

ECUADOR.

MESSAGE OF PRESIDENT OF ECUADOR TO THE ECUADORIAN CONGRESS.

File 3010/91.

Minister Fox to the Secretary of State.

No. 669.]

AMERICAN LEGATION,
Quito, June 27, 1910.

SIR: I have the honor to inclose herewith copies, with translation, of the message of the President of Ecuador submitted to the extraordinary session of Congress, 1910. This document is important, being an analysis of the position of Ecuador in the present conflict with Peru.

I have, etc.,

WILLIAM C. FOX.

[Inclosure.—Translation.]

The message of the President of the Republic to the Extraordinary Congress of 1910.

HONORABLE LEGISLATORS: Permit me to welcome you and to assure you that your presence in this solemn moment will be fecund in benefits for the nation.

We find ourselves passing through a difficult situation, on account of the conflict which has arisen between our Republic and that of Peru.

As is well known, the secular dispute over the boundary line was submitted for decision to the King of Spain. We were expecting a just and proper sentence from the wisdom of such a distinguished judge, but when we were most confident, a plan of the decision, uselessly disastrous to Ecuador, came to surprise us in a most painful manner. And in order that we should not remain in doubt as to the injustice which threatened us, Señor P. Caballero, then Spanish minister of state, said to our representatives in Madrid that the natural boundaries for the Ecuadorian nation were in the eastern range of the Andes, and that we should content ourselves with being the South American Switzerland. Minister Rendon could not support such offensive remarks with patience; he observed to Señor Caballero that nature had not placed the dividing line between the two nations on the slopes of Cotopaxi, but on the banks of the Amazon.

Honorable legislators, the fault was not with the Spanish council of state, whose members raised their voices against the injustice of that which was going to make us its victims; but the word of those wise and just jurists would have been drowned, without doubt, by the dexterity of the Republic of Peru, if the royal arbitrator, proceeding with the highest views and impartiality, attributes of such an upright monarch, and listening to the just claims of our Ministers Vazquez and Rendon, had not have suspended pronouncing the decision, thus leaving the parties at liberty to arrive at a direct settlement.

The notice of the very grave peril in which the national integrity was found brought up the views of Ecuador; and, urged by a most sincere desire to avoid the disturbance of peace on our continent, and in accord with the opinion of a committee of distinguished citizens, proposals were made to the Peruvian Government that we settle our differences by means of direct arrangements, consulting the sentiment of Americanism and fraternity which should reign between two neighboring States united by so many indestructible bonds.

The representatives of Ecuador and Peru in Washington jointly asked the Government of the United States of America that it should find a prudent and adequate means of finding an end of all possibility of a rupture between the two nations. The illustrious Government of the great Republic also suggested a direct arrangement

by means of commissioners, who would hold conferences in the city of Washington or in some other American capital. Ecuador hastened to nominate its representatives, but Peru not only did not do that, but affirmed that she had not solicited the mediation of North America. Later she stated that she would accept no other solution than the arbitral decision of Spain; in this way making every decorous and fair solution to the question difficult.

You will take note that the Government of Peru, in the refusal of our fraternal invitation to settle the boundary dispute justly, has forgotten the obligations imposed by the treaty of arbitration, which provides for the direct settlement in preference to the arbitral judgment. The Peruvian foreign office, in sustaining that the best means of finding a solution for our controversy is arbitration, has contradicted the wise foresight of the most famous statesmen of Peru, who saw in the treaty of 1887 an unavoidable cause of war between the two nations rather than a means of putting an end to the disagreement. It is, indeed, enough to read the confidential memorandum which the minister for foreign affairs, Dr. Alberto Elmore, presented to the Congress of 1891 to know that the most eminent statesmen of that country saw in the treaty of arbitration only the seeds of grave disagreements for the future—a species of mine which must produce an explosion and cause the ruin of the two countries.

Dr. Elmore said that the boundary question was one of life or death for Ecuador, since a radical solution against her would reduce her to the condition of Uruguay—insignificant for the present and exposed to the danger of being absorbed later on by her powerful neighbors; and that leaving Quito a few leagues from the Peruvian possessions, even though this solution was the result of an arbitral decision—it was evident that the country would rise up against the decision and there would be no Ecuadorian Government which could or would comply with it. The only possible solution of the boundary question between Ecuador and Peru which is radical and permanent, also said Dr. Arturo Garcia in his memorandum of August 9, 1890, was, has been, and will be the direct settlement. Thus all those who have had knowledge of the affair have believed, and thus will anyone who meditates upon the nature of the question also believe. Besides a friendly settlement, there are but two ways of settling the dispute—war and arbitration. But arbitration is also war, although this appears to be a paradox. Arbitration in the absolute form, unlimited in that which is agreed upon, and being a strict right, only permits radical solutions in the great dispute which is in question.

If the arbitrator has only to abide by the proved right of the parties, the decision could take away from us two populated provinces with some thousands of Peruvians and a vast territory south of the Marañon; or it could take our frontier not only into the center of Ecuador, but also into the north, establishing our boundary at a distance of two days from the capital. Would there be enough moral strength in the losing party, in one case or the other, to comply with a decision which would wound the most sacred interests and sentiments of the nation? Would the inhabitants of Tumbes and Jaen tranquilly submit to becoming Ecuadorians after having formed part of Peru for 70 years? Would Ecuador resign itself to be hemmed in between the mountains and the sea, renouncing all her hopes for the future?

Even Señor Bonifaz, Dr. Alzamora, and Dr. Pardo, ex-President of Peru and enthusiastic defender of the extreme aspirations of his country, have expressed themselves in more or less the same manner, so that, in the opinion of the above-mentioned Peruvian statesmen, to submit a question of our boundaries to an arbitrator would be to commit a grave error, for the reason that the arbitral decision would have to decide the very life of the contending States and that neither of them could submit to an unfavorable decision.

This wise foresight has come to its culmination, honorable legislators; for simply the notice that the project of the decision was against Ecuador has exasperated the minds of the people to such an extent that only the calmness and prudence of the Government, up to the present time, has been able to avoid greater explosions of wounded patriotism. Nevertheless, as you all know, lamentable incidents have arisen, which the public authorities have energetically condemned, and have even ordered that those suffering in such manifestations be indemnified.

The Government of Ecuador, in view of such disagreeable occurrences, has complied, to the fullest extent, with its duty, and has strictly fulfilled all the requirements of international law.

The royal arbitrator, taking into consideration the difficult situation of the two countries, and in view of the same treaty of arbitration, has resolved to defer the decision, in order that the contending Governments should arrive at a peaceful and friendly settlement. We have accepted such a prudent and just resolution; and I believe that, the question being put in this form, the only means to establish an equitable understanding is the direct arrangement.

The Argentine Republic, the United States of Brazil, and the United States of North America have offered us their valuable mediation, being inspired by those sentiments of Americanism and concord which distinguish these great and illustrious nations. The Ecuadorian Government, which has had such an earnest desire to maintain peace, has accepted this very generous and laudable offer and has pointed out to the mediating powers that the most efficacious way of reestablishing harmony was a direct arrangement, with the assistance of Colombia, which, according to the treaties in force, forms a single part with Ecuador for the defense of the disputed territory. Never will it be possible to sufficiently praise and acknowledge the high-minded propositions of the three mediating States, and we are strong in the confidence that they will be able to conquer all resistance and harmonize the interests of the nations at variance.

The Republic of Chile, in spite of its desires in favor of peace, was not able to take part in this mediation, for the reason that her relations with Peru had been broken off; but she also deserves our everlasting gratitude on account of her interest in avoiding the war, and for her pledging us of frank sympathy which has protected us at each step.

The minister for foreign relations will place before you all diplomatic actions which have been taken to maintain peace and defend the sacred and unchangeable rights of the nation.

If the present situation has been difficult it has served to show the world the ardent and fiery patriotism of the Ecuadorians.

All political divisions have been forgotten, and the citizens have sincerely become known to each other in the face of danger to the country.

Ecuador, as you have always contemplated, has been transformed into a single camp; and all of our citizens are rivals in love for the country and in sacrifices for her as in the best times of the heroic Republics of antiquity.

Ecuador has quickly presented herself to the other nations as a race full of vigor and noble sacrifices, in that every sacrifice is small, when it is a question of defending the honor and integrity of the nation. Every citizen is a soldier; and the only aspiration of every soldier is to die in defense of the soil upon which he was born.

The justice of our cause, the careful moderation with which we have conducted ourselves in these difficult moments, and the high-minded and noble attitude of the Ecuadorian people have won for us the general sympathy of the American nations.

The people of Colombia have not forgotten our common origin and that we were rocked in the cradle by the glory of the great Republic of Bolivar; and these, our generous brothers, have hastened to offer us with insistence their aid and their blood to forever maintain on high the rainbow-colored banner.

Our gratitude will be everlasting for this heroic people, descendants of the giants, for this people who have desired to share with us the failures and the glories of war.

The army, honorable legislators, deserves every praise; instruction, patriotism, proven value, and discipline, all of these talents which are esteemed and which recommend themselves to the advanced class of officers, are found in the Ecuadorian army.

The cause of the country has defenders worthy of it; and in the unfortunate eventuality, should we see ourselves forced to have resource to arms, I am fully convinced that victory would crown our efforts.

The patriotic committees organized in the capital and in all the other cities of the Republic have been of very important service to the cause of the nation. That of Pichincha especially has been indefatigable in aiding the Government in the difficult work of solving the hardest international problems. I finish by recommending such distinguished and praiseworthy citizens to the gratitude of the nation.

It is unnecessary to say that the dangers which threaten the Republic have increased the economic difficulties of the treasury and notwithstanding we are counting upon a large military force sufficient to repel any unjust aggression; and if it comes to the breaking out of hostilities, the forces of the Republic can be quadrupled; such is the ardent enthusiasm of the Ecuadorians.

It is necessary to take notice that, notwithstanding the threatenings of war, the Ecuadorian credit stands firm; and you should study the proposals for the loan which the Government has received even in these moments of anxiety for foreign capital. The expediency of accepting the proposal, which you judge is the most advantageous, is not unknown to you. Since the nation should foresee the possibility of a breaking off of friendly relations and look ahead for the money necessary to meet the situation, I have confidence in your wisdom and patriotism; and I am certain of the adoption of the most efficacious and secure means in this direction.

The minister of the treasury will present you a project of transitory patriotic contributions, with the object of increasing the fiscal revenues while the present situation continues.

I recommend to you that you should study the above-mentioned projects and decide which is the most expedient for the Republic.

The other Ministers of State will submit to you certain other matters of vital importance which it is necessary to decide upon in a practical and efficacious manner and in the shortest possible time.

One single thought animates every Ecuadorian: The people have confidence in the public powers and the public powers rest completely in the people. All united, inspired by the purest patriotism, we will save the Republic or die with her.

ELOY ALFARO.

NATIONAL PALACE, QUITO, *June 1, 1910.*

File No. 822,032.

Minister Fox to the Secretary of State.

[Extract.]

No. 726.]

AMERICAN LEGATION,
Quito, August 20, 1910.

SIR: I have the honor to inclose herewith translations of the message of the President of Ecuador to the Congress of 1910.

I have, etc.,

WILLIAMS C. FOX.

[Inclosure—Translation.]

Message of the President of the Republic to the National Congress of 1910.

[EXTRACT.]

HONORABLE LEGISLATORS: I have the satisfaction to congratulate you upon the opening of the congress, whose patriotic and effective work will solve, in the most advantageous manner, the difficult and trying problems, which now justly occupy the mind of the nation.

The hostile attitude of the Peruvian Republic, the concentration of her army in the frontier Department of Piura, the pertinacity with which she has refused all means of conciliation, show clearly her decided purpose to protect by force her unfaithful proceedings in Madrid. War was imminent, but the Governments of Washington, Rio de Janeiro, and Buenos Aires offered in a spontaneous manner their highly esteemed mediation, which has come to upset the warlike and vicious plans of our gratuitous enemies.

The mediating powers have obtained the retirement of the troops encamped on the frontier, thus avoiding an imminent outbreak of hostilities; but it is regrettable to announce to you that, as regards the principal question, the very cause of the disagreement, the way to arrange the boundary question, the mediating Governments have not been able as yet to arrive at any practical and definite conclusion; for Peru persists in refusing to comply with article 6 of the arbitration treaty of 1887. Ecuador accepted the mediation upon that basis; and it is not possible for her to separate, in any manner, from the conditions stated in the note of May 24 last, without causing damages which may be irreparable for the nation.

The obstinate work of Peru in endeavoring to have a decision pronounced, which was before known and which would reduce Ecuador to the smallest geographical expression, can not be pardoned in any way. Since such an impetuous pretension is at variance with justice and law and with the sentiments of Americanism developed and praised by the people of our continent, and even with the special considerations which our neighbors on the south should show, corresponding to our noble actions.

During the war of the Pacific, Ecuador could have recovered all the Amazon region without any effort; and she received repeated suggestions that such an easy opportunity should be taken advantage of. President Veintemilla, interpreting the generosity of the country, answered that it would be very dishonorable to increase the difficulties which were weighing down Peru by using force to retake the oriental territory. Ecuador in this and in other occasions has clearly shown her extreme sentiments of fraternity for Peru and always harbored confidence in that that Re-

public would have esteemed our friendly manifestations, and, above all, the justice of our cause, aided by the treaty of 1829, by the Mosquera-Pedemonte protocol, and by the diplomatic documents of different kinds, in which our rights were recognized. But, regrettable to state, the people of Ecuador are finally convinced that the Peruvian Government depends for all her future prosperity in the most complete despoilation of Ecuador. That it judges this to be impossible to obtain if she deviates in the slightest from the Spanish arbitration.

Since the time of my first administration there have been rumors which were not favorable to us as regards the decision which Spain was going to pronounce; these were to such an extent that a notable Central American diplomat who came from Madrid was not afraid to state that the decision would be entirely adverse to Ecuador. I received this information in 1900 from Gen. Leonidas Plaza, who came from Costa Rica; and I used it within my power to free the country from such a peril.

In the last days of July, 1901, Mr. Agustin Arroyo, envoy extraordinary and minister plenipotentiary of the Argentine Republic, arrived in Quito and confidentially told me that the principal object of his mission was to obtain that my Government should take steps conducive to the carrying out of the arbitral judgment which should solve our boundary question with Peru. I repeated to him the information I had received in this respect and stated to him that such was the justice of our cause and the confidence which Ecuador had in the honesty of the Argentine president, that I would not hesitate to name him arbitrator. Mr. Arroyo listened to me with surprise, for at this time the relations between Chile and Argentine were so strained that war was feared for the near future and Peru was secretly counted upon as an ally of the latter nation. It appeared to be certain, for this reason, that Peru would have the fullest confidence in the Argentine Government, at that time her protector on this continent. Nevertheless she evaded with cleverness the proposition which was made in the premises. Mr. Arroyo did not have authority to accept my suggestions and cabled his Government and the Peruvian foreign office. The minister for foreign affairs of Argentine also telegraphed to the foreign minister of Peru, asking for his acceptance according to what Mr. Arroyo had communicated to him. But the Peruvian Government, as far as I know, made no response either by cable or mail up to the end of my administration, in August, 1901. On account of such an unusual proceeding, Señor Arroyo was convinced that justice was due to Ecuador in its fullest extent.

Peru has not desired, then, to seek the solution of her differences with Ecuador in any other manner than the arbitration of Spain; and her manifest blind confidence that the decision will be favorable to her has come to support and increase the just fears of the Ecuadorian people. Notwithstanding all this the cleverness of Peruvian diplomacy was able to make the Government of Gen. Plaza accede to their wishes and the treaty of 1887 was put into execution, a treaty which the most eminent statesmen of both countries had refused, considering it a certain source of future discord.

When I came back to power in 1906 the uneasiness of Ecuador was general and was becoming more justified day by day on account of the reports which came from Spain. Then I considered it my duty to act directly in this vital and difficult situation. Being desirous to maintain peace with the neighboring Republic, I employed all possible means to get Peru to agree to a fitting and just arrangement. The sterility of my labor has convinced me that Peru will not back out of her pretensions of despoiling us of territories which have never been in dispute and which we never imagined we were going to lose by an unjust decision. Referring to the project of the award, now known to all the world, and in which the overstepping of authority by the arbitrator is clear and the ignorance of our irrefutable rights is so manifest, that the opposition of the Ecuadorians to the above-mentioned arbitration is justified in the eyes of the world.

It is my duty to justly declare that the honesty of character of His Majesty King Alfonso has avoided the despoilation of Ecuador, since the above-mentioned sovereign, listening to the claims of our ministers, has suspended the pronouncement of the award, in order that the high parties in dispute shall look for the most satisfactory solution in conformity with their respective interests. But there can be no doubt as to the erroneous and adverse manner of thinking of the counselors of the king, who have passed over all rules of justice, over all our titles and rights, and have even included in the arbitral award territories which have never been the object of dispute, and who have gone so far as to reduce us to the highlands of the Andes in such a manner that there was reason to compare us to Switzerland. It is certain that the wisdom and honesty represented by Messrs. Canalejas, Sanchez, Roman, and Maura have come out of the proverbial honesty of Spain; but such illustrious defenders of justice, unfortunately, were in the minority; nevertheless their wise and convincing words

have been heard and echoed through all the nations of America and even in the Spanish Peninsula.

These antecedents being known, the project of the award being published, the tenacious resistance of Peru against a direct and conciliatory arrangement being seen, it would be too unjust to censure the decided attitude and the efforts used by the Government to get back the best territory which has been usurped from us; efforts and attitude which have been so much censured in Peru and which her illustrious president has lamented in his last message to the national congress. There is no reason to complain of the means which we take to protect our most cherished interests, since the conduct of the Peruvian Government is very far from the spirit of fraternity which should reign between two neighboring nations, bound by ties which should be unbreakable. The Government of Peru, not content with sustaining at any risk her unjustifiable pretensions upon our territory, has used all efforts to turn and denaturalize the most noble sentiments of the Peruvian people, instilling into them an implacable and deep hate against Ecuador and making them desire war as a necessary means of preserving the national honor. Peru is anxious for the armed strife and places all sorts of obstacles in the way of the reestablishment of South American harmony; Peru believes in her military superiority and is continually threatening to attack us, feeling that she is secure; Peru does not rest in making her propaganda against us, heaping discredit and distrust upon Ecuador by forbidden means. Peru is stirring up sentiment against us in all parts and is now trying the patience of our people.

Nevertheless I desire that that Government should recognize the depth of the abyss into which it is dragging two peoples of the same origin and equal aspirations; and in order that finally it may conform itself to repairing the immense injury it has done us and render homage to the laws of reason and justice, even though it may not do this except for its own expediency. But if such a blindness finally produces its dire results, if war should break out in spite of our efforts to avoid it, I have full confidence that the Ecuadorian army, the incarnation of outraged right and justice, will conquer all resistance and will obtain by force of arms that which is refused us by the most pacific and conciliatory means.

It is not necessary to speak to you of the noble patriotism of the Ecuadorian people, who are ready at any moment to take up arms and march in the defense of the national honor; ardent and true patriotism is the sure pledge of victory; but I shall speak to you of the sympathies upon which our cause is counting among other nations; in such a manner that if occasion arises Ecuador will have many generous allies in the work of recovery, which ridiculed justice and good faith demand from us.

The minister for foreign affairs will inform you of all the details of the international situation; also as to the approval of the Peralta-Urbe treaty of alliance unanimously accepted by the Colombian assembly; also accepted by you in the last extraordinary congress.

In the message which I presented to the national congress in its ordinary session of 1898 I said the following: "The veneration which I have for the heroes of our independence, who gave us a country, the most powerful in Central and South America, impels me to fix my attention upon our actual debility and smallness, and I say to you that, in my judgment, it would be expedient to form a grand brotherhood in order to assure ourselves a tranquil future."

At the present time it is impossible to consider the reconstruction of the ancient and glorious Colombia of Bolivar, but it will be easy to form a confederation which will present united before the world the peoples who won their independence in the battles of Carabobo, Boyaca, and Pichincha. This union effected, these nations would continue to control their destinies in their internal affairs as they best see fit, just as they have been doing up to the present time; but concerning foreign relations they would form a single political unity, composed of Venezuela, Colombia, and Ecuador, in confederation, with a total of 8,000,000 inhabitants, scattered from the shores of the Orinoco and the Amazon basin to the Gulf of Guayas—that is to say, in all of the richest territory in the continent of Colon.

A diet, composed of plenipotentiaries from the three Republics, will be called to organize this great national unity, which would make us strong and respected before the other powers and will permit us to take a great position as a nation in the life of the future. Moreover, we would then have the advantage that our boundary questions, so dangerous and so important to-day, which are insignificant when arranged by a practical fraternity, would be settled by amphyctyonic commissions, in the same manner as family quarrels. The union and cordiality of the peoples who formed the grand Colombia of the liberators have been shown before the world in such an eloquent and striking manner in the great patriotic festivals that the most opportune moment appears to have arrived for the realization of the vast and useful idea of the

Colombian confederation. This is the thought which to-day burns in the minds of all the Ecuadorian statesmen and of those of our two sisters on the north; it is the fervent aspiration of all the peoples who have inherited the glorious rainbow flag; it is the key to prosperity and the future growth of the three divisions of the Republic of Bolivar. I recommend to you to closely study this great problem, and if you think as I do you will agree to authorize me to negotiate the respective preliminaries with the Governments of Caracas and Bogota.

The great Republic of Chile, after the retirement of Minister Pinto Agüero, who has left such pleasant remembrances with us, has accredited as envoy extraordinary and minister plenipotentiary the distinguished and well-known diplomat, Mr. Victor Eastman; and I take pleasure in informing you that the actions of the new representative of that friendly country have been in entire conformity with the sentiments of fraternity and harmony which unite the two countries.

