understood. The presumption of alien neutrality exists under international law and comity. Application to the legation for the certificate in question does not fortify the presumption which the legation is bound to entertain. It is its duty to consider the individual neutral until the contrary be shown.

You are instructed to communicate the substance of this instruction to the Colombian Government in order that the attitude of this Government may be clearly and firmly defined, and that the Colombian Government may be informed that the legation's action thus disapproved should not be taken as a precedent.

I am, etc.,

DAVID J. HILL,
Acting Secretary.

Mr. Hart to Mr. Hay.

No. 660.] LEGATION OF THE UNITED STATES,
Bogotá, September 9, 1902.

SIR: Referring to the Department's No. 410, of July 22, 1902, I have the honor to inclose copy and translation of the certificate spoken of by Mr. Beaupré in this legation's No. 622, of June 8, 1902, also a copy of my note to the Colombian foreign office pursuant to the Department's instructions above referred to.

The situation has been extremely difficult for foreigners sojourning in the country, and for the legations in their efforts to reduce to a minimum the inconvenience and loss resulting therefrom to persons under their protection.

The central civil power, speaking through the ministry for foreign affairs, has seemed to desire to cooperate in this respect with the legations, but the military branch of the Government has been practically omnipotent, so that the ministry for foreign affairs, disavowing such views as those to which the Department's instructions refer, has in turn asked the legations to lend their cooperation in the hope of improving the situation as much as possible for foreigners. The ministry of foreign affairs, being helpless as against the ministry for war, realized the hopelessness of antagonizing that department. In the matter of passports this was realized as well by the legations, which have tried to make the best of a situation by no means ideal.

There were many foreigners held fast in Bogotá, for example, by the refusal to issue passports to them, and without passports they
could not leave this capital. The foreign office advised the legations that by certifying to the neutrality of the persons applying for passports the ministry for war would cause the passports to issue. The foreign office furnished a form of certificate, which was revised by this legation and, I think, accepted by all the others.

The revision made by this legation consisted in inserting the words "segun todos los informes que tengo de él (from all the information that I have of him), which seemed to leave the certificate as little objectionable as possible, though, perhaps, none the less a theoretic absurdity. This legation, among others, was quick to represent to the ministry for foreign affairs the irregularity of the proceeding and the unwarranted assumption of hostility toward the Government. The ministry for foreign affairs regretted and disavowed the assumption, but pointed out that as the matter was in the hands of the ministry for war, there was nothing to do but comply with the requirements of that ministry if passports were desired.

This was the condition which confronted the legations. There was no way to compel the issue of passports. Failure to secure those necessary documents meant great hardship to most of the persons who sought them, and hardship, I take it, without any hope of redress.

Referring in this connection to the Department's several instructions in respect of persons and materials, even much-needed food supplies, destined for the interior and detained arbitrarily for long periods at the coast, the present minister of war has admitted to me that unhappily the governor who did these things regarded all foreigners as enemies to his country, and that largely on this account another has been appointed governor. This assumption of hostility has been in the air even more than in public orders, and this has made it difficult to lay hands on it in the concrete. Passports could be denied to foreigners because they were foreigners, as is known to have been done in Cartagena and Barranquilla, but it was easier to know it than to prove it; and if the governor did not wish to issue the passports he withheld them, and that was the end of it. The Department has reason to know that this has cost American citizens heavily.

Certificates are no longer required, passports being issued without them. In view of the Department's instructions, of course this legation will not issue another such certificate under any circumstances; and yet at the time of doing it the very hard conditions did seem to justify what was done.

In view of the oral representations made by this legation to the minister for foreign affairs, and of the assurances, including those of recent date, given to me by the present minister for foreign affairs, my note to him, pursuant to the Department's instructions, is couched in milder terms than otherwise it would have been. I trust that this may be approved by the Department.

I am, etc.,

CHAS. BURDETT HART.

[Inclosure 1.—Translation.]

Certificate.

LEGATION OF THE UNITED STATES OF AMERICA, Bogotá, 

This witnesseth, that ———— ————, who desires to travel from Bogotá to ————, is a citizen of the United States of America. From all the information I have of him he is neutral in all that relates to the domestic politics of the Republic of Colombia, and he desires that there be issued to him the passport necessary for his journey.
COLOMBIA.