The Government of Chile, in our actual conflict with Peru, has worked with interest in order that we should arrive at a pacific and satisfactory solution.

A few days ago I had the satisfaction to solemnly receive his excellency Mr. Alfredo Barros Moreira, minister resident of the United States of Brazil, accredited to my Government; and his presence among us is an eloquent proof of the sincere and reciprocal sympathy which exists between Ecuador and the noble Brazilian people.

The distinguished diplomatic corps which honors us with its residence in the capital is composed of prominent persons who have received, on account of their great merit, the general appreciation and special distinctions on the part of the Government.

I will end this part of my message by recommending to you, as a proof of friendship and deference to Brazil, that you approve in first sessions the Arévalo-Río Branco Treaty of Commerce and Fluvial Navigation, which was submitted to you at the proper time.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND ECUADOR.

Signed at Washington, January 7, 1909.

Ratification advised by the Senate, January 13, 1909.

Ratified by the President, March 1, 1909.

Ratified by Ecuador, November 5, 1909.

Ratifications exchanged at Washington, June 22, 1910.

Proclaimed June 23, 1910.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an arbitration convention between the United States of America and the Republic of Ecuador was concluded and signed by their respective plenipotentiaries at Washington, on the seventh day of January, one thousand nine hundred and nine, the original of which convention, being in the English and Spanish languages, is word for word as follows:

The Government of the United States of America, signatory of the two conventions for the pacific settlement of international disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the Government of the Republic of Ecuador, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907, taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have authorized the undersigned to conclude the following convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Ecuador shall be subject to the procedure required by the constitution and laws thereof.

ARTICLE III.

The present convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Ecuador in accordance with the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate, in the English and Spanish languages, at Washington, this seventh day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT. [SEAL.]
L. F. CARBO. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the twenty-second day of June, one thousand nine hundred and ten.

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-third day of June in the year of our Lord one thousand nine hundred and ten
 [SEAL.] and of the independence of the United States of America the one hundred and thirty-fourth.

WM. H. TAFT.

By the President:
 P. C. KNOX,
Secretary of State.

BOUNDARY DISPUTE BETWEEN ECUADOR AND PERU—MEDIATION OF THE UNITED STATES, ARGENTINA, AND BRAZIL.

Chargé Cresson to the Secretary of State.

[Extract.]

No. 324.]

AMERICAN LEGATION,
Lima, February 22, 1910.

SIR: I have the honor to report, continuing the observations made in my dispatch No. 322¹ that while public opinion here remains generally undisturbed as regards the outcome of the Spanish arbitration of the frontier questions pending between Peru and Ecuador, at the same time active preparations by the Peruvian Government are becoming daily more evident with a view to meeting any possible hostile move on the part of the other Government interested.

I attribute the markedly calm and judicious attitude of the the Peruvian press, and indeed the tone of the public in general, to the growing conviction that the rumored line of the Spanish award, as reported from Madrid, and published in the newspapers of both countries, is very nearly—if not exactly—the delineation already chosen by the King of Spain. Such a decision would be eminently favorable to Peruvian pretensions, and a distinct gain of territory as compared with the provisions of the Garcia-Herrera treaty.

I also annex¹ with the above a curiously exaggerated version of the same conditions published in Ecuador and reproduced here as tending to show the manner in which public opinion in Ecuador is being aroused against such a verdict as the one expected.

I would remind the department that the line of the Garcia-Herrera treaty, adopted under especially favorable conditions in 1890 (under the terms of the Bonifaz-Espinoza Convention of 1887), is a line of demarcation which was intended as a compromise between the pretensions of the two countries. This treaty was ratified in 1891 by the Ecuadorian Congress, but the Peruvian Congress, following the report of a diplomatic commission, introduced several important modifications. The executive branch of the Government, declaring this act to be unconstitutional, the matter remained in abeyance till 1893 when the decision of the legislative branch to maintain its pretensions very nearly brought about a conflict with the Ecuadorian Government.

¹Not printed.

It will be remembered that the Peruvian minister for foreign affairs during his term of office called the attention of the Peruvian Congress to the fact that on the 10th of August, 1905, a secret treaty was signed between Colombia and Ecuador, mutually guaranteeing the integrity of the territory of both countries. It would seem evident in case of a serious difference with a third party over territory so intimately affecting both Republics, that such a treaty might be called upon to play a considerable rôle.

In spite of the somewhat apathetic state of public opinion noted above, in view of the warlike preparations daily reported from Ecuador, the Peruvian Government is unquestionably making extraordinary preparations to meet any emergency.

I have, etc.,

WM. PENN CRESSON,

Chargé Pierrepont to the Secretary of State.

No. 68.]

AMERICAN LEGATION,
Santiago, March 8, 1910.

SIR: Referring to my cable of March 6, 12 noon,¹ in which I spoke of the order expelling the Peruvian curates from Tacna within 48 hours, I have the honor to inclose several newspaper clippings, with translations, from *El Mercurio*, the Government organ, explaining the action, and from the *La Union*, the Church paper, in which the action of the Government is attacked. Several other clippings on the same subject are included among the general clippings for which there is no covering dispatch.

The affair is arousing so much discussion that it seems proper for me to bring it to your attention in a dispatch, though the newspapers give a clear account.

According to the laws of Chile all priests throughout the Republic, upon being named to exercise their functions in a parish, must obtain the constitutional "pase" or permit from the President of the Republic, before proceeding to carry on their ministry. Some months ago the Chilean authorities, outraged because the Peruvian bishop of Arequipa, who still governs the Church in Tacna, would not recognize Chilean priests there, in spite of the fact that priests of other nationalities, in addition to the Peruvian, were recognized, asked the Peruvian priests if they had ever sought the permit required by Chilean law. Upon receiving a negative reply the Chilean Government closed the parochial churches in Tacna, and forbade the said curates to continue in the exercise of their functions without the necessary constitutional "pase." Nothing daunted, the Peruvian curates proceeded to minister the sacraments in private dwellings and other places, still unauthorized by the President and in direct opposition to the prohibition of the Chilean authorities; and still the Bishop of Arequipa refused to recognize the Chilean priests. Thus the order of March 3, issued by the intendente of Tacna, expelling the said curates within 48 hours was provoked.

The minister of foreign affairs says that in thus exercising their functions contrary to the law the priests, according to articles 213

¹Not printed.

and 214 of the *Código de Procedimiento Civil*, rendered themselves liable to imprisonment. "Not wishing to treat them too harshly," to quote his own words, "we are sending them back to their own country—certainly not a hardship—instead of putting them in prison."

The day following the order the internuncio protested to the minister of foreign affairs. The outcome of their interview was an order extending the period 48 hours, in which time the internuncio was to try to persuade the bishop of Arequipa to recognize the Chilean priests.

The view of the minister of foreign affairs is that as the treaty of Ancon put Tacna and Arica under the Chilean law and the constitution of Chile, it is the first duty of the Government to see that the constitution be not violated. He says also that Chile does not object so much to the Peruvian curates, but that she will not stand having them receive privileges in territory under Chilean control which are denied to the Chileans themselves. He added that if the bishop should recognize the Chilean priests the Government would probably not insist on the expulsion of the Peruvians, but that if the internuncio should fail in this mission he also might have to leave. This last, of course, was in confidence, but it shows the extent to which his wrath has been aroused.

The extended period of time came to an end yesterday. As I am closing this dispatch I learn that the internuncio has failed; that the bishop of Arequipa still refuses to license Chilean priests in Tacna; and that, if the Chilean local authorities in that Province obeyed their orders, the Peruvian priests should have departed yesterday. As yet we have not heard of their actual departure, but judging from the firmness of the Government in this matter there is no doubt but that the order was strictly enforced.

You will of course hear from Peru how the affair is regarded there. Even here there is considerable comment, and I fear this aggressive policy on the part of Chile will not help to bring about a settlement of the long standing irritating question of Tacna and Arica.

I have, etc.,

SETH L. PIERREPONT.

The Secretary of State to Chargé Cresson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 24, 1910.

The following is being sent for action by the diplomatic representatives of the United States, at Lima, Quito, Santiago, Petropolis, and Buenos Aires. Hand the following textually to the minister for foreign affairs of the Government to which you are accredited:

The Representatives at Washington of Peru and Ecuador having requested on behalf of their Governments that the United States consider whether it could not take some action toward an amicable settlement of the existing strain between them on account of the apprehension regarding the award of the King of Spain on the boundary dispute, and the Government of Ecuador, having made such representations also, through the legation of the United States at Quito, the Secretary of State makes in reply the following statement:

The present apprehensions appear based upon unauthenticated theories as to what the award may be. The United States sees in the situation no elements of danger which should not at once disappear if the two Governments immediately concerned, heeding the wise counsels of their friends and the dictates of their real interests, approached the subject in a calm and conciliatory spirit.

It might suggest itself to the two Governments that, upon mutual assurances of a sincere adherence to this attitude, they should instruct their respective representatives at Washington, or at some equally disinterested American capital, to discuss the question under the auspices of the Government at such capital, and, if able to find a common ground for diplomatic adjustment of the question, that they should request such third Government to inform the King of Spain that happily they had reached a situation where they would like once more to attempt a direct settlement by amicable negotiation and to request His Majesty, therefore, to withhold the award pending the result of these negotiations.

KNOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, March 31, 1910.

Department's March 24. In extended conference with the President of Ecuador this morning he expressed himself as very much pleased with the proposition of United States, which he accepted, saying that it was salvation of peace. A meeting of the cabinet this afternoon will make formal declaration, when I will be able to convey information officially to the department. In the meantime Ecuador has made direct proposition to Peru to accept Menendez Pidal line as compromise. Prompt answer from Peru expected. The President of Ecuador does not think, however, that it will be favorable.

FOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, April 1, 1910.

Following is translation of the note received from minister for foreign affairs, April 1:¹

FOX.

Minister Fox to the Secretary of State.

No. 605.]

AMERICAN LEGATION,
Quito, April 2, 1910.

SIR: I have the honor, in further reference to department's cablegraphic instructions of March 24 and my reply thereto of April 1, to inclose herewith copies of notes exchanged between this legation and the minister for foreign relations upon the subject of the adjustment of the boundary line between the Republics of Ecuador and Peru.

I have, etc.,

WILLIAMS C. FOX.

¹See following dispatch.

[Inclosure.

Minister Fox to the Minister for Foreign Affairs.

No. 182.]

AMERICAN LEGATION,
Quito, March 30, 1910.

Mr. MINISTER: I have the honor to inform your excellency that I am in receipt of instructions from my Government at Washington to state that the representatives at Washington of Peru and Ecuador having requested on behalf of their Governments that the United States consider whether it could not take some action toward an amicable settlement of the existing strain on account of the apprehension regarding the award of the King of Spain on the boundary dispute, and the Government of Ecuador having made such representations also through the legation of the United States at Quito, the Secretary of State makes in reply the following statement:

The present apprehensions appear based upon unauthenticated theories as to what the award may be. The United States sees in the situation no elements of danger which should not at once disappear if the two Governments immediately concerned, heeding the wise counsels of their friends and the dictates of their real interests, approached the subject in a calm and conciliatory spirit.

It might suggest itself to the two Governments that upon mutual assurance of a sincere adherence to this attitude they should instruct their representatives at Washington, or at some equally disinterested American capital, to discuss the question under the auspices of the Government at such capital, and if able to find a common ground for diplomatic adjustment of their question, that they should request such third Government to inform the King of Spain that happily they had reached a situation where they would like once more to attempt a direct settlement by amicable negotiation and to request His Majesty therefore to withhold the award pending the result of these negotiations.

I seize this opportunity, etc.,

WILLIAMS C. FOX.

[Inclosure—Translation.]

Minister for Foreign Affairs to Minister Fox.

No. 13.]

FOREIGN OFFICE,
Quito, April 1, 1910.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's very honored note, No. 182, dated March 30, 1910, in which you are pleased to inform me that your excellency's Government, at the suggestion of the plenipotentiaries of Peru and Ecuador, has manifested the expediency of both Governments arranging directly the boundary question, which has been submitted for decision to His Majesty King Alfonso, by means of the representatives which may be accredited to the capital of your illustrious Government or of another friendly nation, a fact which will be communicated by the mediatory nation to the royal arbitrator, in order that the issuance of the award be suspended until the two States may reach a definite solution.

The suggestion of your Government having been brought to the knowledge of the chief of state, he authorizes me to say to your excellency that he accepts it, recognizing that by such a proceeding a proof of lofty Americanism has been given.

In expressing to your excellency in the name of the Government of Ecuador its gratitude for such laudable effort, I assure you that as soon as the opportunity offers this ministry will designate representatives who may meet with those of Peru in order to put a just and honorable end to the controversy over the boundary line between the two nations.

Accept, etc.,

F. X. AGUIRRE JADO.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, April 3, 1910.

Referring to my April 1, the following have been appointed as special delegates by the Government of Ecuador to treat with those appointed by Peru in direct settlement of the boundary question: Luis Felipe Carbo, Felicísimo Lopez, and Clemente Ponce.

FOX.

Chargé Pierrepont to the Secretary of State.

No. 73.]

AMERICAN LEGATION,
Santiago, April 4, 1910.

SIR: Referring to the department's cable of March 25, forwarded to this legation by the embassy in Petropolis, regarding the statement of the Secretary of State resulting from representations made by the representatives in Washington of Peru and Ecuador, I have the honor to inclose herewith a copy and translation of the reply of the minister of foreign affairs of Chile to my note of March 28, written in accordance with the department's instructions.

The minister of foreign affairs remarked to me in a friendly conversation yesterday that he had been pleased to hear from Quito that the Secretary of State's suggestion would be adopted and the question of limits referred for adjustment to the United States, the King of Spain having gladly consented to withhold his award.

I have, etc.,

SETH L. PIERREPONT.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Chargé Pierrepont.

No. 734.]

FOREIGN OFFICE,
Santiago, April 2, 1910.

MR. CHARGÉ D'AFFAIRES: This department is in receipt of your attentive note, No. 60, dated March 28 last. In it, according to instructions from your Government, you have been good enough to inform the department that the diplomatic representatives of Peru and Ecuador in Washington, in the name of their respective Governments have consulted the opinion of your Government concerning the possibility of arranging through it a direct settlement of the difficulties pending between them on account of the boundary dispute which they have submitted to the decision of the King of Spain.

You conclude your note by inserting the answer of the Secretary of State of the United States, who entertains the idea insinuated by the interested Governments and states the manner in which, in his judgment, it might be carried out.

On thanking you for the information contained in the note which I have the honor to answer, I must assure you of the great pleasure with which the Government of Chile learns of the deep interest with which the Government of the United States is inspired by the possibility of finding a direct, friendly, and satisfactory settlement of the difficulties in which the Governments of Ecuador and Peru are involved on account of the boundary arbitration.

The department is fully informed of the formula suggested by your Government to bring about that agreement, and can not do less than to second the idea of soliciting the royal arbitrator to withhold the award while the negotiations which must lead to it are being developed.

I take this opportunity, etc.,

AGUSTIN EDWARDS.

Chargé Cresson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, April 5, 1910.

Minister for foreign affairs of Peru has shown me recent cable from Peruvian consul Guayaquil, reporting Peruvian citizens further assaulted, and Peruvian consul Guayaquil to take refuge consul of the United States. Also, reports Peruvian Legation Quito assaulted, and minister for foreign affairs of Peru informed me he has cabled

Peruvian minister at Quito he will be permitted to withdraw if there is danger of further outrage. Here large street demonstrations continue. Reserves ordered north. Situation is critical.

CRESSON.

The Ecuadorian Minister to the Secretary of State.

LEGATION OF ECUADOR,
Washington, April 6, 1910.

Mr. SECRETARY: Pursuant to our pleasurable conference of day before yesterday I have the honor to repeat in this note that the Government of Ecuador, desirous of preserving international peace and maintaining the most cordial relations with all the American Republics, has accepted with pleasure the suggestion of the Government of the United States looking to a direct settlement at Washington of its boundary dispute with Peru.

With this noble purpose in view the Government of Ecuador has appointed as commissioners vested with full powers Drs. Don Felicísimo Lopez, Don N. Clemente Ponce, and the undersigned, whose mission will be to endeavor to arrange with the commissioners Peru may choose to elect the best means of bringing to an end their long-standing controversy by signing directly a treaty reconciling the interests of both parties so as to give the continent the best proof of American fraternity.

I have received from my Government instructions to say to your excellency's Government how much it welcomes and appreciates the elevated motive of the suggestion made to both countries for the good of their common interests.

Convinced, as my country is, of the impartiality of the Government of the United States in South American affairs, it cherishes the well-grounded hope that the United States Government will adhere to its conciliatory course which can not but redound to the advance of peace, civilization and progress in all the Republics of this Hemisphere.

I renew, etc.,

L. P. CARBO.

Chargé Pierrepont to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santiago, April 7, 1910.

Minister for foreign affairs this afternoon showed me telegrams sent to Quito, Washington, Rio de Janeiro, and Buenos Aires, in which he declared that Chile considers peace necessary and that Peru and Ecuador should take the opportunity provided by the Secretary of State for amicable settlement. Telegram from Quito reports quiet and that Government of Ecuador wants to follow advice of Chile. Assault on Peruvian Legation is said to have been fomented by the opposition.

PIERREPONT.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, April 11, 1910.

The situation this morning very alarming, owing to cables from Ecuadorian minister at Lima stating that there was great enthusiasm for war; army being organized and troops are being sent to Paíta.

President of Ecuador says it is obligatory upon him to be prepared and he will mobilize 20,000 troops this week, and, if necessary, 20,000 next week.

President of Ecuador still hopeful for peace through the efforts of the United States, pointing out, however, that the having of 20,000 men in arms was very dangerous.

FOX.

Chargé Cresson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, April 14, 1910.

Threatened cabinet crisis following diplomatic council and censure of Peruvian minister for foreign affairs' policy by Pardo and his group has been averted. Peruvian minister for foreign affairs will not resign. He informed me this afternoon Ecuadorians are ready to negotiate amicable settlement for recent rioting. He seems to be more in the hope of amicable settlement whole matter.

CRESSON.

The Acting Secretary of State to the Ecuadorian Minister.

No. 45.]

DEPARTMENT OF STATE,
Washington, April 14, 1910.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, by which you inform the department that your Government has appointed you, Señor Dr. Don Felicísimo López and Señor Dr. Don N. Clemente Ponce as commissioners, with full powers to arrange at Washington, with such commissioners as Peru may designate, the boundary question between Ecuador and Peru.

The department is sensible of the friendly spirit of the Government of Ecuador in suggesting such a course. The success of the idea, however, would evidently depend upon its joint adoption by Peru and Ecuador, in which eventuality it is hardly necessary to say that the Government of the United States would most gladly facilitate the work if such a conference should be agreed upon between the two countries concerned.

Accept, etc.,

HUNTINGTON WILSON.

Minister Ide to the Secretary of State.

[Extract.]

No. 172.]

AMERICAN LEGATION,
Madrid, April 16, 1910.

SIR: I have the honor to report as follows:

On the morning of the 11th instant an interview was had with the minister of state, wherein he was informed that the Government of the United States was greatly interested in the preservation of peace between the two republics, with both of which it was on the most friendly relations, and that the President was especially pleased with the magnanimous course which the newspaper reports stated that the Spanish Government had taken with a view to urging the cabinets of Peru and Ecuador to adopt a conciliatory attitude toward each other. The minister replied that the Spanish Government had taken no further action than to telegraph the Spanish minister at Lima, who is also accredited to Ecuador, substantially as follows:

Inform interested governments that Government hopes that the present trouble may be settled amicably.

The minister of state stated that in his telegram no mention was made of the arbitration or of the King's considering it his duty to offer advice on the subject, but that the Spanish Government had merely expressed the hope that the difficulty might be settled peaceably. He added that he could not give expression to the views of the Spanish Government until in possession of fuller information from the Spanish minister at Lima. He remarked that no award had yet been made, nor had it been decided as to what it would be when it would be made.

I have, etc.,

HENRY C. IDE.

Minister Northcott to the Secretary of State.

[Extract.]

No. 68.]

AMERICAN LEGATION,
Bogota, April 19, 1910.

SIR: I have the honor to confirm my cable of April 11, reading as follows:

Colombian minister for foreign affairs in conference asked by him has just said to me verbally that he is informed that the Government of the United States will intervene to settle boundary disputes between Peru and Ecuador, and that he wishes the Government of the United States to know that Colombia claims territory in region in question and has great interest in the settlement of boundary, especially in Putumayo country, in conflict with both Peru and Ecuador.

On April 13 last a convention was signed leaving to arbitration the differences between Peru and Colombia. Copy of this convention and translation are inclosed, marked Nos. 1 and 2.

This convention has been received with marked disfavor by the masses here.

As reported in my cable of April 11 last, on that day I received a note from the foreign office requesting a conference with me at the ministry that afternoon at 3 o'clock. On going there Dr. Calderon stated that he wished to talk with me about the proposed mediation

of the United States between Peru and Ecuador, and asked me if I had been informed on this subject by my Government. On my stating that I had no information whatever as to that matter he replied that he had, and that he wished the Government of the United States to know that Colombia had great interests in the region in question (the Putumayo), claims that conflicted with those of both Peru and Ecuador. He then went at some length into the history of this region and concluded by requesting me to transmit to my Government, by cable if possible, his statement as to Colombia being interested. This I promised to do and did so at once.

I have, etc.,

ELLIOTT NORTHCOTT.

[Inclosure—Translation.]

Convention of April 13 concluded between Colombia and Peru.

[An amendment of that concluded Apr. 21, 1909.]¹

The Government of the Republic of Colombia and that of the Republic of Peru, desirous of fulfilling and amplifying the stipulations of article 10 of the diplomatic convention of amity and arbitration, concluded at Lima on the 21st of April, 1909, have resolved to conclude a convention which shall faithfully interpret its intentions. For which purpose they have duly authorized their respective plenipotentiaries, to wit, the President of the Republic of Colombia to Senor Dr. D. Carlos Calderon, minister for foreign affairs, and the President of Peru to Senor Dr. Ernesto de Tezanos Pinto, envoy extraordinary and minister plenipotentiary of said Republic at Bogota, who have agreed upon the following:

ARTICLE I.

The Governments of Colombia and Peru agree to constitute, by means of this convention, a mixed international commission whose duty it shall be—

1. To fix the amount of the pecuniary indemnity which one of two countries shall pay to the other for damages which the authorities or citizens of the one country may have inflicted upon persons or property of the other country in the region included between the Caqueta and Amazonas Rivers, up to the time of the date of this convention.

2. To determine the cases in which, in accordance with the laws of the respective countries, report shall be had to judicial investigation undertaken for the prosecution and punishment of the individuals responsible for punishable acts committed in the same territory and at the same time.

ARTICLE II.

The mixed commission shall meet at Rio de Janeiro and shall be composed of a delegate named by the Government of Colombia, another named by the Government of Peru, and of a referee, who shall be his excellency Senor Baron de Rio Branco, present minister of foreign affairs of the United States of Brazil, who shall preside in case of acceptance of the post.

ARTICLE III.

The Governments of Colombia and Peru shall request his excellency Senor Baron de Rio Branco to accept the post of referee in the mixed international commission, to which this convention refers, and in case he be unwilling or unable to accept the post the two Governments shall apply to his excellency the Minister of Great Britain at Rio de Janeiro for the same purpose. In case the British Minister also excuses himself from accepting they shall request his excellency the minister of the German Empire at Rio de Janeiro to occupy the post, and in case he also be unable to accept, the referee shall be named by mutual agreement of the delegates of Colombia and Peru at the time when they begin to exercise their functions as members of the mixed commission.

¹ See Foreign Relations, 1909, p. 507.

ARTICLE IV.

The referee shall be president of the mixed commission, and his vote and opinion shall be decisive in case of failure of the two other members of the commission to agree.

ARTICLE V.

The mixed international commission shall meet within four months after the date of the signature of the present convention and shall be empowered to send committees appointed by it to such points as may be considered necessary for the purpose of obtaining trustworthy information to illustrate their criterion and to serve as a basis for a verdict with full knowledge of the suit.

ARTICLE VI.

The Governments of Colombia and Peru may present to the commission every variety of exhibits, reports, allegations of evidence and counter evidence and defend their case orally and in writing with entire liberty during the period which the mixed international commission shall set for that purpose.

ARTICLE VII.

During a period of four months after the expiration of the time set for the presentation of allegations, replies and counter replies, evidence and counter evidence for the parties, the mixed commission shall hand down its decision for the determination of the suits in which resort shall be had to the judicial investigations, referred to in paragraph 2 of Article I.

ARTICLE VIII.

During the same period of four months the mixed international commission, in its^s arbitral decision, shall fix the amount which, in accordance with paragraph 1 of Article I, one of the two Governments must pay to the other as an indemnity in favor of individuals who may have suffered material or personal damages as the result of punishable acts, and in favor of the families of the victims of such acts.

ARTICLE IX.

Such payments shall be quoted in English gold and be liquidated in that currency in the capital of the country condemned to pay, not later than four months after the date of the decision handed down by the mixed international commission.

Private individuals having resort to the decision of the mixed commission for indemnification for damages suffered shall virtually renounce the right to claim fresh indemnification for the same causes from the Government which shall have settled the original claims.

ARTICLE X.

The mixed commission, after the completion of its task, shall communicate its decision to the respective Governments, in order that, after prosecuting the criminal cases which may have arisen, they may, in accordance with the laws of the respective countries, impose upon the guilty the penalties exacted by the said laws.

To determine which of the two Republics may be responsible in each case for the prosecution and punishment of the guilty the mixed commission shall observe the following rules:

1. It shall be the duty of the tribunals of each of the two Republics to be cognizant of offenses committed by their functionaries or public employees in the exercise of their duties.

2. It shall likewise be the duty of the tribunals of each of the two Republics to be cognizant of offenses committed by chiefs, officers, or soldiers, of their army or by the commanders, officers, or crews of their ships of war or of ships employed in that service.

3. To be cognizant of offenses committed by private individuals shall be the duty of the tribunals of the Republic in which the offense was committed.

In case the offense took place in territory disputed by both Republics the commission shall decide which of the two is responsible for being cognizant, taking into account to such end solely which of the two Republics held constitutional authority in said territory. But if the responsible party be present in a spot in possession of the country of his origin at the time when the mixed commission decides to which juris-

diction he must be submitted, he shall be judged in accordance with the laws of that country. Nationals of a third country shall be judged by the judges of that country in which they happen to reside after the signing of this convention. If the offenses took place in territory in which neither of the contracting parties held constitutional authority at the time, it shall be the duty of the tribunals of the country to which the accused individuals belong to be cognizant of such offenses.

The stipulations of this article do not imply on the part of one of the contracting Republics a recognition of jurisdiction exercised by its neighbor in disputed territory for other purposes than for those necessary for the carrying out of the arbitral award.

ARTICLE XI.

The decision of the mixed international commission shall be definite and nonappealable, and shall take effect upon the date of its signature.

The said decision shall be communicated to the legations of both countries at Rio Janeiro, and in default of this to the respective Governments.

ARTICLE XII.

The Governments of Colombia and Peru shall arrange and pay the salaries of their respective arbitrators, and shall jointly agree upon that of the referee. This last salary as well as other expenses of the mixed commission shall be equally divided and shall be paid by both Governments within the period of three months after deciding all questions submitted to the decision of the mixed commission.

ARTICLE XIII.

This convention shall be considered as an amendment of that concluded at Lima by his excellency the envoy extraordinary and minister plenipotentiary of Colombia at that city and the Peruvian minister for foreign affairs on April 21, 1909, and shall take effect from and after the date of its signature.

In faith of which they sign the present convention in duplicate at Bogota, the 13th of April, of 1910.

CARLOS CALDERON,
E. DE TEZANOS PINTO.

Chargé Cresson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, April 22, 1910.

Have been informed by minister for foreign affairs of Peru that Ecuadorian answer proposing mutual excuses is not at all satisfactory to Peru and their proposals to resume direct negotiations inadmissible. Warlike preparations continue methodically in spite of negotiations.

CRESSON.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 12, 1910.

Repeat to Petropolis and yourself act on the following instruction: Say to the minister for foreign affairs that the Government of the United States is momentarily apprehensive of unnecessary war between Ecuador and Peru. Believing that the Governments of the Argentine Republic and Brazil feel the same apprehension

and fully share with the United States the desire to avert, by any proper means, an eventuality so dissonant to the spirit of Pan American relations, this Government inquires whether the Government to which you are accredited will join in a tripartite offer of mediation upon the basis of some such joint communication as the following, which you will hand textually to the minister for foreign affairs, at the same time pointing out the advisability of secrecy until the notes are presented and the great urgency of a reply which is the reason for cabling an actual text in view of the fact that this opportunity to contribute to the cause of American peace may disappear at any moment:

The undersigned representatives of the Argentine Republic, Brazil, and the United States of America, acting under telegraphic instructions from their respective Governments, have the honor to make the present joint identic communication simultaneously to their excellencies, the ministers for foreign affairs of Ecuador and Peru.

Actuated by a sincere desire that peace be not broken between any two of the sister American Republics, whose mutual regard, common institutions and inseparable interests should be a sufficient guarantee of a conciliatory spirit, and believing also that the moment has arrived for recourse by the Governments of Ecuador and Peru to the mediation of friendly and disinterested Governments, strangers to the dispute under the obligation of article 2, title 2, of The Hague convention of 1899 for the pacific settlement of international disputes, to which both Governments duly adhered, and which they solemnly reaffirmed as signatories to The Hague convention of 1907; and believing also that under articles 2 and 3 of the same conventions, it is opportune that friendly Governments should offer their good offices to avert war, the Presidents of the Argentine Republic, of Brazil, and of the United States of America ask earnest consideration of the following views by the Governments concerned:

It is unthinkable that Ecuador and Peru should go to war over a boundary dispute which both, by solemn agreement, submitted to arbitration. Neither would it be conscionable to sanction the repudiation of the award in advance by either party, for such sanction would dishonor the enlightened institution of arbitration, to which institution of an advanced civilization the American Republics are committed.

If the Governments of Ecuador and Peru will withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war and await eventualities, then in case no award is made or in case serious difficulties shall subsequently arise, the three Governments will undertake a satisfactory solution by mediation.

As for the question of an exchange of expressions of regret at the violence done the respective citizens and officials in the country of the other, no one can doubt the sincerity and good intention of each Government as to those regrettable incidents, and it should be a matter of no difficulty to arrive at a dignified adjustment through the mediating republics.

In offering these good offices on the part of their Governments, which entertain for the Governments concerned feelings of the greatest friendship, the undersigned avail, etc.

KNOX.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 13, 1910.

Immediately repeat to Rio de Janeiro and yourself act on the following instruction:

Yesterday the minister of Chile left at the department the following paraphrase of his telegraphic instruction:

Inform the Secretary of State that the situation between Ecuador and Peru is a grievous one, the armies of the countries being very near. Ask him what in his judgment is possible and practicable to prevent the outbreak. Chile is ready to cooperate in any peaceful settlement of the conflict. (Signed.) EDWARDS.

I shall to-morrow morning fully explain to the minister of Chile the proposed tripartite mediation and shall hand him an aide-mémoire from which I quote, for your information, the following three extracts:

1. With regard to the minister's question Mr. Knox replies that prior to his conversation with Mr. Cruz on Thursday the President had already determined upon and taken action on the manner to-day orally described confidentially in all its detail.

2. The fear that present Chilean-Peruvian relations and, indeed, the fact that Chile has now no diplomatic representation at Lima, might cause the Government of Chile embarrassment in receiving such a suggestion alone deterred the President from inviting, in the first instance, the cooperation of Chile in precisely this manner. It is confidently hoped, however, that the Chilean Government will see in the opportunity afforded to use its influence in favor of the success of this mediation an occasion to cooperate effectively.

3. This full information, will, of course, be regarded as strictly confidential until, if the project be carried out, the joint representations shall have been made at Quito and Lima, after which, if Chilean-Peruvian relations are such that Chile shall find it practicable to participate in the mediation, such participation will be most welcome to the United States.

You will discreetly explain to the minister for foreign affairs that Chile's offer to cooperate, happening to come immediately after the action taken in the telegram of yesterday, placed me in a position where it became proper to make these confidential explanations and that my own idea would be to make no modification in the policy proposed, but later when the tripartite mediation had been accepted then to favor the inclusion of Chile if found practicable and agreeable to all the Governments concerned.

KNOX.

Minister Sherrill to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, May 14, 1910.

Argentine minister for foreign affairs states that he is authorized by the President to accept your text proposed in May 12, and has instructed his ministers in Quito and Lima accordingly. He requests you to instruct our representatives there to put themselves in touch with his ministers. He already knew the text of Edwards' telegram reported in your May 13.

Argentine minister for foreign affairs thoroughly approved policy outlined in your May 13, and requests me to reiterate that he desires to act in full accord with others in Peru-Ecuador and Tacna-Arica questions.

SHERRILL.

Ambassador Dudley to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Petropolis, May 14, 1910.

Your May 12 received to-day through Buenos Aires. Desirous of joining in the tripartite offer of mediation the Government of Brazil will telegraph at once to its legations at Lima and Quito a Portuguese translation of the joint note you have submitted and

instruct each to arrange to sign a Spanish version of it with the American and Argentine representatives as soon as they are authorized.

DUDLEY.

*The Secretary of State to Minister Fox.*¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 15, 1910.

The Argentine Republic and Brazil have accepted this Government's proposal of tripartite mediation. You will therefore immediately place yourself in touch with your Argentine and Brazilian colleagues, who have received instructions to join you in delivering at the earliest possible moment the joint note, of which you have the text, and which is to be delivered identically and simultaneously to the Governments of Ecuador and Peru.

Cable me the moment the note has been presented. I shall thereupon make it public here, subject to agreement with the two Governments, joining in the mediation for similar action at Buenos Aires and Rio de Janeiro. You will realize that publicity is very important to the moral effect. I am sending a similar instruction to the legation at Lima.

KNOX.

*The Secretary of State to Minister Sherrill.*²

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 15, 1910.

I have sent the legations at Quito and Lima the following telegraphic instructions (May 15, supra):

In explaining this to the minister for foreign affairs express very cordially my gratification that the views of our Government have proved so happily to coincide and my earnest hope that our cooperative efforts may be successful. Cable at once whether the Government to which you are accredited assents to publication of the note in the three capitals by the respective Governments so soon as each has been informed that it has been presented.

KNOX.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, May 16, 1910.

Minister of the Argentine Republic, Brazilian charge d'affaires, and I jointly presented to minister for foreign affairs of Peru the text of the tripartite proposal unsigned, minister of the Argentine

¹ Same to the legation at Lima.

² Same to the American Embassy, Petropolis.

Republic not having received instructions. Formal action will be taken at the receipt of minister of the Argentine Republic instructions. Minister for foreign affairs of Peru thanked us, seemed pleased, no comment.

COMBS.

Minister Sherrill to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, May 16, 1910.

Your May 15. Argentine minister for foreign affairs reciprocates your cordial messages and agrees to publication of notes at respective capitals after presentation.

SHERRILL.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 16, 1910.

Department's May 15, also Sherrill's May 14. Argentina has diplomatic representative residing here. Argentine minister accredited here has never been officially received. He resides in Lima. Charge d'affaires of Brazil has received no instructions as yet, but we are preparing note to be ready for immediate delivery when he receives his authority.

Under the circumstances, shall charge d'affaires of Brazil and I proceed jointly without Argentina? Full instructions asked for.

FOX.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1910.

The minister at Lima telegraphs that the joint note was presented unsigned because the minister of the Argentine Republic was not yet fully instructed. Has he now full instructions?

KNOX.

The Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1910.

Very urgent. In view of the perfect understanding between this Government and the Argentine Government you will present the joint note with your Brazilian colleague without the slightest delay.

The Argentine Government will undoubtedly subscribe as of the same date by a telegram from their minister for foreign affairs to the minister for foreign affairs of Ecuador or by delegating to some one full powers to sign for the Argentine Government. I am telegraphing to Buenos Aires to suggest this.

KNOX.

Minister Combs to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Lima, May 18, 1910.

Charge d'affaires of Brazil has received renewed instructions to sign only Spanish text. Argentine minister is authorized, if necessary, to sign English.

COMBS.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, May 18, 1910.

Minister for foreign affairs of Peru informed me English text was satisfactory. His Government ready formally to accept proposal when formally presented.

COMBS.

The Acting Secretary of State to Minister Combs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1910.

Your telegrams of to-day. The one splendid and all-important fact is the joint offer of mediation by the three Governments, which are in such entire accord. In these happy circumstances any unnecessary quibbles would be folly. As for the perfection of those formalities and unessential details which haste made it impossible to arrange in advance, as a matter of procedure the department thinks that all three representatives should sign the English, Spanish, and Portuguese texts, the signatures of each taking precedence in the text of his own language. The department has examined the Portuguese text and does not doubt that the Spanish is equally satisfactory. Your actual presentation of the note on the 16th and its formal delivery at Quito to-day having satisfied the condition of publication, the department to-day gives out a full official statement. The Government of the United States is happy to learn that Peru will accept.

WILSON.

The Acting Secretary of State to Ambassador Dudley.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1910.

For the immediate information of the Brazilian Government I quote the following telegram now to be sent to the legation at Lima (supra).

WILSON.

The Acting Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1910.

For your guidance I quote the following telegram now to be sent to the legation at Lima and communicated to the Argentine and Brazilian Governments (supra).

WILSON.

The Acting Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 18, 1910.

For the immediate information of the Argentine Government I quote the following telegram now to be sent to the legation at Lima (supra):

The minister at Quito and his Brazilian colleague presented the note to-day. By what method has the Argentine Government signified its joint action at that capital?

WILSON.

Minister Sherrill to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, May 18, 1910.

Argentine minister for foreign affairs says he is telegraphing Ecuadorian minister for foreign affairs in accordance with your May 17. Argentine minister for foreign affairs reiterates that his minister at Lima is already instructed to sign either the Argentine Spanish text or the United States text, leaving the Brazilian minister to sign such text as pleases him.

SHERRILL.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 18, 1910.

Department's May 17. Note delivered jointly with Brazilian colleague to-day at noon.

FOX.

Ambassador Dudley to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY,
Petropolis, May 18, 1910.

Reference department's May 15. Rio Branco to-day assented to proposed publication of joint note in the three capitals. Publication here, though complete as a Portuguese translation, may purport to be a résumé.

DUDLEY.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 20, 1910.

Cablegram received to-day by minister for foreign affairs from Ecuadorian commissioner Madrid states that minister advises him by note that he has counseled King of Spain to defer pronouncing boundary decision, His Majesty and Government leaving to the parties concerned free hand to procure direct settlement. Same note sent to Peruvian legation, Madrid.

FOX.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, May 23, 1910.

Mediation was delivered to minister for foreign affairs of Peru last night in English, Portuguese, and Spanish texts, one signature to each.

COMBS.

The Ecuadorian Minister to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, May 23, 1910.

MR. SECRETARY: Supplementing the memorandum I left at the Department, I have the honor to repeat in this note that my Government accepts the friendly mediation tendered by the United

States, Brazil, and Argentine Republic for a direct settlement of its boundary dispute with Peru in accordance with article 6 of the arbitration convention between the two countries, and that, with that object in view, His Majesty the King of Spain has officially advised the Ecuadorian legation at Madrid, through his secretary of state, that he withholds his award so as to let the two Republics freely and directly settle their territorial controversy.

As an eyewitness of your excellency's generous efforts to bring the conflict between Ecuador and Peru to an honorable, peaceful end, conformably to the most excellent President Taft's elevated foreign policy, I perform the pleasant duty of sincerely congratulating your excellency on the brilliant diplomatic triumph you have achieved, with the cooperation you sought of Brazil and the Argentine Republic, and I find gratification in my having contributed thereto in the cause of the peace and fraternity of the American Republics.

Convinced that this most noble precedent will prove of great benefit to the relations of the States of this continent, I take great pleasure in renewing to your excellency the assurances of my highest consideration and personal regard.

L. F. CARBO.

Minister Combs to the Secretary of State.

No. 355.]

AMERICAN LEGATION,
Lima, May 23, 1910.

SIR: I have the honor to announce a formal delivery of the proposal of mediation by the Argentine Republic, Brazil, and our Government was made at 11 o'clock last night to the minister of foreign affairs of Peru.

The text presented by the Department of State to Argentina and Brazil in its proposal of mediation was signed and delivered by me, while the representatives of Argentina and Brazil signed their translations of that text each in his own language.

Mr. Porras thanked us again for the mediation, and said the answer of his Government had been ready since Wednesday last and would be formally communicated at once.

I have, etc.,

LESLIE COMBS.

Minister Combs to the Secretary of State.

No. 356.]

AMERICAN LEGATION,
Lima, May 23, 1910.

SIR: I have the honor to forward by this mail, but too late for the pouch or translation, a copy of the formal note of acceptance of the Peruvian Government of the proposal of mediation.

I have, etc.,

LESLIE COMBS.

[Inclosure—Translation.]

The Minister of Foreign Affairs to Minister Combs.

No. 18.]

LIMA, May 23, 1910.

Mr. MINISTER: I have had the honor to receive the valued communication of your excellency, under date of the 22d instant, designed for the purpose of tendering the good offices of the Governments of the United States of America, the Argentine Republic, and Brazil with a view of preventing a disturbance of the peace between the Republics of Peru and Ecuador.

My Government has given careful consideration to the declarations which the three aforesaid Governments have spontaneously and jointly expressed and appreciating at its full value the lofty and noble purpose which has inspired them, accepts with the greatest satisfaction the kind offices offered.

My Government does not hesitate to declare its acceptance in this manner not only because of its own feeling toward this noble purpose and of the deference it owes to the three great American Republics with which it maintains cordial and honorable relations of friendship, but also because it holds that the initiative formulated implies an act that will convey to the mind of the royal arbiter chosen to settle our boundary dispute with Ecuador a new evidence of the respect that the fulfillment of his high office merits.

I fulfill likewise the pleasant duty of expressing our sincere gratitude for the proposition transmitted, which must assuredly strike a responsive chord in this continent.

I take, etc.,

M. F. PORRAS.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,

Quito, May 24, 1910.

Ecuadorian Government received yesterday from Argentine minister at Lima, over his signature, full text note. Formalities now completed. We are having to-day conference with minister for foreign affairs, at his request, for the purpose of discussing Ecuador reply to joint note.

Fox.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,

Quito, May 25, 1910.