[Inclosure 2.]

Mr. Hart to Colombian Foreign Office.

Legation of the United States,
Bogota, September 5, 1902.

Sir: Referring to the several conversations which I have had the honor to have with your excellency in respect of citizens of the United States of America availing themselves of their conventional rights of visit and sojourn in the Republic of Colombia, which conversations grew out of the fact that certain of the Colombian authorities have held all foreigners to be public enemies, I am instructed to inform your excellency's Government that my Government can not acquiesce in this extraordinary assumption in so far as it relates to citizens of the United States of America. At the same time justice compels me to say that, in the conversations above referred to, your excellency was prompt to disavow on behalf of the Colombian Government the offensive grouping of all foreigners in the Republic under the head of public enemies.

Furthermore, my Government does not approve of any form of certification on the part of this legation to the neutrality of citizens of the United States of America visiting or sojourning in the Republic of Colombia, since the presumption of alien neutrality exists under international law and comity, and must be presumed until the contrary be shown. The certificate required some time since by your excellency's Government in behalf of foreigners applying for passports related to a matter which can not be within the official knowledge of the diplomatic officer, and therefore my Government holds that he can not be expected to make any sort of official certification thereto.

I avail, etc.,

CHAS. BURDETT HART.

Mr. Hill to Mr. Hart.

No. 433.1

DEPARTMENT OF STATE,
Washington, October 31, 1903.

Sir: I have to acknowledge the receipt of your No. 660, of the 9th ultimo, relative to the certification by the legation to the neutrality of citizens of the United States visiting or sojourning in the Republic of Colombia, and transmitting copies of the form of certificate in question, and your note of September 9 last to the minister of foreign affairs on the subject.

In reply I have to say that the form of certificate is objectionable, and contravenes our statutes, because certifying originally to the citizenship of the bearer, which makes it a paper in lieu of a passport. Citizenship can only be certified by a regular passport. The fact of citizenship could have been made to appear through the expedient of certifying that the bearer holds a passport issued by the Department of State (or by a legation, as the case may be), dated so and so, attesting his quality as a citizen of the United States. This should be borne in mind if the question of issuing these or similar certificates should at any time recur.

Your note of September 9 to Dr. Paul appears to be sufficient, under the circumstances, to establish the position taken in the Department's instruction No. 410, of July 22, 1902.

I am, etc.,

DAVID J. HILL,
Acting Secretary.

P. S.—In connection with this general subject, you are referred to the Argentine precedent, Foreign Relations, 1894, page 19, and Uruguayan case, Foreign Relations, 1897, page 593.
FOREIGN RELATIONS.

PROTECTION OF CUBAN INTERESTS BY UNITED STATES CONSULAR OFFICIALS.

Mr. Hart to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,

Bogota, August 10, 1902.

(Referring to Department’s telegraphic instructions a concerning the protection of Cuban citizens and interests by United States consular officers, Mr. Hart reports that the Colombian Government has notified him that it grants the request, and will instruct governors accordingly. United States consular officers have been instructed by telegraph by Mr. Hart.)

PROTECTION BY UNITED STATES CONSULAR OFFICERS OF CHINESE ON THE Isthmus of Panama.

Mr. Adee to Mr. Hart.

No. 420.]

DEPARTMENT OF STATE,

Washington, August 30, 1902.

Sir: I inclose for your information copies of a note b from the Chinese minister at this capital and of the Department’s instruction of the 27th instant to the United States consul-general at Panama in regard to the protection to be afforded to Chinese subjects by the United States consular officers on the Isthmus of Panama.

I am, etc.,

ALVEY A. ADEE,

Acting Secretary.

[Inclosure.]

Mr. Adee to Mr. Gadsden.

No. 158.]

DEPARTMENT OF STATE,

Washington, August 27, 1902.

Sir: I inclose herewith copies of correspondence between this Department and the Chinese minister at this capital in regard to the protection of Chinese subjects on the Isthmus of Panama.

You will consult the Department’s instructions on file in your office, No. 34, c August 26, 1885, * * * and No. 7, c July 8, 1883, and with the consent of the

a Printed, page 6.


c Mr. Porter to Mr. Adams.