Following is a translation of a note received last night from minister for foreign affairs addressed to representatives of the Argentine Republic, United States of Brazil, and the United States of America:

I have the honor to acknowledge the honored note in which my Government is informed that the Argentine Republic, United States of Brazil, and the United States of America, moved by the sincere desire to avoid the disturbance of peace between Ecuador and Peru, have resolved to present for the consideration of the two Governments concerned the conciliatory suggestions contained in the above-mentioned note. I will begin by praising and acknowledging the high-minded propositions of the powers which, giving eloquent examples and practices of their Americanism, desire that the Ecuadorian-Puruvian conflict have a decorous and fraternal solution, as it should have in order that the harmony of the South American Continent be not disturbed and which is rapidly advancing in the path of progress for the benefit

of peace. Ecuador abounds in sentiments of concord, and in the unfortunate incident of the present moment with the Peruvian Republic has employed all possible conciliatory measures to reestablish the harmony between the two nations. Ecuador does not desire war nor does she excite it, but if she is forced to such a painful extremity it is necessary for her to accept it in fulfillment of her duty. And for the same reason the gratitude of my Government is profound towards Their Excellencies the Presidents of the Argentine Republic, United States of Brazil, and the United States of America for their effective good offices in favor of South American peace. But I should call your attention to the incontestable fact that Ecuador does not attack in any manner the sacred principle of arbitration, an institution belonging to an advanced civilization. The Government of Ecuador, in the face of the discontent and criticism of the people, justified by the projected arbitration decision now known to all, has desired rather to remove all danger of a war which would depreciate this saving principle, and has invited the Government of Peru to a direct settlement, in compliance with article 6 of the very treaty of arbitration of 1887. Peru can not deny the above-mentioned arrangement, for the violation of the before-mentioned articles 6 by the same deed, would take away all objects to be derived from the treaty of arbitration. At the same time it would show beyond all doubt that that nation is not animated by the same fraternal intentions as Ecuador. The attitude of the Government of Ecuador is consequently founded in strict justice and a perfect right and has been inspired by the most sincere desires to maintain peace and also the prestige of the institution of arbitration. The Spanish Government without doubt taking into consideration all these reasons has counseled the royal arbitrator to defer pronouncing the decision and leave the parties at liberty to arrange their differences in a direct manner. Notified of this resolution the Ecuadorian minister has accepted it in such a manner that, in the actual state of the question, no other means of finding a solution of the conflict remains other than the direct settlement. Ecuador esteems and thanks the illustrious Governments of the Argentine Republic, United States of Brazil, and the United States of America for their very valuable mediation in this direction, and has the pleasure to manifest that she accepts it from this moment, offering to send her commissioners with full powers for the conferences relative to a direct settlement to that American capital which the mediating powers shall designate, though I should call to mind that in the preliminaries initiated by the suggestion of the United States for a direct negotiation Ecuador designated the city of Washington. I will also advise that the Republic of Colombia should take part in the direct settlement, whatever it may be, for the reason that article 26 of the treaty of July 9, 1856, renewed on August 10, 1905, imposes on the two nations the obligation to work together in defense of the territory of "Old Colombia," which to-day belongs to them. And this participation is specially necessary for the reason that it will terminate all the differences regarding the boundaries in the Amazon Valley, making thus a definite peace between the nations who have their boundaries there, under the moral influence of the mediating powers. As for the incident relative to the hostile manifestations against the legations and consulates of Ecuador and Peru, my Government accepts with pleasure the generous and fraternal mediation offered, and believes that the solution of the conflict will not offer great difficulties.

Accept, etc.,

PERALTA.

FOX.

The Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 26, 1910.

Department can not credit press dispatch from Guayaquil saying warlike preparations continue, and that Gen. Franco is leaving to assume command of Ecuadorian forces. Very discreetly ascertain and report what steps have been taken by Ecuadorian Government to withdraw troops and cease military preparations.

KNOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 26, 1910.

President of Ecuador requests me to cable Secretary of State that Ecuador is ready to withdraw her troops from the frontier on the day fixed upon by the mediating powers for Ecuador and Peru to retire their forces.

FOX.

The Ecuadorian Minister for Foreign Affairs to the Ecuadorian Minister.¹

[Memorandum—Telegram.]

QUITO, May 26, 1910.

Legation of Ecuador, Washington: Peru refuses to comply with the article 6 of the arbitration convention, notwithstanding that the royal arbiter, in order that the mediation should be effective, has withheld the award to facilitate a direct settlement in accordance with article 6.

Please tell the American Government that the Government of Ecuador believes that his answer to the United States, Brazil, and Argentina is correct, because the only means to avoid war and to safeguard the prestige of the principle of arbitration is to accept the friendly mediation, fulfilling at the same time the obligations imposed upon both countries by the article 6 of the arbitration convention in accordance with the attitude that was assumed by the royal arbiter when he took notice of the mediation. Besides, if Peru violates the article 6 the treaty will be without value.

The Government of Ecuador hopes that the mediators will easily persuade Peru that there is no object in putting such obstacle in the way of a mediation so well conceived by the illustrious Secretary of State, Mr. Knox, who, with his enlightened foreign policy, has established an important precedent in the diplomatic history of America.

MINISTER OF FOREIGN AFFAIRS.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 28, 1910.

For your action and for repetition to Rio for action and to Lima and Quito for their information and guidance.

The United States minister to Ecuador telegraphs me as follows:

The President of Ecuador requests me to telegraph Secretary of State that Ecuador is ready to withdraw her troops from the frontier on the day fixed upon by the mediating powers for Ecuador and Peru to retire their forces.

The minister from Ecuador to the United States has stated to me that his Government is prepared to remove her troops from the frontier whenever the mediators indicate a time, and has requested that the mediators be asked to fix such time.

¹ Left at the Department of State by the Ecuadorian minister.

The minister from Peru has also urged that a time be fixed, saying that to do so would be helpful to his Government in complying with the conditions of the mediation.

You will say to the minister for foreign affairs that I therefore suggest that in order to enable Peru and Ecuador to comply more easily with the first condition of the mediation, the three powers instruct their representatives at Quito and Lima to join in recommending June 4 as the day for withdrawing their troops from the frontier in compliance with the terms of the mediation. Also say that if the Government to which you are accredited agrees, as I hope it will, to take similar action, I will immediately instruct our representatives at Quito and at Lima so to cooperate with their Argentinian and Brazilian colleagues.

KNOX.

Minister Sherrill to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Buenos Aires, May 29, 1910.

Your May 28 Argentine minister for foreign affairs agrees to instruct his representatives accordingly.

SHERRILL.

Ambassador Dudley to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY,
Petropolis, May 30, 1910.

Your May 28 repeated from Buenos Aires. Brazilian minister for foreign affairs says the representatives of Brazil at Lima and Quito will be instructed immediately to join in proposed recommendation for withdrawal of troops June 4th.

DUDLEY.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, May 31, 1910.

Called upon minister of foreign affairs with colleagues; fixed day for withdrawal of troops according to instructions. Minister asked in what terms Ecuador had accepted mediation; replied was not officially informed. Minister said Peru had accepted unconditionally and publicly. He was informed by his representative in Quito, Ecuador had attached such impossible conditions as to defeat mediation; asked for terms of Ecuador answer before replying to request for withdrawal troops. Identical telegrams sent by colleagues to their Governments. Minister of Argentine has text of Ecuadorean answer if we shall submit it.

COMBS.

Aide-Mémoire to the Chilean Legation.

DEPARTMENT OF STATE.

Washington, June 1, 1910.

On May 14 the Secretary of State asked the Chilean minister to give his Government the fullest assurances that nothing could be more agreeable to the Government of the United States than to have the cooperation of Chile, and that if Chilean-Peruvian relations should later become such as to make it practicable for Chile to participate in the mediation, such participation would be most welcome to the United States. These assurances were given even before the Government of Ecuador intimated that, for its part, Chilean participation in the mediation would be agreeable.

As for preliminary discussion of an arrangement of the boundary question, the United States sees at this time no legitimate occasion whatever for any such discussion, which would be entirely premature.

Mediation as to the boundary dispute can only occur—first, if the fact be established that there is to be no award, or, second, if after an award difficulties should arise. The mediation was offered upon definite conditions, and its acceptance, already made by both Peru and Ecuador, obviously is the acceptance of those conditions and the imposition of no others. The first condition was that the two Governments should “withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war, and await eventualities.” All questions as to the boundary are precisely the eventualities which Peru and Ecuador solemnly undertook to await. The mediating powers have recommended to the Governments of Ecuador and Peru that on June 4 they carry out this paramount obligation, which is the first to arise since their acceptance of the mediation.

Relying upon the cordial assurances of cooperation given by the Chilean Government, the Secretary of State now asks the chargé d'affaires to inform his Government that he sets great store by the avowed influence of Chile upon Ecuador to withdraw its troops on June 4, thus discharging the first of those conditions arising from its acceptance, which can only be unconditional, and thus averting war and awaiting eventualities which may include mediation, in which case the Secretary of State repeats that the participation of Chile in the discussion will be most agreeable to the United States if only the circumstances at the time should make it practicable.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,

Washington, June 1, 1910.

This telegram is for repetition to the American embassy at Petropolis for its information, guidance, and discreet use, as well as for your own. It is to be repeated for the information of the American legations at Quito and Lima.

The Chilean chargé has asked an expression as to the intimation of Ecuador to this Government of a desire that the Government of

Chile have some part in the preliminary discussion of an arrangement of the Peru-Ecuador boundary, and the following aide-mémoire will to-day be handed him. (See aide-mémoire above.)

KNOX.

The Secretary of State to Ambassador Dudley.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1910.

Inform Baron Rio Branco that I heartily concur in his suggestions as reported in your May 30, and that when Ecuador and Peru shall have complied with the first condition, to "withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war and await eventualities," the Government of the United States will be happy to join in recommending as the next step reciprocal expressions of regret through simultaneous exchange of notes or preferably a protocol, since this Government will then consider the condition of mediation for that particular purpose to be satisfied.

As for negotiations through the mediation of the three powers upon the boundary question, if such mediation ultimately comes about through the eventuality of its being definitively determined that there is to be no award, or else through the eventuality of an award followed by difficulties, it is the view of this Government that such eventual mediation should be carried on at one of three capitals, and you will not fail to assure Baron Rio Branco of my appreciation of his excellency's courteous suggestion that Washington be in such event selected.

If Peru and Ecuador fulfill on June 4 the first condition then it will seem advisable to the Government of the United States that in order to simplify the application of the tripartite good offices in the negotiation of the protocol of apology, or as to any other matters which may properly arise even in advance of the possible ultimate mediation in the boundary question, one of the three capitals should be selected where the three Governments could make joint representations to the representatives of Peru and Ecuador there accredited.

Repeat your telegram and this reply to the legation at Buenos Aires for its information.

KNOX.

*Aide-mémoire to the Ecuadorian Legation.*¹

DEPARTMENT OF STATE,
Washington, June 1, 1910.

In a note addressed May 24 to the representatives of the mediating powers the Government of Ecuador accepted as of that date the offer of mediation. The mediation was offered upon definite conditions and its acceptance obviously is the acceptance of those conditions with the imposition of no others. The first and paramount

condition was that the two Governments should "withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war, and await eventualities."

The note of the Ecuadorian Government set out the point of view of Ecuador upon matters the discussion of which at this time is entirely premature and inappropriate. Mediation as to the boundary dispute can only occur—first, if the fact be established that there is to be no award; or, second, if after an award difficulties should arise. Eventually all of these questions as to the boundary are precisely the eventualities which Peru and Ecuador by their acceptance solemnly undertook to await.

After a delay already surprising it is of paramount importance that this primary obligation of the acceptance made be carried out on June 4. The Government of the United States can see no ground upon which either Peru or Ecuador could justify a failure to do so or could reconcile it with the recognized dignity and good faith of their intentions.

*The Secretary of State to Minister Fox.*¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1910.

Act on the department's May 28.

Immediately make strong representations to the Government to which you are accredited in the sense of the following aide-mémoire to-day handed the representatives of Ecuador and Peru at Washington.²

KNOX.

The Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1910.

For immediate communication to the Government to which you are accredited and for repetition to Petropolis for corresponding action.

I shall to-day hand the following aide-mémoire to the representatives of Ecuador and Peru, and shall instruct our representatives at Quito and Lima to make strong representations in the same sense to the two Governments, since the time is too short for consultation and since, in any case, I feel sure that this faithfully represents the views held also by the Governments of the Argentine Republic and of Brazil, which have doubtless taken similar steps.³

KNOX.

¹ Same to Lima.

² See supra.

³ Aide-mémoire, supra, uncl.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, June 2, 1910.

Your June 1 is very satisfactory to Government of Peru. Minister for foreign affairs of Peru informs representatives of the mediating powers will withdraw forces from the frontier June 4.

COMBS.

The Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 2, 1910.

The following telegram has been received from the legation at Lima (supra, June 1):

Hasten solemnly to impress the Government of Ecuador with the fact that by failure to take similar action and to make their acceptance unencumbered with premature arguments they would assume before the world the responsibility of jeopardizing the mediation and of the grave consequences which might follow.

KNOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 2, 1910.

Department's June 1 received. This morning Brazilian chargé d'affaires and I conveyed to minister for foreign affairs the information that June 4 had been fixed upon by the mediating powers as the day for Ecuador and Peru to withdraw their troops from the frontier. I later saw President of Ecuador, who himself informed me that he had given orders at 2 p. m. to-day for withdrawal of the troops from the frontier and hoped that operations would be completed in eight days. President of Ecuador informed me further that he had last night received a telegram advising him that Peru had sent 3,000 more troops to Paita on the frontier. He would like to have this matter explained.

I have complied with department's instructions and strongly and earnestly presented the views of the Secretary of State, leaving with the minister for foreign affairs a Spanish memorandum in the sense of the aide-mémoire.

FOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 2, 1910.

Ecuadorian Congress met yesterday extraordinary session. President's message¹ discusses situation historically, saying Ecuador has accepted mediation warmly; congratulates mediating powers; says that Chile could not take part on account interrupted relations with Peru; points out that Colombia on account of existing treaties must be included in settlement.

FOX.

Minister Sherrill to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, June 3, 1910.

Your June 1-2. Argentine minister for foreign affairs is in complete accord with you.

SHERRILL.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 3, 1910.

Gen. Franco, commanding Ecuadorian army on the frontier, has telegraphed to-day minister of war that he has commenced to withdraw his troops.

FOX.

The Secretary of State to Minister Combs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 3, 1910.

For your information and that of Peruvian Government: The President of Ecuador has informed our minister at Quito that orders were given June 2 for withdrawal of the troops from the frontier, and that he hoped that the operations would be completed in eight days.

KNOX.

Ambassador Dudley to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Petropolis, June 3, 1910.

Your telegram June 1. Brazilian minister for foreign affairs will instruct Brazilian representative at Quito and Lima to present note

identical with your aide-mémoire to the representatives of Ecuador and Peru, and authorizes me to assure you he will endeavor to promote desired Chilean cooperation at Quito.

DUDLEY.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 3, 1910.

Minister for foreign affairs just now called on me at the legation and confirmed my statement in cable of yesterday that troops had on June 2, been ordered to withdraw from the frontier. Further he said that the Government of Ecuador would later reply to my presentation of the views of the Secretary of State.

FOX.

The Ecuadorian Minister to the Secretary of State.

ECUADORIAN LEGATION,
Washington, June 4, 1910.

MY DEAR MR. KNOX: I have the pleasure of inclosing you a copy of the cablegram of the President of Ecuador, dated yesterday, which I have received only this morning.

I congratulate you heartily on the splendid result obtained by your endeavor, and, thanking you again for all that you have done in favor of peace and American confraternity,

I remain, etc.,

L. F. CARBO.

[Inclosure—Telegram.]

QUITO, June 3, 1910.

The President of Ecuador to the Ecuadorian Minister.

I was notified yesterday (Thursday) about the date set for the retirement of troops from the frontiers. Immediately I gave orders for their mobilization to the neighboring Provinces.

Please explain that long distances require time to withdraw the army scattered about the different towns of the frontier, but all will be accomplished in six days.

ALFARO.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 5, 1910.

Minister for foreign affairs has sent note to me, confirming withdrawal of the troops and giving certain details of the operation. Translation of the note continues, as follows:

June 4. In reference to the memorandum which your excellency was pleased to place in my hands, it is my duty to remind you that we were in accord in the conference of May 23, in which my Government received the gracious offer of the Argentine Republic, United States of Brazil, and of the United States of America, that the offer had two parts: The first relative to future mediation, in connection with the

principal question as to the boundaries; and the second, actual mediation upon the incident which arose from the unfortunate occurrences on the first days of April both in Ecuador and Peru.

The right interpretation of the mediation being thus established, I stated verbally in the conference and afterwards in the note of May 24, that Ecuador demanded from Peru fulfillment of article 6 of the treaty of arbitration of 1887; that the above-mentioned Republic could not refuse a direct settlement, for the breaking of the aforesaid article 6 would leave the treaty itself without value or effect; that the royal arbitrator, in view of all this, had deferred pronouncing the award in order that the parties should arrive at a friendly and expedient arrangement; that in view of a new aspect of the controversy no other pacific solution was possible than direct settlement.

As the offer of mediation relative to the boundaries was for the future, I frankly indicated that the only conditions which, when the case comes up, would make effective the labor of the mediating powers, and as my Government has the greatest confidence in nations so illustrious and great, I manifested in advance the acceptance of Ecuador, in the indicated sense; that is to say, in that of the direct arrangement. It would neither be possible for us to accept another solution now, nor can the royal arbitrator pronounce the decision, now that Ecuador has accepted the suspension of the judgment, expressly declaring that it could not be renewed without the joint petition of both parties. And were it not thus, Ecuador would not in any case renounce the right which article 6 of the treaty of arbitration concedes—to ask, as it has asked, that our opponent come to a direct negotiation before the pronouncing of the arbitration decision, since the above-mentioned article is just as binding as the rest of the treaty, and that, broken by Peru, Ecuador would be free from all obligation arising from the aforesaid treaty. Our acceptance was then strictly within the limit of article 6 of the treaty of arbitration, in accordance with that already decided upon by the royal arbitrator as to the suspension of the arbitration award and for the future.

It is not thus relative to the second part of the offer of mediation, which being for the present, was accepted from that moment by the Government of Ecuador. I have believed it necessary to insist in this, in order to make clear the bases of the ulterior discussions which you were pleased to announce to me. I have transmitted this note also to the other worthy representatives of the mediating powers.

PERALTA.

FOX.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 6, 1910.

Ecuadorian Congress, June 2, conferred extraordinary powers upon the Executive under article 83 of the constitution. June 4 the following executive decree issued and first published this evening:

The only article as follows: The army continues in the state of campaign. Minister of war is charged with execution of this decree.

(Signed.) ALFARO and MARTINEZ AGUIRRE.

Opinion is that action taken is precautionary, due to the rumor of internal uneasiness.

FOX.

The Secretary of State to the Chilean Chargé.

DEPARTMENT OF STATE,
Washington, June 9, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: In answer to your inquiry of the 4th instant I beg to hand you herewith a memorandum embodying the views of the United States on the suggestion made by the Ecuadorian Government on May 26.

In placing this memorandum in your hands permit me to express the appreciation of the Government of the United States for the influence exerted by Chile upon the Government of Ecuador in bringing about the withdrawal of her troops from the Peruvian frontier.

I am, my dear Mr. Yoachim, etc.,

P. C. KNOX.

[Inclosure—Memorandum.]

DEPARTMENT OF STATE,
Washington, June 9, 1910.

The Government of the United States regretted to be unable to receive with its usual sympathy the proposal of the Ecuadorian memorandum of May 26, for the reason that the proposal apparently sought to invoke Article VI of the arbitration convention of 23 years ago, and under it at this late date to insist, without the consent of Peru and as a right, upon fresh direct negotiations.

The situation is substantially this: Ecuador and Peru in 1887 concluded a treaty submitting their boundary dispute to the arbitration of the King of Spain. In this treaty the following article was incorporated:

Before rendering the arbitral award, and within the shortest period possible following the exchange both parties will use their best efforts to settle through direct negotiations all or some of the points comprised in the boundary questions, and in the event of such agreements being reached and perfected in accordance with the forms required for the validity of public treaties, they shall be made known to His Catholic Majesty, thus bringing the arbitration to an end or confining it to the unsettled points, as the case may be. Failing a direct agreement, the award shall be rendered to its full extent as provided by Article I.

Several unsuccessful efforts were made under the provisions of this article to directly adjust some or all of the differences between the two countries, but they failed, and the case proceeded before the arbitrator; evidence was produced by both parties in support of their respective contentions, the case closed, and for some time the decision of the arbitrator has been expected.

Rumors circulating as to the probable nature of the award produced an agitation in both countries which unfortunately soon manifested itself in preparations for war.

These preparations were of such a character and proceeded to such an extent as to cause belief throughout the world that war between the two countries was imminent, and the Republics of Argentina, Brazil, and the United States, mindful of their friendliness to both countries and anxious to preserve the peace in this hemisphere, proposed to both countries that if they would retire their troops from the frontier, cease warlike preparations and await eventualities, in case of no award or difficulties arising under the award, the three Republics would be glad to act as mediators to adjust the differences between Ecuador and Peru.

Both countries accepted this offer of mediation. Ecuador has concurrently with the acceptance of the offer of mediation, and subsequently, reverted to the desirability and her willingness to undertake direct negotiations for the settlement of the question under Article VI above quoted, but Peru has not indicated a willingness to do so.

Assuming the concurrence of the other two mediating powers, the Government of the United States would hold the view that direct negotiations could only occur at this juncture if happily either in pursuance of or irrespective of Article VI both parties desired them.

By their voluntary act both Ecuador and Peru have resumed a status of peace and have undertaken calmly to await the definite establishment of the fact that there shall be no award, or the making of an award followed by difficulties, in either of which eventualities the tripartite mediation will equally become operative.

Convinced that this view will bear the closest analysis and in the absence of evidence that both Governments desire to attempt a direct settlement, while on the other hand mediation has been accepted by both, the Government of the United States could not indeed avoid surprise at the proposal in question as based upon Article VI.

It should, however, by no means be inferred that if both parties choose to revert to Article VI or in any other manner to agree upon a direct settlement such result could be otherwise than agreeable to the mediating powers, because it would accomplish the very object of the mediation.

1 Copies sent to Chargés of Brazil and Argentina, and to ministers of Peru and Ecuador, dated as above.

That there should have at first existed any confusion or divergence of opinion as to any phase of the situation is only deprecated because of the unfortunate impression which it may produce and the Government of the United States is unwilling for a moment to believe that the Government and people of Ecuador could fail to share with the Government and people of Peru the fullest confidence that their rightful interests will be safeguarded by friendly mediating powers, whose sole desire is impartially to serve the two countries through mediation, which is known to diplomacy as the highest form of conciliatory good offices and which, according to The Hague convention, imposes upon them a duty which "consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance."

The Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 9, 1910.

Referring to all your telegrams up to that of June 5, the reported attitude of Ecuador is such that the department feels that it will not be out of place for you to make more energetic, sympathetic, and lucid explanation of the unanimous position of the mediating powers. In doing so you should say that unfounded popular rumor that the United States is otherwise than absolutely impartial is too absurd to be noticed by this Government and should be easily corrected by the Government of Ecuador. For your further guidance and for communication to the minister for foreign affairs I quote the following memorandum which explains itself. It will be to-day handed to the chargé d'affaires of Chile, copies being given the minister of Peru and Mr. Carbo, who fully appreciates the situation and is bending every effort to serve the obvious interests of his country. [Memorandum supra inserted here.]

Repeat the foregoing to the legation at Lima for its information.

KNOX.

The Acting Secretary of State to the Brazilian Chargé.¹

DEPARTMENT OF STATE,
Washington, June 10, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: I beg to inclose for your information a copy of an aide-mémoire² which was handed to the chargé d'affaires ad interim of Chile on the 1st instant and a copy of an aide-mémoire,² which was addressed to the diplomatic representatives of Ecuador and Peru at this capital on the same day, in reference to the mediation between Peru and Ecuador for the settlement of their differences in connection with the arbitration of their conflicting boundary claims.

These aides-mémoire have been communicated by cable to the American embassy at Petropolis, for communication to your Government.

I am, my dear Mr. de Lima, etc.,

HUNTINGTON WILSON.

¹ Same to Argentine chargé.

² Supra.

The Secretary of State to the Ecuadorian Minister.

DEPARTMENT OF STATE,
Washington, June 11, 1910.

MY DEAR MR. MINISTER: I beg to acknowledge the receipt of your note of the 4th instant, congratulating the department on the result of its good offices in promoting peace and American confraternity, and inclosing a copy of a cablegram of the President of Ecuador, in which he states that he gave orders on the 2d instant for the retirement of his troops from the frontier, and that their withdrawal will be accomplished in six days.

Thanking you for your appreciative comments on the department's action and for the agreeable intelligence conveyed in Gen. Alfaro's telegram,

I am, my dear Mr. Carbo, etc.,

P. C. KNOX.

The Ecuadorian Minister to the Secretary of State.

LEGATION OF ECUADOR,
Washington, June 11, 1910.

MR. SECRETARY: As I said to your excellency at our last conference, the American chancellery will be so good as to communicate directly with the chancellery of Ecuador through the most excellent minister of the United States at Quito until my successor arrives, on account of my being about to leave for the country with my family, the summer season having opened.

I here reiterate the high appreciation which I have also expressed to your excellency in which I hold, and history will hold, the wise and telling efforts of your excellency in the cause of the peace of the continent, whereby war between Ecuador and Peru was averted through the friendly mediation of the United States, Brazil, and the Argentine Republic.

This momentous step taken by the three American nations, on the initiative of the United States, will mark an epoch in the diplomatic annals of the New World and bring fame to the mediating Republics and to those which accepted their good offices in the interest of peace and fraternity among the States of this hemisphere.

Highly gratified at my having contributed with all my strength to the success of your excellency's high-minded policy and confident that mediation will be crowned with the best results and bring about an honorable settlement which will put an end to the boundary dispute between Ecuador and Peru, there remains for me to express to your excellency my best thanks for the attentions you have deigned to show me and to ask at the same time that you kindly convey to the President of the Republic, to all the officers of the administration, and particularly to the officers of the State Department, my profound acknowledgment of the favorable reception that has been vouchsafed to me in the discharge of my diplomatic and social duties.

Wishing the fullest prosperity to the American Government and people, etc.,

L. F. CARBO.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
 Quito, June 13, 1910.

The Government of Ecuador having withdrawn its troops to Huigra Alausi Guanote Pasaje and other points on line of railways, has been informed that Peru has landed great quantity of heavy artillery at Tumbez and is mounting same into position and otherwise is making strenuous preparations for war. The President of Ecuador and cabinet ministers deeply concerned.

I am expecting prompt action on the part of Ecuador.

Fox.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
 Quito, June 14, 1910.

Minister for foreign affairs of Ecuador deplores that the Ecuadorian note of May 24 caused surprise; argues at length for article 6, giving extended extracts from certain opinions. States that obstinacy of Peru demonstrates she is not actuated by a friendly spirit, as is Ecuador. The note charges Peru with not carrying out the first clause of the mediation in that she is maintaining troops at Tumbez and is augmenting her forces in the north as for a war. This assertion is not new to the department, but the indictment is just now made to me for the first time over official signature. Minister for foreign affairs of Ecuador states that Ecuador offers honorable peace to her adversary, who is closing all the doors to a fraternal and decorous conciliation. Ecuadorian minister for foreign affairs expresses gratitude for the good offices. The note concludes by asserting that Ecuador stands firm for its rights and maintains the proposition of accepting no solution that is not based on direct arrangement, refusing no medium of conciliation compatible with national decorum and with the doctrine sustained in the debate since beginning. Repeats Ecuador desires peace and will not accept war unless forced to.

Fox.

The Acting Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
 Washington, June 15, 1910.

For repetition to the embassy at Petropolis for its action and for your own. The following telegram is sent to-night to the legations at Lima and Quito. Explain it to the minister for foreign affairs in the hope that he will take similar action. [See telegram of this date to Minister Combs.]

WILSON.

The Acting Secretary of State to Minister Combs.¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 15, 1910.

The relative proximity to the frontier of Peruvian troops and even reports scarcely to be credited of their augmentation are not unnaturally causing most regrettable anxiety at Quito. Obviously, the withdrawal should be equal and simultaneous.

The moment your Argentine and Brazilian colleagues may be authorized to join in such action you will urge the Government to which you are accredited promptly and quietly to commence or maintain the withdrawal of its forces—those of Ecuador to the city of Guayaquil and the line of the Guayaquil-Quito Railway and those of Peru south of a line substantially equidistant from the frontier, and you will also urge that both speedily demobilize to a peace footing.

WILSON.

Minister Sherrill to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, June 17, 1910.

Your June 15. Argentine minister for foreign affairs approves your action and is instructing his representatives accordingly.

SHERRILL.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 17, 1910.

Department's June 15 was received June 16. Chargé d'affaires of Brazil immediately asked for instructions on receipt of which will proceed as directed. Under date of June 17 minister for foreign affairs of Ecuador has addressed a note to me as follows:

[The translation.] I have the satisfaction to bring to the knowledge of your excellency for transmission to your Government that Ecuador has complied with the proper exactness with the suggestions of the mediating powers in regard to the withdrawal of the forces from the stations on the frontier overcoming all difficulties. My Government has left in the province of El Oro no armed force, and furthermore has disbanded various reserves battalions belonging to the same territorial section. The brigade Bolivar has been withdrawn to the high plain in the town of Alausi, and the other battalions to the neighboring Provinces of El Oro. The Government of Peru, as my Government had foreseen, has evaded on its part compliance with their obligations, which is the basis of the adjustment proposed by the mediating powers, because it has only withdrawn those neighboring detachments of observation which it had on the line of Zarumilla in Latina up the Mascari River and in some other places on the boundary line, and concentrating in Tumbes, which is only six hours from the provisional frontier. The men withdrawn by Peru, not reaching 200, have been taken from the dividing line to incorporate them into the larger army which is being augmented from day to day, and the attitude of war is maintained. The speedy fortification of Tumbes, the gathering of the elements of war in said place,

¹ Same to Minister Fox at Quito.

the holding of the fleet in Port Pizarro, the distribution of the forces in Sullana Paita and Piura ready to reinforce those of Tumbes in an opportune moment, the declaration of the press of Lima, officially inspired, and the manifestations of the Peruvian authorities, is in direct notable contrast with good faith and the Ecuadorean loyalty, so that it is enough with this difference of proceeding to show clearly intention of the both nations. My Government in assenting to the wishes of the mediating powers, inspired with the purest sentiments of Americanism and humanity, very anxious to find a decorous and expedient solution, has promptly undertaken to comply with the basis for conciliation by the withdrawing of its forces to a long distance from the frontier, suspending mobilization of other military units, and also disbanding its reserve in Santa Rosa and Machala. Republic of Peru was obliged to proceed with the same noble identical tendencies to a sincere reconciliation, and even more, since the mediating powers suggested to us withdrawal of the forces and the suspension of all preparations for war as the first step which we ought to take to reach harmony. My Government does not for a moment desire to undertake any discussion of the conduct which the Government of Peru has observed in this respect, but regrets in all truth that the voice of authority of the mediation had not been properly heard and that this inferred fact signifies perhaps a deliberate intention to make inefficacious a most valuable mediation which has been offered to us. The unequal condition in which, by the exclusive fault of the Government of Peru, both countries remain after the very generous actions undertaken by the conciliatory powers is too manifest, and no one can ignore that all the disadvantage of this inequality falls to Ecuador. The newspapers of Peru which faithfully reflect the idea of the Government, confess to it freely without reserve, so that prolongation of the present conditions will be prejudicial to our rights to a great degree. The newspapers inspired by Peru say that we are in the possession of the territory which Ecuador claims, and that on this account they will take every advantage of augmenting their means of defense during the time Ecuador is using in sterile negotiations. It is hardly to be believed that such confession should be made in the presence of such a respectable and serious mediation, and much more incredible that the facts confirm the declaration to which I refer. In view of what I have exposed I can do no less than express great pleasure with which Ecuador would see a very prompt end of the situation and therefore I am not afraid to suggest the necessity for beginning as soon as possible the conference relating to the best solution of the conflict. Any delay would militate against the humane and noble desires of the mediating powers, because with time the difficulties to reestablish harmony between the discordant nations will increase; and more when it appears that the good will of the Peruvian Republic can not be expected. Ecuador will proceed to send its delegates to the American capital which the powers select, and will do everything possible in behalf of peace, in conformity with national decorum and the declaration she has made in the debate. I am confident that the mediating powers will be pleased to take this note in consideration since they are animated with the most high and generous intentions respecting the prompt and sincere reconciliation of Ecuador and Peru. Accept, etc.

Fox.

Ambassador Dudley to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Petropolis, June 17, 1910.

Your June 15, repeated from Buenos Aires. Brazilian minister for foreign affairs says he will telegraph Brazilian legations Lima and Quito to present similar notes respecting further withdrawal of troops and demobilization.

DUDLEY.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, June 19, 1910.

Your instructions, June 15, will be carried out to-day.

COMBS.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 20, 1910.

Referring to the department's June 15, minister for foreign affairs of Ecuador, in reply to joint note of myself and Brazilian chargé d'affaires under date of June 20, refers to his note of June 17 regarding action of Ecuador, and says that owing to the unhealthy condition of Guayaquil troops can not be brought there, but they have been distributed in the Provinces of Guyas, the nearest point being 110 kilometers from the provisional frontier, and gives further details as to the distribution along the line of railway of withdrawn troops, which are 370 kilometers from frontier. Again, he insists that Peru is fortifying Tumbes, 30 kilometers from frontier, where it has 5,000 troops of all arms and more some other places in the vicinity. The note continues:

[Translation.] As to the disarmament both countries, my Government accepts the suggestion with pleasure; but having taken account of the failure in exactness with which Peru has proceeded, judges it is necessary to precede this by a covenant by which both countries shall obligate themselves to reduce its war footing to the number prescribed by its laws for a peace footing, a reduction which should be brought about within a time to be carefully chosen, and under moral guarantee of the mediators. Otherwise, clear as is the bad will of Peru, even in the retirement of its forces and the preparation for war, Ecuador can not accept this counsel of the powers without violating the foremost of its duties, that of looking to the security of the State. With this object in view, I again pay homage in the name of Ecuador to the mediating powers, manifesting to them at the same time that I regret not being able to accept unconditionally all of the good counsels, because the conduct of Peru, in this very delicate situation, prevents.

FOX.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, June 21, 1910.

The President of Peru and cabinet of Peru yesterday declared full approval of the declarations of minister for foreign affairs of Peru to the representatives of mediating powers that Peru would fully conform to views of powers respecting retirement and demobilization. Entertaining great confidence in purposes of powers. Peruvian Government seems sincere. Press full of discussion of the effect of mediation, and Peruvian Government subjected to severe criticism. Organ war party suggests army resist demobilization. Think mediating powers would keep Government favorable to mediation by allowing Government to disperse army carefully. It is believed hurried demobilization probably will result in internal disorder. Similar message is sent by Argentine Minister and Chargé d'Affaires of Brazil.

COMBS.

The Acting Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 23, 1910.

The department to-day handed the Argentine and Brazilian chargés a draft protocol designed to be jointly proposed by the

mediating powers at one of the three capitals for signature by the representatives of Ecuador and Peru at that capital for the purpose of the exchange of expressions of regret and for the further purpose of assuring a tranquil and orderly course to the mediation. Both chargés d'affaires were requested to submit the draft for their Government's amendments, suggestions, or approval and for suggestion as to the time and place of proposal. Repeat foregoing to the embassy at Petropolis.

WILSON.

The Secretary of State to the Ecuadorian Minister.

DEPARTMENT OF STATE,
Washington, June 23, 1910.

DEAR MR. MINISTER: I am in receipt of your note of the 11th instant, in which, on account of your being about to leave the city, you request that the department communicate directly with the chancellery of Ecuador through the American minister at Quito until your successor arrives.

Your expression of appreciation of the part taken by the Government of the United States in conjunction with the Governments of Brazil and the Argentine Republic, to bring about, through their friendly mediation, a settlement of the boundary dispute between Ecuador and Peru, has been read with much gratification. This Government will continue to exert its best efforts in conjunction with the other mediators to bring about a settlement which, it is hoped, will be highly honorable and entirely satisfactory both to Ecuador and Peru.

I regret exceedingly that you have been called upon to sever the official relations which have existed for so long a time, and with so much satisfaction on both sides, between you and this Government; and I beg to assure you that the part you have taken in the present boundary dispute between your country and Peru, which has evinced a thorough understanding by you of the situation, coupled with a lofty patriotism to serve your country's best interests, is and always will be highly appreciated in history and by the well-wishers and friends of Ecuador and her people, among whom this department is proud to be included.

In conclusion, I beg you to accept, Mr. Minister, etc.,

P. C. KNOX.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, June 25, 1910.

Minister for foreign affairs of Peru informed me all Peruvian forces have been embarked and retired from Tumbes to-day. Will repeat this to Mr. Fox.

COMBS.

The Colombian Minister to the Secretary of State.

COLOMBIAN LEGATION,
Washington, June, 1910.

MR. SECRETARY: When this legation heard in April last that the boundary questions which unfortunately imperiled the peace of the Republics of Ecuador and Peru and possibly of other South American nations would probably be considered in conference held at this city with the hospitable and friendly participation of the Government of the United States, I had the honor to say to you that the situation of Colombia as riparian State of the Amazonas, owner of vast territories adjoining Ecuador and Peru and more extensive than those in dispute between these two countries, and the existence of public treaties between Colombia and Ecuador and between Colombia and Peru relative to the said territorial rights seemed to demand Colombia's intervention in any agreement or treaty for the purpose of defining those rights or of determining or altering the legal bonds that tie those territories to the respective riparian States. I added that both Ecuador and Peru would undoubtedly be glad if Colombia did attend those conferences, since all the results that were sought could not be attained otherwise, inasmuch as the decisions reached or the conventions concluded would not be binding on Colombia or modify in the least her territorial rights.

You were pleased to take note of that statement so as to take it into consideration at the appropriate time and acquaint me with the result. All this I have reported to the minister of foreign relations of Colombia.

The friendly mediation of the United States having happily progressed and resort to a direct boundary settlement between Ecuador and Peru having, as it seems, been adopted, I have been informed that the minister of the United States at Quito declared to the minister of foreign relations of Ecuador that there was no ground for Colombia's intervention in the arrangements to be made by the first-named two nations.

This declaration, to which the Ecuadorian Government's reply was that in no case would it set aside Colombia's intervention, constrains me respectfully to call the Secretary's attention to its gravity.

I do not here presume to raise the slightest doubt as to the perfect right that both Ecuador and Peru have to discuss their affairs directly and in the manner they deem most expedient. I only make bold to believe, as surely Ecuador did also believe, that the participation of Colombia in the future solutions relative to the great Amazon waterway would be useful, advisable, and paramount, not only to strengthen the fraternal relations which happily bind the countries interested therein, but also as an element of peace on the American Continent for the future. A settlement reached by those nations concerned will derive from its general character a decisive influence on the political and administrative conditions of the territories in dispute and even on their future legal status.

In some way or other Colombia will at the proper time firmly maintain her territorial rights and support them with unquestionable titles emanating from the will of the Spanish monarchs, the public

treaties between Spain and Portugal, and a number of documents conformable to the *Uti-Possidetis* rule of 1810, which has been accepted by all the Spanish-American Republics that for a century have figured in diplomatic proceedings as well as in arbitral arguments. She will produce intact the tradition of law and history, for her foremost care is to retain that reputation for rectitude and honor which, as a celebrated American puts it, is the surest guaranty of any future political preponderance.

I close this note, Mr. Secretary, with equal reliance upon the rectitude of the mediating Powers and the wisdom and friendship of Colombia's sisters and neighbors.

With sentiments, etc.,

F. DE P. BORDA.

The Secretary of State to the Colombian Minister.

No. 7.]

DEPARTMENT OF STATE,
Washington, June 25, 1910.

SIR: I have the honor to acknowledge the receipt, on the 18th instant, of your undated note, in which, referring to your previous statement, giving reasons why, in your opinion, the Government of Colombia should be represented at any conference or conferences held to consider the boundary dispute between Ecuador and Peru, you contend that your Government should participate in any future arrangements affecting the Amazon waterway.

Your representations will be given the department's serious consideration.

Accept, etc.,

P. C. KNOX.

Minister Fox to the Secretary of State.

No. 669.]

AMERICAN LEGATION,
Quito, June 27, 1910.

SIR: I have the honor to inclose herewith copies, with translation, of the message¹ of the President of Ecuador submitted to the extraordinary session of Congress, 1910. This document is important, being an analysis of the position of Ecuador in the present conflict with Peru.

I have, etc.,

WILLIAMS C. FOX.

The Acting Secretary of State to Minister Combs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 5, 1910.

Repeat also to Quito.

For your information and close study I quote the following protocol, which the Department of State and the chargé d'affaires of the Argentine Republic and Brazil will present in the three languages

¹ See p. 430.

probably within a week to the representatives of Ecuador and Peru at Washington, who will be urged on behalf of the mediating powers to sign it. Telegraph how, in your judgment, it will be received by the Government and people of the country to which you are accredited.

WILSON.

PROTOCOL.¹

Acting under the provisions of The Hague Convention for the Pacific Settlement of International Disputes, which provides that—

ARTICLE 2. In case of serious disagreement or dispute, before an appeal to arms the contracting powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers; and

ART. 3. Independently of this recourse, the contracting powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

And to which, as the most advanced crystallization of the aspiration of the civilized world toward the ideal of peace, the Governments of Ecuador and Peru have solemnly become parties, and acting also in the name of that fraternal spirit of Pan Americanism to which the peoples of Ecuador and Peru are equally devoted; the Governments of the Argentine Republic, the United States of America, and the United States of Brazil having proposed that—

If the Governments of Ecuador and Peru will withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war, and await eventualities, then, in case no award is made or in case serious difficulties shall subsequently arise, the three Governments will undertake a satisfactory solution by mediation.

And having proposed also that—

As for the question of exchange of expressions of regret at the violence done the respective citizens and officials in the country of the other, no one can doubt the sincerity and good intentions of each Government as to those regrettable incidents, and it should be a matter of no difficulty to arrive at a dignified adjustment through the mediating Republics.

The Governments of Ecuador and Peru, actuated by the highest sentiments of civilization, and appreciating the disinterested high motives and the impartial friendship of the mediating powers, deemed it their honorable duty, both to their own interests and to Pan American ideals, at once to accept the tripartite mediation.

Pursuant to this solemn act and upon the earnest recommendation of the mediating powers, both the Governments have now withdrawn their troops and are demobilizing their armies and restoring them to a peace footing, meanwhile postponing any discussion of their ancient boundary dispute, confident that at the proper time mediation, which is the highest form of good offices known to diplomacy and, according to The Hague convention, "consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance,"² will afford a just and honorable solution of any difficulties which may eventually arise.