No. 34.]

DEPARTMENT OF STATE,

Washington, August 26, 1885.

Sir: I inclose herewith for your information a copy of a memorandum handed to the Secretary of State from the Chinese minister in Washington, communicating the desire of the Imperial Chinese Government that the consuls of the United States on the Isthmus of Panama shall be instructed to lend their good offices for the protection of Chinese subjects in that quarter. * * *

The favor thus asked is analogous to that which the United States have granted to Switzerland for fifteen years past. By reference to the Department’s circulars Nos. 11 and 15 of the 16th June and 15th December, 1871, the conditions will be found stated under which the good offices of our consular establishment may be exercised in countries or places where there is no Swiss representative. The same rules apply, in the present instances, to the protection of Chinese subjects on the Isthmus. The consular officers of the United States at Panama and Colon are given permission to take upon themselves, with the consent of the Colombian authorities, the function of
Colombian authorities use your good offices in behalf of any Chinese subject in your district who may request them in the absence of recognized Chinese representation. I am, etc.,

Alvey A. Adee,
Acting Secretary.

representing for the time being the interests of the Chinese Government so far as may be demanded by the circumstances of any special case affecting a Chinese subject residing on the Isthmus. When the consular officer so acts he becomes, for the precise matter in hand, to a certain extent the agent of the Chinese Government as to the services he may perform for its subjects, and, as touching responsibility for his acts in relation thereto, it must be deemed to rest with the Government of China, which has solicited his good offices. It is, however, to be distinctly understood that the United States consular officer shall not thereby be held to become a consular officer of the Chinese Government, for such employment is prohibited by the Constitution to officers of the United States who are citizens. The consent of the Colombian authorities is not expected to take the shape of a formal exequatur, whereby the American consul becomes, for the time, in their eyes, the Chinese consul also; but is supposed to be limited to admitting the use of the consul's good offices in behalf of any Chinese subject in his vicinity who may request them in the absence of any recognized Chinese representative.

By reference to a further circular of the Department dated March 19, 1882, which should also be found on your files, it will be seen that the Swiss Government has made provision for reimbursing to the Government of the United States the amount of such expenses as may be actually incurred by our officers in extending protection to Swiss citizens, under the circumstances above stated, on presentation of the proper accounts. The Chinese minister has not yet made similar provision, but his attention has been drawn to this practical aspect of the matter, and it is not doubted that only actual and unavoidable expense, shown to have been incurred on behalf of Chinese interests, will be cheerfully borne by the Chinese Government.

* * * * * * * * * *

In order to avoid delays in the present disturbed condition of communication with Bogotá, I have thought it best to bring the matter directly to the attention of the Colombian minister in Washington instead of approaching his Government through Mr. Scruggs, and I have accordingly requested Señor Becerra, who, it is understood, in direct relation with the Isthmian authorities, to acquaint the latter with the desire manifested by the Government of China and the disposition of the Government of the United States to accede thereto, and to solicit from them the issuance of such orders as will suffice to attain the friendly object in view.

Pending his response, this instruction is sent to you for your guidance in the event of occasion presenting itself for the discreet and amicable use of your good offices on behalf of Chinese subjects who may need them. By conference with the local authority at Panama you will doubtless be able to obtain cheerful recognition of the limited and unofficial function which this instruction authorizes you to assume.

I am, etc. * * * * * * * * * *

James D. Porter,
Assistant Secretary.

Mr. Strobel to Mr. Yiquain.

No. 7.]

DEPARTMENT OF STATE,
Washington, July 5, 1883.

Sir: The Department has received a note dated the 28th ultimo from the minister of China at this capital, in which he calls attention to the Department's instructions to your predecessor, Mr. Thomas Adamson, touching the extension of friendly protection to Chinese subjects residing on the Isthmus of Panama.

He states that there is at present no diplomatic representative of China on the Isthmus, and asks that, in view of the retirement of Mr. Adamson, those instructions may be renewed to you.

The instructions referred to are No. 34, dated August 26, 1885, * * * the original of which is on file in your consulate-general, and to which you are referred.

I have now, therefore, to instruct you to continue the desired protection under the limitations indicated in said instructions.

I am, etc.

Edward H. Strobel,
Third Assistant Secretary.