The two Governments have thus shown a moderate, conciliatory, and peace-loving disposition completely in accord with the spirit of Pan American relations and the most advanced principles of international comity and forbearance. The mediating powers, highly appreciating the action of Peru and Ecuador in this regard, and impressed with the advisability of now carrying out the second step of the mediation, have urged upon the Governments of Peru and Ecuador the signature of this protocol, designed to allay all irritations and to assure an interval of calm pending the final settlement of a boundary difficulty which both Governments are now pledged to reach by peaceful means through the good offices of the mediating powers.

In this situation the Governments of Ecuador and Peru, responding in the most cordial spirit to the suggestions of the mediating powers, and desiring to remove all present causes of irritation, now address themselves to the regrettable depredations which in the heat of popular passion were inflicted in the two countries upon the respective citizens and representatives.

Therefore the undersigned representatives, duly authorized, mutually express their respective Government's regret of the popular demonstrations which in cities of the two countries were directed against the respective diplomatic or consular offices, citizens, or property; their Government's disapproval of those demonstrations which

¹ See telegram of July 14 from Minister Combs for protocol as formally handed by representatives of mediating countries to ministers of Ecuador and Peru.

received no official encouragement or support, but occurred in the midst of popular excitement and passion, stimulated by false and exaggerated reports current among the masses of the population of both countries. The respective plenipotentiaries further give assurance that each Government highly esteems the noble spirit now shown by the other in taking into account the difficulties experienced on the occasion in question, which were of that character in which Governments not uncommonly find difficulty in maintaining perfect order in the face of national public excitement and misunderstanding.

The respective representatives mutually appreciate the frank and generous expressions made and rejoice to meet on this high plane, seizing this opportunity to express on behalf of their Governments the desire that mutual confidence and cordial sympathy should henceforth exist between the two Governments and peoples.

Therefore the undersigned representatives of Ecuador and Peru, duly authorized by their Governments, sign this protocol in the presence of the representatives of the mediating powers as a mutual testimony of regret and apology in full satisfaction, in honor for the unfortunate occurrences referred to, and as a pledge that the two Governments will proceed to adjudicate in the usual manner and to pay such material damages as shall have been found to have been inflicted upon the respective citizens, and in case of difficulty of agreement upon the amount due to leave to arbitration the fixing of such sum.

The Government of His Majesty the King of Spain has notified the Governments of Peru and Ecuador that His Catholic Majesty is sensible of the agitation of public opinion which, founded on incomplete and erroneous data, has unfortunately arisen in both countries, and, relying upon the amicable tendencies of the parties and taking note of the conciliatory action taken by the mediating powers, so in harmony with the high purpose inspiring the Spanish Government, has expressed the desire that a satisfactory formula may be found in this new situation. The Government of Spain has therefore postponed the award and has expressed a willingness to see the parties reach such solution as they may deem best.

The Governments of Peru and Ecuador, wisely anticipating all eventualities, have accepted a mediation which is to operate upon the boundary question should this postponement be indefinite, or equally should an award be made followed by difficulties, or even in the event of both Governments desiring again to seek a direct settlement through the good offices of the mediating powers; heeding the counsel of the mediating powers which have solemnly represented to the Governments of Ecuador and Peru that there remains no justification for further agitation or concern, undertake through their undersigned representatives to complete within — months from the date hereof the restoration of their forces to a peace footing and to suspend all discussion of the boundary question and to preserve the status quo until such time as the mediation becomes operative according to its terms, engaging at the same time to await any change in the attitude of the Government of Spain until such time as may be eventually fixed by the mediating powers.

The respective Governments further engage to seek approval of this protocol by their Congresses prior to August 1 proximo and to recommend the incorporation in such approval of the provision proposed by the mediating powers whereby any line agreed upon as a result of the operation of mediation as to the boundary if and when it shall later become opportune shall be binding and final as respects both Governments.

In faith whereof the undersigned, duly authorized, etc.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 7, 1910.

Minister for foreign affairs of Ecuador by note to-day at noon informed me that a portion of the Peruvian army in six launches have invaded the Ecuadorian Orient by means of Rivers Aguarico and Curaray. The force consists of 500 men under command of Oscar Mavila. They have established themselves and have blockaded the mouth of the Aguarico. Another force of Peruvians is collected at the mouth of the Curaray in Torreal Causina and Mazan, which are Ecuadorian possessions, while other Peruvian launches have gone up

the Curaray in order to blockade or occupy Ecuadorian territory. The names of launches are given.

The minister says that Peru has now broken all her faith and covenants with Ecuador, especially the status quo of the treaty of arbitration of 1887, and thereby insulting the mediating powers. Peru has thus by its own actions declared mediation ineffective by engaging in unforeseen hostilities against a nation which has placed every reliance on international faith. The minister says that therefore in order to guard the honor and the rights of Ecuador he protests with all energy against the unlooked for invasion of Ecuadorian soil.

The minister asks me to bring the facts to the attention of the mediating powers in which Ecuador has the greatest faith and he states at the same time that the responsibility is with Peru in case the negotiations for peace fail on account of actions making resort to arms unavoidable.

Fox.

The Acting Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 8, 1910.

This Government can by no means credit the report of Peruvian military activity, but will at once make inquiries. So inform the Ecuadorian Government. Repeat this telegram to Combs, who will at once investigate and promptly communicate the results to you and to the department in pursuance of the cooperation between the two legations which was some time ago directed.

WILSON.

Minister Fox to the Secretary of State.

No. 679.]

AMERICAN LEGATION,
Quito, July 9, 1910.

SIR: I have the honor, respectfully referring to my cablegram of July 2, to inclose herewith copies of notes, with translations, exchanged between this legation and the minister of foreign relations, with reference to the demobilization of troops in Ecuador and Peru; also copy of the memorandum of a convention which Ecuador would be willing to sign with Peru in the premises.

I have, etc.,

WILLIAMS C. FOX.

[Inclosure 1.]

Minister Fox to the Minister for Foreign Affairs.

No. 200.]

AMERICAN LEGATION,
Quito, June 30, 1910.

MR. MINISTER: I have the honor to inform your excellency that I learn this evening, by cable, from my colleague, Mr. Combs, American minister in Lima, that the minister for foreign affairs of Peru has informed him that nearly 4,000 Peruvian troops had been

mustered out, and that the demobilization would continue. The minister for foreign affairs also stated that the disarmament is being well received by the people of Peru.

Minister Combs also advises me that the ministers of the Argentine Republic and the United States of Brazil, in Lima, hold the opinion that Peru is acting in good faith concerning the demobilization of her forces.

I seize this opportunity to renew, etc.,

WILLIAMS C. FOX.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Fox.

No. 30.]

MINISTRY FOR FOREIGN AFFAIRS,
Quito, July 2, 1910.

EXCELLENCY: I have had the honor to receive your excellency's honored note of June 30, 8 p. m., in which you were pleased to communicate to me that, according to the information which his excellency Mr. Combs had received, 4,000 men had been discharged in Lima, and that the discharging of the Peruvian reserves would continue.

I have already had the satisfaction of stating to the mediating powers in my note of June 20¹ last that the Government of Ecuador accepts with pleasure the reduction of its army to the number provided for by law for time of peace, but that it considers that it is indispensable that Peru should also oblige herself, expressly and previously, to reduce her forces to a peace footing within a fixed period of time and under the moral guaranty of the mediators.

Consequently, I have received instructions from my Government to insist that this requirement be fulfilled before proceeding with the reduction of the Ecuadorian army.

It will not be out of place to state to your excellency that my Government, without calling the attention to the fact and without making any display to the mediating powers, has already discharged many units of its army, but it is certain that these 10,000 volunteers, who have returned to their homes, at the first call, at the first appearance of danger, will return to their barracks. All Ecuadorians capable of bearing arms will hasten to gather and treble or quadruple the army, justly and rightfully, if peace is not soon assured, so that nothing would be gained for a pacific solution between Ecuador and Peru by the mere discharging of their armies, if this act is not inspired by the loyal and sincere desire to arrive at a friendly agreement. And the refusal of Peru to sign the covenant, which I have had previously the honor to propose, for the reduction of our forces will be the most patent proof that she does not seek for concord but desires the breaking up of the mediation.

In this manner I answer your excellency's honored communication and seize, etc.
J. PERALTA.

[Inclosure 3.—Translation.]

MEMORANDUM FROM THE FOREIGN OFFICE.

The minister for foreign affairs sends his compliments to the American minister and has the pleasure to send him, under the same cover, the memorandum for the making of the protocol previous to the discharging of the Ecuadorian and Peruvian forces.

José Peralta seizes this opportunity to renew to his excellency Williams C. Fox the assurances of his most distinguished consideration.

QUITO, July 2, 1910.

[Subinclosure]

PROTOCOL.²

The protocol, previous to the discharging of the Ecuadorian and Peruvian forces, should be signed on the same day in Quito and in Lima in the following form:

The Governments of Ecuador and Peru, being animated with sentiments of concord and conciliation, have agreed to remove the possibility of an armed conflict in order to arrive at a decorous and equitable agreement for both parties; and considering that the reduction of their respective armies is an efficacious means of obtaining

¹ See telegram of June 20, from Minister Fox to the Secretary of State.

² See also p. 485.

the noble end indicated, the same which the mediating powers pursue, with such benevolence and high-minded views, agree:

ARTICLE 1. Both Governments covenant to discharge their forces in the positive period of fifteen days, counted from this date; reducing them to the footing which they had on December 31, 1909.

ART. 2. Both Governments invoke the moral guaranty of the mediating powers for the exact fulfillment of this compact.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, July 10, 1910.

In reference to department's July 8. Minister for foreign affairs of Peru declares officially 2,000 troops discharged last week; 10,000 discharged to date. Says notwithstanding recent of Ecuador to the department, published by Ecuadorian newspapers and copied here, Peru will continue demobilization and troops will be reduced 7,000 in another week. Since department's July 8, 1 p. m., and above interview, I am in receipt of Mr. Fox, July 7. Will investigate its allegation and report. Repeated Quito.

COMBS.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, July 11, 1910.

In reference to July 7, of Mr. Fox. Called on minister for foreign affairs of Peru this morning in company with minister of the Argentine Republic and Brazilian chargé d'affaires for the purpose of showing the allegations of July 7. Minister for foreign affairs of Peru said he had explained to minister of Ecuador at Lima that allegations were inexact and exaggerated; such truth as they contained referred to action taken before mediation. Orders had been given and reiterated recently for a return to normal conditions in Amazon region, both as to number of troops and location. Minister for foreign affairs of Peru said Government of Peru had refrained from augmenting difficulties of mediators by withholding many well-founded complaints of the conduct of Ecuador and it would continue to forward settlement by self-restraint.

Repeated Quito.

COMBS.

The Acting Secretary of State to Minister Sherrill.¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 13, 1910.

Immediately repeat also to the embassy at Petropolis. After consultation with the chargé d'affaires of the Government to which you

¹ Mutatis mutandis to American legations at Lima and Quito.

are accredited I quote for your appropriate action the following telegram just dispatched to the legation at Santiago:

At the suggestion of the Government of Brazil, concurred in by the Government of the Argentine Republic, Washington having been chosen for the present stage of the mediation negotiations, the chargé d'affaires of the Argentine Republic and of Brazil having similar instructions will to-morrow morning join the Acting Secretary of State in formally presenting to the ministers of Ecuador and Peru the protocol in three languages and in strongly urging its signature and solemn adoption by Peru and Ecuador.

Acting in unison with your Brazilian and Argentine colleagues, who will doubtless have corresponding authority, you will immediately make earnest representations to the Government of Chile in the following sense:

Simultaneously with the inception of the present mediation, the Government of the United States received with the greatest gratification the assurances of the cooperation of Chile which was so fruitful of good results in hastening the conscientious compliance of Ecuador with the condition relating to the withdrawal of forces, etc. In his message to Congress his Excellency the President of Chile again emphasized the friendly and effective support that Chile is in position to give to a project to which from the first it has been a moral party. On the 9th instant the Government of Chile renewed through the Chilean legation at Washington the reiterated pledge of its good will and influence on Ecuador toward the success of the mediation. Placing the highest value upon the promised cooperation, the Government of the United States now feels that the moment has arrived when it can be most successfully applied through instructions to the Chilean legation at Quito to urge upon Ecuador the adoption of the protocol and the cessation of further fruitless and irritating discussion.

You will at the same time hand a copy of the protocol to the minister for foreign affairs.

The foregoing has likewise been communicated to the legations at Lima and Quito for their information, together with the following instruction:

The draft protocol to be presented here to-morrow morning will doubtless be referred to their Governments by telegraph by the ministers of Peru and Ecuador. After consultation with your Argentine and Brazilian colleagues, who, doubtless, have the same instructions, you will unite with them in impressing most earnestly upon the Government to which you are accredited the united desire of the mediating powers that this protocol be adopted at the earliest possible date in order that there may be an end to the present strained relations and that the way may be prepared for the awaiting of eventualities by the people of both countries in an atmosphere of friendliness, calm, and confidence.

WILSON.

The Acting Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 13, 1910.

With the cooperation of your Brazilian and Argentine colleagues you may join in representations to the Government in this sense:

It is essential that the contending powers do not needlessly jeopardize the success of the mediation by recriminations as to the good faith in which disarmament and withdrawal are being carried out, which can only result in greater tension. The mediating powers have received solemn, although general, pledges from the contending powers on these points. You will immediately impress upon the Ecuadorean Government the urgent necessity for greater forbearance and for confidence in the mediating powers which are equally jealous of the reciprocity of military withdrawal and demobilization, have already made representations based on the reported complaints, and are now devising means to make amply precise the steps toward a peace footing.

Quote to Lima.

WILSON.

The Acting Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 14, 1910.

For your information and repetition to the embassy at Petropolis, I quote the following telegram sent yesterday to the legation at Quito: [See quoted portion of telegram of July 13 to Minister Fox.]

WILSON.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 14, 1910.

Department's July 13. Brazilian chargé d'affaires not available. I therefore this morning alone conferred with minister for foreign affairs of Ecuador. Minister for foreign affairs of Ecuador agreed to refrain from any further attacks, provided that the arrangements would soon be perfected without restriction. Said that people of Ecuador greatly excited, and that if situation continued the Government would be unable to calm popular mind and did not know when uprising might occur; that a few days since police had dispersed a meeting whose object was to demand war. Repeated Lima.

FOX.

The Acting Secretary of State to Minister Combs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 14, 1910.

The protocol formally handed this morning to the ministers of Peru and Ecuador by the representatives of the mediating Governments differs in the following respects from the text now in your hands.¹

PROTOCOL.

Acting under the provisions of The Hague Convention for the Pacific Settlement of International Disputes, which provides that—

ARTICLE 2. In case of serious disagreement or dispute, before an appeal to arms, the contracting powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ART. 3. Independently of this recourse, the contracting powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative, and, as far as circumstances may allow, offer their good offices or mediation to the states at variance.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

And to which, as the most advanced crystallization of the aspiration of the civilized world toward the ideal of peace, the Governments of Ecuador and Peru have solemnly become parties; and acting also in the name of that fraternal spirit of Pan Americanism to which the peoples of Ecuador and Peru are equally devoted, the Governments

¹ The protocol is repeated in full and necessary changes inserted.

of the Argentine Republic, the United States of America, and the United States of Brazil having proposed that—

If the Governments of Ecuador and Peru will withdraw their forces from the frontier, suspend mobilization and other measures of preparation for war and await eventualities, then in case no award is made or in case serious difficulties shall subsequently arise, the three Governments will undertake a satisfactory solution by mediation.

And having proposed also that—

as for the question of the exchange of expressions of regret at the violence done the respective citizens and officials in the country of the other, no one can doubt the sincerity and good intentions of each government as to those regrettable incidents, and it should be a matter of no difficulty to arrive at a dignified adjustment through the mediating republics.

The Governments of Ecuador and Peru, actuated by the highest sentiments of civilization and appreciating the disinterested high motives and the impartial friendship of the mediating powers, deemed it their honorable duty both to their own interests and to Pan American ideals at once to accept the tripartite mediation.

Pursuant to this solemn act, and upon the earnest recommendation of the mediating powers, both the Governments have now withdrawn their troops and are demobilizing their armies and restoring them to a peace footing, meanwhile postponing any discussion of their ancient boundary dispute, confident that at the proper time mediation, which is the highest form of good offices known to diplomacy, and according to The Hague convention, "consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance," will afford a just and honorable solution of any difficulties which may eventually arise.

The two Governments have thus shown a moderate, conciliatory, and peace-loving disposition completely in accord with the spirit of Pan American relations and the most advanced principles of international comity and forbearance. The mediating powers, highly appreciating the action of Peru and Ecuador in this regard and impressed with the advisability of now carrying out the second step of the mediation, have urged upon the Governments of Peru and Ecuador the signature of this protocol, designed to allay all irritation and to assure an interval of calm, pending the final settlement of a boundary difficulty which both Governments are now pledged to reach by peaceful means through the good offices of the mediating powers.

In this situation the Governments of Ecuador and Peru, responding in the most cordial spirit to the suggestions of the mediating powers and desiring to remove all present causes of irritation, now address themselves to the regrettable depredations which in the heat of popular passion were inflicted in the two countries upon the respective citizens and representatives.

Therefore the undersigned representatives, duly authorized, mutually express their respective Government's regret of the popular demonstrations which in cities of the two countries were directed against the respective legations and consulates, citizens, or property; their Government's disapproval of those demonstrations, which received no official encouragement or support, but occurred in the midst of popular excitement and passion stimulated by false and exaggerated reports current in both countries. The respective plenipotentiaries further give assurance that each Government highly esteems the noble spirit now shown by the other in taking into account the difficulties experienced on the occasion in question, which were of that character in which governments not uncommonly find difficulty in maintaining perfect order in the face of national public excitement and misunderstanding.

The respective representatives mutually appreciate the frank and generous expressions made and rejoice to meet on this high plane, seizing this opportunity to express on behalf of their Governments the desire that mutual confidence and cordial sympathy should henceforth exist between the two Governments and peoples.

Therefore the undersigned representatives of Ecuador and Peru, duly authorized by their Governments, sign this protocol in the presence of the representatives of the mediating powers as a mutual testimony of regret and apology in full satisfaction in honor for the unfortunate occurrences referred to and as a pledge that the two Governments will proceed to adjudicate in the usual manner and to pay such material damages as shall have been found to have been inflicted upon the respective citizens, and in case of difficulty of agreement upon the amount due to leave to arbitration the fixing of such sum.

The Government of His Majesty the King of Spain has notified the Governments of Peru and Ecuador that his catholic majesty is sensible of the agitation of public opinion which had unfortunately arisen in both countries, and, relying upon the amicable tendencies of the parties and taking note of the conciliatory action taken by the mediating powers, so in harmony with the high purpose inspiring the Spanish Government, has expressed the desire that a satisfactory formula may be found in this new situation. The Government of Spain has therefore postponed the award and has expressed a willingness to see the parties reach such solution as they may deem best.

The Governments of Peru and Ecuador, wisely anticipating all eventualities, have accepted a mediation which is to operate upon the boundary question should this postponement be indefinite, or equally should an award be made followed by difficulties, or even in the event of both Governments desiring again to seek a direct settlement through the good offices of the mediating powers. Heeding the counsel of the mediating powers which have solemnly represented to the Governments of Ecuador and Peru that there remains no justification for further agitation or concern, undertake, through their undersigned representatives, to complete within four months from the date hereof the restoration of their forces to a peace footing and to suspend all discussion of the boundary question and to preserve the status quo until such time as the mediation becomes operative according to its terms, engaging at the same time to await any change in the attitude of the Government of Spain until such time as may be eventually fixed by the mediating powers in consultation with the said Government.

The respective Governments further engage to seek approval of this protocol by their Congresses prior to September 1, proximo, and to recommend the incorporation in such approval of the provision proposed by the mediating powers whereby any boundary line agreed upon as a result of the operation of this mediation, if and when it shall later become opportune, shall be binding and final as respects both Governments.

In faith whereof the undersigned, duty authorized, etc.

Repeat to Quito and Santiago.

WILSON.

Chargé Pierrepont to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Santiago, July 14, 1910.

Department's July 13. Argentine and Brazilian ministers have not yet received instructions. We hope to be able to act jointly tomorrow.

PIERREPONT.

The Acting Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 15, 1910.

Your July 14. The perfection of arrangements desired by the minister for foreign affairs is now dependent upon his broad-minded conciliatory action, equally with similar action on the part of the Government of Peru. You will not fail to make clear that the mediating Governments can not doubt that their hope is well founded; that the Governments of Peru and Ecuador will find in this protocol so nice a balance of justice and so scrupulous a regard for the interests of both Governments as to constitute a happy solution of the difficulties at present existing between the two countries.

Repeat to Lima for corresponding action.

WILSON.

The Acting Secretary of State to Minister Ide.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 15, 1910.

I quote for your information the protocol to-day formally presented and proposed to the ministers of Ecuador and Peru by the representatives of the mediating powers. This protocol has been telegraphed to the Governments of Ecuador and Peru, whose answer

is anticipated within a few days. The entire course of the mediation has been frankly and fully explained to the Spanish minister here, who has been handed copies of all important documents bearing upon the matter. (Quote protocol as amended. See telegram of July 14 to Minister Combs.)

WILSON.

*Minister Fox to the Secretary of State.*¹

[Telegram.]

AMERICAN LEGATION,
Quito, July 18, 1910.

Chargé d'Affaires of Brazil, without instructions, nevertheless accompanied me to conference to which we were invited by minister for foreign affairs of Ecuador to-day. Protocol read and discussed. I submitted orally and also in the form of aide-mémoire reasons why both countries should adopt it.

Minister for foreign affairs of Ecuador agreed to accept all that part in reference to mutual expressions of regret for depredations committed, etc. Regarding other part minister said that his Government could not separate itself from the doctrine outlined in the note of May 24th and in subsequent notes relative to urging for a direct arrangement for which it has perfect right in conformity with article 6 of the treaty of arbitration of 1887, since no decision has yet been pronounced. He added that his Government has accepted the mediation precisely because it judged it to be a high-minded and efficacious means for negotiations, aside from deference to and special appreciation of the mediating powers. Concerning that which relates to awaiting any change of attitude in the Spanish arbitrator and the actuation of the mediators in case of difficulties arising from award, should it be pronounced, the minister stated that his Government and the whole country can not accept postponement so indefinite; moreover, the Ecuadorian ministers in Madrid had stated to the minister of state that in case the direct arrangement was unsuccessful the arbitration proceedings could not be continued without the joint petition of both litigants; a declaration which he did not believe it was possible to revoke. He stated also that in case of discussion under direct arrangement he reiterated that which he had solicited before respecting the including of Colombia, since without such inclusion peace in the oriental territory could not be cemented, because Ecuador and Colombia, according to solemn treaties now in force, form both together a single party in the defense of their rights in the Amazon Basin. The minister closed his remarks stating that his Government was deeply impressed by the impartiality with which the mediating powers proceeded, and that it was very regrettable that it can not accept the protocol, in all its parts, on account of the reasons stated.

The minister stated further that neither the Congress nor the people would accept the protocol; that to do so would mean overthrow of the Government. The minister strenuously objected to the whole of the paragraph in which "await any change in the attitude of the Government of Spain, etc.", is referred to.

Fox.

¹ Repeated Lima.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, July 18, 1910.

Had an interview with President of Peru and minister for foreign affairs of Peru at their request this afternoon, to explain the effect of congressional action required in protocol. Convinced them such action wise and necessary. Both undertook unequivocal and hearty approval and support of protocol.

COMBS.

Chargé Pierrepont to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santiago, July 19, 1910.

Department's July 18. At the request of the Chilean minister for foreign affairs I to-day handed to him a copy of the protocol. The Argentine and Brazilian ministers not yet having instructions, I ventured the private opinion that he could exercise a very salutary influence on Ecuador. This brought forth the renewed assurance of cooperation and of desire to promote peace.

PIERREPONT.

*The Acting Secretary of State to the Argentine Chargé.¹*DEPARTMENT OF STATE,
Washington, July 21, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: Our diplomatic representatives in Quito, Lima, and Santiago have promptly carried out the instructions this department sent them after our consultations of last week. Our minister at Lima, Mr. Combs, telegraphed the department July 15 that President Leguia and Minister Porras had that day declared confidentially that they approved the protocol, of which Mr. Combs had just handed them the English text. The Spanish text had not yet been received from Mr. Pardo.

Mr. Combs further telegraphed on the 18th of July that he had that day had another interview with the Peruvian President and minister for foreign affairs, at which the effect of the congressional action referred to in the last part of the protocol was discussed and explained. The President and minister for foreign affairs came to the conclusion that this part of the protocol was necessary, and assured Mr. Combs that the whole protocol would have their hearty support.

Mr. Freyre showed us yesterday, July 20, a translation of a telegram Mr. Pardo had received recently from Minister Porras, in which he instructed the former to inquire the opinion of the Department of State as to whether the Spanish text of the protocol using the words "se acuerde" should be construed to mean a boundary line agreed upon between the two parties or a boundary line indicated by the mediators in case they do indicate one.

¹ Mutatis mutandis to the Spanish minister and the Brazilian chargé.

The English text seems to me perfectly clear and, so far as our knowledge of Spanish in the department goes, we can not see that there is any serious ambiguity in the Spanish version.

From Ecuador our minister, Mr. Fox, sends a discouraging telegram dated July 18. The representatives of the three countries had had a conference that day with the minister for foreign affairs at which the protocol was discussed. The latter agreed to accept the part with reference to mutual expressions of regret for the depre-dations, but said as to the rest of the protocol his Government could not recede from the position formerly outlined in notes to Mr. Fox, in which Ecuador insisted on the direct arrangement of the boundary in conformity with article 6 of the arbitration treaty. He said that his Government and country could not accept a postponement so indefinite as that implied in the provision agreeing to await a change of attitude on the part of the Spanish arbitrator, and that Ecuador could not recede from the declaration made by her representatives in Madrid, to the effect that the arbitration could not be continued except on the joint petition of both litigants in case a direct arrangement should prove unsuccessful. He also insisted that Colombia be included.

In President Alfaro's message to Congress of June 1 he said explicitly and unconditionally that Ecuador had accepted the offer of mediation, only adding that Ecuador had suggested to the mediating powers that she deemed a direct arrangement advisable. The present position of the Ecuadorean Government, as reported by Mr. Fox, indicates a more uncompromising and aggressive attitude, and that Ecuador only accepts the continuation of the mediation on condition that it be modified, and that the proposed protocol be changed so as to differ virtually from the terms of the original offer of May 12.

If your instructions enable you to agree with me, I suggest that the best course at present is for the mediating powers to continue to bring to bear all possible pressure for the adoption by Ecuador of the protocol as it stands, that they allow ample time for the full effect of such pressure to operate at Quito, and that only if ultimately convinced that the success of this effort is impossible we then consult as to what modification might be devised, acquiesced in, and supported by the mediating powers.

I am sending a note similar to this one to Mr. Lima and also to Mr. Riaño, the latter in pursuance of the decision reached by the three of us last week, to the effect that it is our duty, in the present circumstances, to comply with the request of the Spanish minister that he be kept fully informed of a negotiation with which his Government is so intimately connected.

I am, etc.,

HUNTINGTON WILSON.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 27, 1910.

President of Ecuador invited minister for foreign affairs of Ecuador, Chilean minister, Brazilian minister, and myself to a conference this afternoon. President of Ecuador reviewed the situation historically

since 1900, when he said that he first learned that the arbitration award was certain to be against Ecuador. He said that in 1901 Ecuador proposed to submit the question to the Argentine Republic, Peru not accepting. President of Ecuador said that this showed that he was not against arbitration, but on the contrary in favor of it; that Ecuador, however, never could submit to a decision by the King of Spain under all the circumstances. He closed saying that the Brazilian minister and I would receive a note transmitting a memorandum of proposed modification of the protocol which he begged us to transmit, and he sincerely hoped that the mediating powers would give it favorable consideration. This memorandum will be transmitted by cable to the department to-morrow.

Fox.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 28, 1910.

Referring to my July 27. The note of the minister for foreign affairs of Ecuador reads in part as follows:

Desiring to cooperate efficaciously in the generous labor of the mediating powers and in acceding to the repeated suggestions of Chile, a nation with which we are cordially united by bonds of friendship, my Government has given to me the honorable charge to place in your excellency's hands the accompanying memorandum of modifications of the projected protocol which might be substituted for the last three paragraphs, etc.

The memorandum, a translation of which follows:

And, finally, His Majesty the King of Spain having notified the Governments of Ecuador and Peru that, guided by his high intentions of maintaining peace between the two countries, and in order to give them the time to settle their differences in a friendly and direct manner under the auspices of the mediating powers, he had postponed the rendering of his decision without fixing a date when such postponement should come to an end; the undersigned plenipotentiaries duly recognize the high and noble sentiments which have inspired the Government of Spain and beg to offer for such an opportune and well-timed measure the homage of their sincere gratitude. And whereas the arbitration proceedings are postponed for an indefinite period and it is not expedient for either of the countries to maintain the present state of affairs, and having both accepted good offices of the three mediating powers precisely with the object of looking for an amicable and honorable solution, the undersigned representatives of Ecuador and Peru have agreed to commence direct negotiations under the moral influence of mediating States in order to try to come to an agreement by which, and taking into consideration the respective bases of justice and mutual advantage, the line of demarcation between the two nations may be fixed. And as the object of the tripartite mediation is similar to that of the two Governments, viz, the reestablishment of a lasting and unalterable peace between the nations bordering on the Amazon Basin, and bearing also in mind the existing treaties between Ecuador and Colombia, they hereby agree to invite the latter nation to take part jointly with Ecuador in the discussion of this agreement. The mediating powers will exercise amply their good and high offices in order that the conferences to be held upon the direct negotiations will produce satisfactory and definite results; they will also designate the American Capital, where the commissioners of the contending countries will meet, the suitable date when such meeting and conferences will take place, the number of delegates, as well as the formalities and necessary proceedings appertaining to the negotiations. Governments of Ecuador and Peru hereby bind themselves to submit the present protocol for the approval of their respective Congresses at their next session and to communicate such approval to the mediating powers as soon as the same is granted. During the course of the negotiations and until they are concluded the two contracting Governments agree to respect strictly the status quo in accordance with the preexisting treaties between the two Republics.

Fox.

The Acting Secretary of State to Chargé Pierrepont.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 28, 1910.

Minister at Quito reports that the Government of Ecuador is preparing radical changes in protocol suggested by mediators, especially as regards last paragraph. This Government earnestly hopes that Chilean minister for foreign affairs will continue to exercise his valued influence with the Government of Ecuador to dissuade it from assuming an attitude which would inevitably render more difficult the pacific efforts of Chile, the United States, the Argentine Republic, and Brazil.

WILSON.

*The Acting Secretary of State to the Argentine Chargé.¹*DEPARTMENT OF STATE,
Washington, July 28, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: Inasmuch as at the suggestion of the Brazilian Government, with the acquiescence of the Government of the Argentine Republic, it was deemed best as a matter of convenience that the present phase of the negotiations connected with the tripartite mediation should be centralized in this Capital, the duty of seeking the adoption of the protocol presented on behalf of the three Governments has devolved upon yourself, your Brazilian colleague, and the department, it is thus very necessary that we should be in close touch and mutually fully informed in order that through you I may know the views of your Government as they develop, and in order that your Government, in return, may be, through you, fully informed of the views of the United States. I am therefore depending absolutely upon you to these ends.

You will recall that on the occasion of our conference at Washington, when we formally presented the protocol to the representatives of Ecuador and Peru on behalf of the three mediating powers, I read you the instructions the department was then sending to its representatives at Quito, Lima, and Santiago. You will recall that the general purport of those instructions was as follows:

The representatives of the United States of America were to urge the adoption of the protocol upon the foreign offices of Ecuador and Peru, and were to urge the Government of Chile to work to the same end through the special influence of its legation at Quito. The action upon the instruction sent was, you will recall, contingent upon the receipt of similar instruction by the representatives of your Government and of Brazil. I had understood that you and Mr. Lima, in reporting to your Governments upon our last conference, would also make clear the above understanding. I found, however, that I failed to make myself entirely understood upon this point. Discovering this, the cooperation upon which our action depended was promptly secured through appropriate communication to your Government through the legation at Buenos Aires. Since that time my letter of July 21 will have informed you of the situation as known to the department up to that date.

¹ Mutatis Mutandis to the Brazilian chargé.

Since July 21 I am informed that as a result of cooperative action at Santiago the Chilean minister for foreign affairs, after reading the draft protocol, instructed the Chilean minister at Quito that he saw no objection to the protocol and that he (the minister) was to urge the Government of Ecuador to accept it. A telegram received to-day from our legation at Quito now states confidentially that the Ecuadorean Government is preparing radical changes in the draft, embodying their objections as previously stated, presumably expressing their objection to the provision as to any contingency of a Spanish award.

This situation, together with the resignation of the prime minister and the minister for foreign affairs of Peru, apparently the only members of the Peruvian Cabinet who were not wholly in favor of the protocol, is reported, as is also the fact that the cabinet is being reorganized and is likely to be unanimously in favor of the protocol.

I inclose a copy of a note I have sent the Spanish minister in pursuance of our agreement that he should be informed of any developments in the situation so closely affecting his Government.

I am, etc.,

HUNTINGTON WILSON.

P. S.—I beg to inclose for your further information a paraphrase of a telegram just received from Mr. Fox, our minister at Quito.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, July 29, 1910.

The President's message to Congress yesterday refers to Washington protocol as in harmony with mediation, and declares absolute confidence in mediator. I have no doubt new cabinet when formed will accept protocol.

COMBS.

The Argentine Chargé to the Acting Secretary of State.

[Translation.]

ARGENTINE LEGATION,
Manchester, Mass., July 29, 1910.

MY DEAR MR. SECRETARY: I have the honor to transmit herewith the dispatch which I have just received from the minister of foreign relations:

ARGENTINE LEGATION, Washington:

Referring to your telegram of the 22d, I transmit the reply received from the Argentine Legation in Chile, as follows:

Carrying out instructions and in conjunction with the representatives of the United States of North America and of Brazil, we recommended to the Chilean Government that it should use its influence with Ecuador in favor of the tripartite mediation. As I indicated in the telegram of July 13, the present administration is well disposed to lend its aid toward pacification, as it has already shown, according to the statements of the chancellor. He says that five days ago the chargé d'affaires of North America gave him a copy of the protocol presented to Peru and Ecuador and that, after reading it, he telegraphed to the Chilean minister in Quito that he should advise its acceptance by the Government of Ecuador, adding that in view of the terms of the document opposition was inexplicable. It is stated that no reply to this telegram has been received.

(Signed) ANADÓN, Argentine Minister.

It is known that the Peruvian minister resigned as an immediate consequence of the discussions concerning the protocol.

PLAZA.

Hoping that you will be so good as to keep me informed as to the progress of these negotiations, and tendering my services for the transmission to my Government of such statements as you regard suitable, I take pleasure in renewing the expression of my distinguished consideration and high personal esteem.

JACINTO L. VILLEGAS.

Minister Combs to the Secretary of State.

No. 382.]

AMERICAN LEGATION,
Lima, Peru, August 1, 1910.

SIR: I have the honor to report that the President has as yet been unable to form a satisfactory new cabinet.

I inclose a copy, with translation, of that part of the President's message treating of the mediation.

The political situation is less complex and threatening than it was a week ago.

I have, etc.,

LESLIE COMBS.

[Inclosure.—Translation.]

Message of the President of Peru, July 28, 1910.

EXTRACT.

It was under these circumstances that the offer of mediation was made by the Governments of the Argentine Republic, Brazil, and the United States. This event of exceptional importance postponed the possibility of a conflict. Both Governments accepted, and the situation and the eventualities contemplated in the offer were left to the mediators, who began, and who are actually performing, their noble task with a firm resolution, inspired by a feeling of justice which merits the deepest respect. I myself at this time interpret the opinion of Peru in publicly reiterating our gratitude for the high motives which impelled them to serve. These motives lead to the maintenance of peace, which should not be perturbed owing to the anticipations of an arbitration solemnly entered into, and mean the realization of an ideal of solidarity based upon justice. * * * Our confidence in the mediators is absolute. Apart from the object which they pursue, the proper prestige of the respectable Governments which are taking part in the affair, the precedent that they are going to establish, and the knowledge that has been acquired of the matter in question should be considered. It is on this account that we have watched with sympathy, and without any misgiving, the steps followed by the mediation up to the present time, and we bowed without any reservation and with the greatest of deference to the indications which they (the mediators) made to us to withdraw our forces from the frontier and to reduce their number to a peace footing. This last measure is proof of the security which the mediators entertain respecting the success of their negotiations, a security which no obstacle has been able to upset. * * * This firmness is understood owing to the conviction of the three Governments of the invincible moral force which they exercise in having adopted, as the foundation of their action, impartiality and the necessity for establishing an American tradition of respect for order, for right, and for the considerations for which nations mutually owe to each other. Therefore, it is not venturesome to anticipate from now on that the result of the mediation will be successful and that the actual state of peace will be permanent in the future, as a consequence of the force of example having been preferred to weight of power. * * * In the protocol proposed at Washington on the 13th of the present month the future course of the mediation is explained in harmony with its bases, indicating the necessary guaranty for its execution.

The Acting Secretary of State to the Argentine Chargé.

DEPARTMENT OF STATE,
Washington, August 8, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: I take pleasure in acknowledging the receipt of your note of the 29th ultimo, in which you quote a dispatch which you received from the minister of foreign relations of your Government containing the gratifying statement that the minister of the Argentine Republic at Santiago, Chile, joined the representatives of the United States and Brazil in recommending to the Government of Chile that it use its influence with Ecuador in favor of the tripartite mediation and that the Chilean minister at Quito has been instructed to advise the Government of Ecuador to accept the protocol.

I am, etc.,

HUNTINGTON WILSON.

The Acting Secretary of State to Minister Fox.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 10, 1910.

Your August 5. When your colleagues are authorized to do likewise, you will again seek an opportunity discreetly but forcibly to impress upon the President and Government of Ecuador the views of this Government as regards the present attitude of Ecuador toward the tripartite mediation. You will make clear that the failure of Ecuador to show a conciliatory disposition and to take the steps recommended which provide honorable means to a friendly adjustment of its difficulties with Peru can only be regarded by this Government as an evidence of (1) a disinclination to reach a peaceful and honorable solution of the boundary difficulty or (2) lack of confidence in the mediating powers. The representatives of Brazil and Argentina here have been requested to ask that similar instructions be sent by their Governments to representatives at Quito.

Repeat to the legation at Lima for its information.

WILSON.

The Acting Secretary of State to Minister Sherrill.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 10, 1910.

Repeat to Petropolis and Santiago, for information, the following telegram which has been sent to the legation at Quito. [Supra.]

WILSON.

The Acting Secretary of State to the Argentine Chargé.¹

DEPARTMENT OF STATE,
Washington, August 10, 1910.

MY DEAR MR. CHARGE D'AFFAIRES: Referring to previous correspondence in regard to the tripartite mediation between Ecuador and Peru, I beg to inclose herewith, for your confidential information, a paraphrase of a telegram received on the 6th instant from Mr. Fox, our minister to Quito, reporting discouraging comments appearing in the Government newspapers in regard to the mediation. The facts reported in this telegram, together with the situation already known to the mediating powers, render it desirable, in the opinion of the department, that further joint representations be made at Quito to make clear the views of the mediating Governments as to the present attitude of the Ecuadorian Government in regard to the mediation. I am to-day sending Mr. Fox a telegram, of which I inclose a paraphrase, directing him, when his Argentine and Brazilian colleagues shall have been authorized to do likewise, to make clear to the Government of Ecuador that its failure to show a conciliatory disposition and to take the steps recommended, which provide honorable means to a friendly adjustment of its difficulties with Peru, can only be regarded by this Government as an evidence of (1) a disinclination to reach a peaceful and honorable solution of the boundary difficulty or (2) lack of confidence in the mediating powers.

I beg you to be good enough to communicate to your Government the views of the department on this matter and its suggestion that similar instructions be sent to your representative at Quito.

I have seen Mr. Freyre and asked him to explain to the Peruvian minister the situation as we find it to-day. The mere fact that the Government of Ecuador demurs to the reference to the Spanish award and raises the question of Colombian inclusion, which seems at this date both premature and impracticable, is undoubtedly well understood at Lima, and I explained to Mr. Freyre that until a formal reply comes to us through Mr. Arizaga, to whom the draft protocol was handed, we could scarcely consider any official rejoinder due Ecuador from us.

I am, etc.,

HUNTINGTON WILSON.

Minister Combs to the Secretary of State.

No. 384.]

AMERICAN LEGATION,
Lima, August 11, 1910.

SIR: I have the honor to report a much better attitude, both on the part of the politicians and the public, toward the Washington protocol than was the case 10 days ago, owing to its terms being more generally and better understood.

Mr. Porras, the minister for foreign affairs, has been summoned before Congress, in secret session, for interpolation, and although the Congress is extremely hostile to him he has been able to defend his course respecting both the mediation and the Washington protocol with great success. The interpolation has extended over several days.

¹ Mutatis mutandis to the Brazilian chargé.

I am inclined now to think that the Congress will, within the time suggested by the protocol, ratify its provisions.

I have, etc.,

LESLIE COMBS.

The Argentine Chargé to the Secretary of State.

[Translation.]

ARGENTINE LEGATION,
Manchester, Mass., August 12, 1910.

MY DEAR MR. SECRETARY: Referring to my note of yesterday, it becomes my duty to transcribe herein below the telegraphic dispatch I have just received from the most excellent minister of foreign relations. It reads as follows:

In accordance with the contents of your telegram of this date, this ministry has sent instructions to the Argentine minister to Ecuador energetically to make the representations therein suggested.

It affords me pleasure to renew to you, etc.,

JACINTO L. VILLEGAS.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, August 13, 1910.

Ecuadorian Congress convened yesterday afternoon. The message of the President of Ecuador read, a translation of which follows in part:

The hostile attitude of the Republic of Peru, the concentration of her army in the frontier department of Piura, the pertinacity with which she has refused all means of conciliation, show clearly her decided purpose to protect by force her unfaithful proceedings in Madrid. War was imminent, but the Governments of Washington, Rio de Janeiro, and Buenos Aires offered in a spontaneous manner their highly esteemed mediation which has come to upset the warlike and vicious plans of our gratuitous enemies.

Second. The mediating powers have obtained the retirement of the troops encamped on the frontier, thus avoiding an imminent outbreak of hostilities, but it is regrettable to announce to you that as regards the principal question, the very cause of the disagreement—the way to settle the boundary question—the mediating Governments as yet have not been able to arrive at any practical and definite conclusion; for Peru persists in refusing to comply with article 6 of the treaty of arbitration, 1887. Ecuador accepted mediation upon that basis, and it is not possible for her to separate in any manner from the conditions stated in the note of May 24 last, without causing damages which may be irreparable for the nation.

Third. The unfruitfulness of my labor has given me the conviction that Peru will not withdraw from her pretensions to despoil us of territories which have never been in dispute, and which we never imagined we were going to lose, by an unfit decision contrary to the most elementary principles of justice. I refer to the project of the decision, now known to all the world, in which the overstepping of the limits by the arbitrator is clear and the ignorance of our indisputable rights is manifest, so that the opposition of the people of Ecuador to the above-mentioned arbitration is a justified public opinion.

Fourth. The Government of Peru, not content with sustaining at any risk her unjust pretensions to our territory, has used all determination to turn and pervert the noblest sentiments of the Peruvian people, instilling into them deep and implacable hate against Ecuador and making them desire war as a necessary means of preserving national honor.

Fifth. Nevertheless, I desire that that Government recognize the depth of the abyss to which it is dragging two peoples of identical origin and equal aspirations, and in order that at last it may conform itself to repairing the immense injury which it has caused us and render homage of the loss of reason and justice, even though it does this for its own purposes. But if such blindness finally produces its dire result, if war should break out in spite of our efforts to avoid it, I have full confidence that the Ecuadorian army, the personification of outraged right and justice, will conquer all resistance and will obtain by the force of arms that which is now refused to us by the most pacific and conciliatory means.

Sixth. Ecuador will have many generous auxiliaries, should the case arise, in the work of vindication which ridiculed justice and good faith demand from us.

Seventh. The union and cordiality of the peoples which formed the Grand Colombia of the Liberators has been shown the world. It appears, therefore, to be the most opportune moment to realize the vast and useful idea of the Colombian Confederation. I ask you to closely study this great problem, and, if you think as I do, to give me due authorization to negotiate the respective preliminaries with the Governments at Caracas and Bogota.

Eighth. The Government of Chile, in our present conflict with Peru, has worked with interest in order that we should arrive at pacific and satisfactory solution.

Abbreviated report sent to Lima.

Fox.

The Acting Secretary of State to the Brazilian Chargé.¹

DEPARTMENT OF STATE,
Washington, August 20, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: Continuing the subject of my note to you of August 10, in regard to the tripartite mediation between Ecuador and Peru, I beg to inform you that on August 11 our minister at Quito telegraphed that he had received the department's telegram to him, of which I inclosed a paraphrase in my last note to you, and that he had had a conference with the Brazilian minister, who had not yet received instructions but would telegraph for them. The Brazilian minister at Quito said that the President of the Argentine Republic would reach Rio de Janeiro on the 19th of August and would probably have a full conference with Baron Rio Branco, and that he (the Brazilian minister at Quito) agreed with Mr. Fox in believing that certain foreign influences at Quito had hitherto been largely responsible for the situation at that capital.

On August 12 our ambassador at Petropolis acknowledged the receipt of the department's telegram informing him of the terms of our telegram of August 10 to Mr. Fox, and stated that he had seen Baron Rio Branco, who informed him that the same instruction would be telegraphed to the Brazilian representative at Quito. However, such instruction had not been received by the latter by August 19, according to Mr. Fox. It appears that the Argentine representative to Ecuador had received his instruction by that time.

¹ Same mutatis mutandis to the Spanish chargé and the Argentine chargé.

On August 13 Mr. Fox telegraphed that the Ecuadorian Congress had convened on the afternoon of the 12th, that President Alfaro had read a very warlike message, and that the Brazilian minister had telegraphed his Government as follows:

Presidential message presented by Ecuadorian minister of interior with very warlike speech. Although message contains great encomium for the King of Spain personally, it is most aggressive against Peru and the Spanish council of state. It also appears to me that it is not very complimentary to mediating powers. Last night invited by the American minister to his legation. It was agreed to between us that to-day at the same hour we would send to our respective Governments the same paragraphs which most attract our attention. The message contains 18 paragraphs on the subject of the political situation, of which we send 8.

Minister Fox adds that he concurs with Minister Moreira. I inclose for your information the eight paragraphs of President Alfaro's message referred to.

At Beverly, in the afternoon of August 6, the recalcitrant attitude of Ecuador toward accepting the protocol suggested by the mediating powers was the subject of conversation between President Taft, President Montt, and the Secretary of State. President Montt told the Chilean chargé d'affaires of this conversation, and the latter has informed the department that on August 8 he sent a telegram to his Government, stating the earnest desire of President Taft and the representatives of the mediating powers that Chile use her influence directly with Ecuador to secure the latter's signature of the proposed protocol.

The Peruvian minister is in Washington to-day. He confirms the news of his Government's willingness to sign the proposed protocol.

Mr. Arizaga formally presented his letters of credence to the President at Beverly on August 5 and returned to this capital a week ago, after having had a consulation with the minister of Colombia in New York. He called to-day at the department and stated that he had received no instructions from his Government but had telegraphed for instructions. He also stated that he was not aware of President Alfaro's recent warlike message to the Ecuadorian Congress.

In conclusion, allow me to request your kind cooperation in bringing to your Government's attention the department's telegram of the 20th instant to our minister at Lima, paraphrased above, so that similar instructions may be sent to the representative of Brazil at that capital.

I am sending a note similar to this one to Mr. Villegas and also a copy to Mr. Riaño.

I am, etc.,

HUNTINGTON WILSON.

The Argentine Chargé to the Secretary of State.

[Translation.]

ARGENTINE LEGATION,
Manchester, August 27, 1910.

MY DEAR MR. SECRETARY: I have the pleasure of acknowledging the receipt of your obliging communication of the 20th instant in which you were pleased to transmit to me the information received by your department since the 10th of August with regard to the mediation of the United States, Brazil, and the Argentine Republic in the dispute between Peru and Ecuador.

Immediately upon reading its contents I communicated with my Government in accordance with the desire expressed in the said note, and I received to-day from the minister of foreign relations the telegram which I have the pleasure to bring to your knowledge. It reads as follows:

Instructions referred to in your telegram of August 22 have been duly issued.

(Signed) CARLOS RODRIGUEZ LARRETA.

I take pleasure, etc.,

JACINTO L. VILLEGAS.

*The Ecuadorian Minister to the Secretary of State, the Brazilian Chargé,
and the Argentine Chargé.*

[Translation.]

LEGATION OF ECUADOR,
Washington, August 27, 1910.

HONORABLE SIRS: The draft protocol proposed by the mediating powers in the dispute between the Republics of Ecuador and Peru has been exhaustively considered by my Government, and I believe it pertinent to indicate to the honorable representatives of the friendly Governments what the attitude of the Ecuador foreign office is toward so important a document.

As stated in the official note of May 24 last, addressed by the foreign office of Ecuador to the esteemed representatives of the mediating powers in Quito, my Government desires that the generous offices of the illustrious Governments of the United States, Brazil, and Argentina in the Peru-Ecuador dispute be directed solely to the end of procuring direct negotiation in the boundary controversy, which negotiation it would be desirable to enter into as soon as possible without awaiting further developments of any sort. Any delay would be inexpedient for Ecuador, as it would prolong its present bad status, and my Government further deems it inadvisable, since it does not desire that the benevolent mediation of the friendly powers should be dependent upon any future happening nor be involved in any act other than a direct and conciliatory settlement of the frontier dispute with Peru. The arbitral procedure pending before His Majesty, the King of Spain, has been suspended, and it has been suspended for the very reason of the desirability that the parties should try direct negotiation in conformity with the right reserved therefor in the arbitral convention of 1887; the direct settlement could therefore be procured without any obstacle whatever connected with the award of the Spanish sovereign and with advantage to the nations in conflict without awaiting an event which seems excluded by the very character and antecedents of the conciliatory proceedings now under way.

Ecuador, therefore, would regard as a step most adapted to the desired result and as most friendly on the part of the mediating Governments any effective effort toward procuring such direct settlement, with the suggestion that the said conferences be entered into within a short and prudent space of time, under the valued auspices of the American Government in its capital or under any of the other friendly Governments, and in a place to be designated.

My Government feels a lively interest in such an arrangement because not otherwise can or will disappear the principal cause of the present dispute which has occasioned Ecuador so many and such grave injuries, and whose foreign office considers, as stated in an official communication addressed to his excellency, Mr. Fox, the American minister in Quito, that any postponement will only put off the war for a few months longer—that is to say, until the desired conciliation shall have encountered greater odium and more numerous obstacles.

In this direct negotiation of which I have been speaking it is the opinion of my Government that a representative of Colombia should participate, as was urged expressly by the foreign office of Ecuador in the note of May 24 last, above referred to, as has also been definitely requested by the Government of Colombia in stating through its minister at this capital that it would regard as without effect, so far as Colombia was concerned, any settlement in which the latter was eliminated for the conclusion of a contest between Ecuador and Peru in the question of the Amazon region. Were the question under consideration discussed and settled between Colombia, Ecuador, and Peru, all occasion of discord between the three nations would forever disappear, and, the peace of South America being thus assured, the three Governments would dedicate themselves, in their respective spheres, to the work of civilization demanded by these vast areas, the most fertile and rich of our southern America.

Such an inexpressible benefit would be owing to the exquisite foresight and lofty discernment of the mediating powers, and Ecuador, for its part, cherishes the hope that it may be generously and effectively brought to pass; the opening of the century being thus consecrated to an event to be most worthily recorded in American history—the pacification of a continent through the wisdom and the lofty fraternal spirit of three illustrious nations.

As to the previous matter of mutual and reciprocal expressions of regret for the unfortunate occurrences in Lima, Guayaquil, and Quito in the early part of last April my Government has no objection whatever to oppose to the well-considered terms of the draft protocol and therefore accepts them as a formula in keeping with the dignity of the two nations.

In the event that the result of the agreement concerning the delimitation of the frontiers can not be drawn up in other form than a public treaty between the interested nations, even if this be done through the agency of mediation, I judge it necessary to suggest that, according to the constitutional law of Ecuador, such a treaty would have to be submitted *ex post facto* to the approval of the National Legislature, an approval which would be forthcoming if, as is to be hoped, the delimitation agreed upon should be in conformity with equity and justice.

Trusting that, with these statements being taken into consideration, the execution of the draft protocol may be proceeded with without delay, thus rendering the mediation project effective, and tendering to the honorable representatives of the friendly Governments expressions of the loftiest recognition on behalf of my own, I have, etc.,

RAFL. M. ARIZAGA.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, August 30, 1910.

Department's August 10. Brazilian minister and I will make representations simultaneously at 3 p. m. to-day by means of individual notes in Portuguese and in English adhering to the department text. Have advised Lima.

Fox.

The Acting Secretary of State to the Brazilian Chargé.¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 1, 1910.

MY DEAR MR. CHARGÉ D'AFFAIRES: Referring to previous correspondence in regard to the tripartite mediation between Ecuador and Peru, I beg to inclose herewith [see supra], for your confidential information, a copy of a note received from the minister of Ecuador at this capital, setting forth the views of his Government regarding the protocol proposed by the representatives of the mediating powers.

I am, etc.,

HUNTINGTON WILSON.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, September 10, 1910.

Minister for foreign affairs of Ecuador replies to notes of Brazilian minister and myself relative to department's August 10, 2 p. m., by note of 28 pages, reiterating the position of Ecuador regarding direct arrangement and the Spanish arbitration as already stated in his note of May 24, stating that Ecuador has confidence in the mediating powers and desires peace, but that she can sign no protocol without the elimination of reference to Spanish arbitration. Minister for foreign affairs of Ecuador recapitulates, a translation of which follows:

1. The Government of Ecuador, since article 6 of the treaty of arbitration of 1887 is in force, had a perfect right to demand that her boundary dispute with Peru should be settled by means of direct arrangement, and for a greater reason, since the project of the unjust Spanish award is known, to resign herself to that would have been to accept the complete ruin of the nation.

2. Consequently the Government of Ecuador proceeded with all right and in conformity with its most sacred and undeniable duties in accepting the mediation conditions in the terms of the note of May 24 last.

3. The Government of Ecuador, while it asked that the protocol of Washington should be made to harmonize with the said note of May 24, only exercised an indisputable right, their attitude not implying any refusal of the humane principle of arbitration or distrust in the mediators or a desire contrary to peaceful actions, since we have given undeniable proofs of full faith in the honesty and impartiality of the said

¹ Same, *mutatis mutandis*, to the Argentine chargé.

friendly nations, and we have complied, with exactness and accuracy, with all their suggestions toward avoiding war and seeking a solution based on equity.

Have advised Lima.

Fox.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, October 18, 1910.

Minister of Ecuador at Lima has formally by note presented proposition for direct negotiations. Minister for foreign affairs of Peru will probably decline to consider it or any proposition, relying on mediators for solution.

It is thought Ecuador will base on this refusal a renunciation of arbitration treaty of 1887.

COMBS.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, October 18, 1910.

Minister for foreign affairs of Ecuador by note to-day informs me that he has received the following telegram from Ecuadorian minister at Lima:

Peruvian Government can not take in consideration the proposal of Ecuador nor any other which has reference to boundary dispute, since that would be to disavow force of mediation; that both Governments were prevented from taking the initiative or from taking steps which would omit the mediators; that Peru has agreed to suspend any discussion of the boundary question and to maintain a status quo until the mediation has made itself effective.

Minister for foreign affairs of Ecuador said that thus Peru does not deny the intrinsic justice or expediency of the proposition of Ecuador; it is therefore deduced that if the mediators do not refuse it Peru will find no inconvenience in accepting.

Fox.

Minister Fox to the Secretary of State.

No. 784.]

AMERICAN LEGATION,
Quito, November 28, 1910.

SIR: I have the honor, respectfully referring to my telegram of November 25,¹ to inclose herewith copy of the note, with translation, transcribing to me the telegram from the Spanish minister for foreign affairs to minister for foreign affairs of Ecuador, in which it is stated that His Majesty the King of Spain had declined to act further as arbitrator in the boundary dispute between Ecuador and Peru.

I have, etc.,

WILLIAMS C. FOX.

[Inclosure—Translation.]

The Minister of Foreign Relations to Minister Fox.

No. 223.]

MINISTRY FOR FOREIGN RELATIONS,
Quito, November 25, 1910.

EXCELLENT SIR: As a matter of deference to you I have the honor to inform you that I have received the following cablegram from his excellency the Spanish minister of state:

MADRID, November 24.

MINISTER FOR FOREIGN AFFAIRS:

The sole aim of the cabinet at Madrid was to promote harmony when, on the 18th of May, it informed the Governments of Ecuador and Peru that it saw no objection if both parties availed themselves of the postponement of the award to reach an agreement between themselves on the boundary question. The Spanish Government was inspired by the same sentiments when it advised the august arbiter that he should not renounce the arbitral powers while the parties did not decide to seek this agreement either directly or through the friendly mediation of the powers offered, in spite of the fact that the peculiar complexity of the litigation had more than ever been brought out when the opinions of the various individuals to whom, in Spain, an investigation of the affair had been confided were given, and by the passionate comments made thereon even when they were imperfectly known. At present, however, in view of the manner in which matter has been characterized by diplomatic documents referring to the conflict, second series, published in Quito (documents the knowledge of which in their textual entirety the Government of His Majesty has been waiting for), the cabinet of Madrid, believing, further, that a prolongation of the present situation will not bring about the desired conciliation, has deemed it best to advise the august arbiter to withdraw from the office conferred upon him by the parties for the solution of the boundary question. In informing your excellency that His Majesty has withdrawn in accordance with the counsels of his responsible advisers I would add that I am advising the minister for foreign relations of Peru in the same sense.

MANUEL GARCÍA PRIETO,
Minister of State.

I avail myself, etc.,

J. PERALTA.

*Aide Mémoire to the Brazilian Embassy.*¹DEPARTMENT OF STATE,
Washington, December 19, 1910.

The tripartite mediation offered under the provision of The Hague convention intended to provide honorable avoidance of impending war having thus far successfully accomplished its high purpose, and by the precise terms of the mediation the mediating powers now finding themselves placed at the disposition of the Governments of Ecuador and Peru to facilitate by their good offices and wisest counsel in the exercise of the high advisory function of mediators the settlement of their boundary question, the Government of the United States, impressed with the difficulty and importance of that question, would be grateful to learn the views of the Governments of the Argentine Republic and of Brazil as to whether the three powers could now render as mediators any more valuable service to the Governments directly interested than to advise them to refer the whole question to The Hague court of arbitration, created for the final settlement of just such disputes, under the same convention by virtue of another provision of which the mediators' action has proved so efficacious.

The Secretary of State to Chargé Bliss.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 19, 1910.

Repeat to Petropolis.

Discuss with the Government to which you are accredited the subject of the following aide-mémoire to-day handed its representative here: [See supra.]

KNOX.

¹ Same to Argentine chargé.

Chargé Bliss to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, December 21, 1910.

Argentine minister for foreign affairs says Argentine President wishes to know whether the department has information indicating that the Governments of Peru and Ecuador would accept proposal contained in your December 19. He says that it is the desire of the new administration to follow in future, as the Argentine Government has done in the past, the lead of the Government of the United States in the tripartite mediation.

BLISS.

Ambassador Dudley to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Petropolis, December 22, 1910.

Your December 19. Brazilian minister for foreign affairs agrees that mediators had best advise Peru and Ecuador to refer their whole question to The Hague court of arbitration, but predicts Ecuador will at once propose that Colombia be admitted as a party to the proceeding, in which case he suggests that the mediators, dissenting from the proposal, recommend in lieu thereof the subsequent submission to The Hague by Peru and Colombia of their boundary contention, all difference in this respect between Colombia and Ecuador being now settled by treaty.

DUDLEY.

The Secretary of State to Ambassador Dudley.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 23, 1910.

Repeat to the legation at Buenos Aires your December 22, adding that the department agrees to the suggestion that if Ecuador proposes Columbia's inclusion then the subsequent submission of any Peru-Colombia question be separately arranged.

Add that the American legation at Quito and Lima will now be instructed to make necessary representations whenever their Argentine and Brazilian colleagues have similar instructions.

KNOX.

The Acting Secretary of State to Minister Combs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 24, 1910.

Act on and repeat for action to the American legation at Quito the following:

So soon as you are advised that your Argentine and Brazilian colleagues have been similarly instructed you will communicate the following textually to the minister for foreign affairs:

The tripartite mediation, offered under the provisions of The Hague convention intended to provide honorable avoidance of pending war, having thus far successfully accomplished its high purpose and by the precise terms of the mediation the Governments of the United States of America, the United States of Brazil, and the Argentine Republic now finding themselves placed at the disposition of the Governments of Ecuador and Peru to facilitate, by their good offices and wisest counsel in the exercise of the high advisory function of mediators, the settlement of the boundary question, and impressed with the difficulty and importance of that question, believe that they can now render as mediators no more valuable service to the Governments directly interested than to advise them to refer the whole question to The Hague court of arbitration created for the final settlement of just such disputes under the same convention by virtue of another provision of which the action of mediators has proved so efficacious.

For your confidential information the department has reason to believe that this suggestion will be acceptable to Peru, and that Chile will insist on its acceptance by Ecuador. The minister for foreign affairs of Brazil predicts that Ecuador will at once propose that Colombia be admitted as a party to the proceeding, in which case he suggests that the mediators, dissenting from the proposal, recommend in lieu thereof the subsequent submission to The Hague by Peru and Colombia of their boundary contentions, all differences in this respect between Colombia and Ecuador being now settled by treaty. Should such prove to be the case you will act in concert with your Argentine and Brazilian colleagues.

WILSON.

Minister Fox to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, December 27, 1910.

Department's December 24. My Brazilian colleague and I filed notes personally with minister for foreign affairs of Ecuador this afternoon. Dr. Peralta said that the matter would be referred to the President of Ecuador and Council of State, but that he would say that for his own part Colombia must be included because of treaty of May 12, 1910. I asked for a copy of the treaty and was informed that it was secret, but Dr. Peralta promised to consult Colombia with regard to furnishing copy. Minister for foreign affairs of Ecuador stated that it would be necessary to make a convention with Peru as the basis for negotiations at The Hague. This convention, he stated, would have to be approved by the Congresses of both countries. Minister for foreign affairs of Ecuador said that Peruvian minister at Quito had two days ago called on him and stated unofficially that the desire of Peru was for peace and the settlement of her difficulty with Ecuador by direct arrangement, a settlement which he considered would not be difficult as soon as the internal affairs in Peru had become tranquil. Minister for foreign affairs of Ecuador stated that he would reply to our notes in due course. Repeated Lima.

FOX.

Chargé Bliss to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Buenos Aires, December 28, 1910.

The President returned last night; approves your December 19. Argentine minister for foreign affairs is instructing Argentine minister at Lima to act with representatives of the United States and Brazil in accordance with your December 22, to Petropolis, and at the same time to telegraph minister for foreign affairs of Ecuador in a like sense.

BLISS.

Minister Combs to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lima, December 29, 1910.

Argentine and Brazilian colleagues and I presented the proposal of mediators, which minister for foreign affairs of Peru will submit to President of Peru and council of state. President of Peru and minister for foreign affairs of Peru personally assure me submission to The Hague entirely acceptable. Minister for foreign affairs of Peru declares that statement quoted by Mr. Fox in December 27, to effect minister for foreign affairs of Ecuador stated that Peruvian minister at Quito had desired direct arrangement was through a misunderstanding, as Peruvian foreign office had never entertained that view.

Repeated Quito.

COMBS.

Minister Fox to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Quito, December 30, 1910.

Regarding Comb's December 29, I simply ask the department to await developments, pointing to the fact that the Peruvian minister here to-day, through Brazilian minister, has asked the withdrawal of the police guard over the Peruvian legation which has been stationed there since the attack on that legation last April.

Brazilian minister has arranged informal and unofficial conference for next week at his legation between minister for foreign affairs of Ecuador, Peruvian minister, Colombian minister, Chilean minister, and myself, the subject to be discussed being the possibility of a direct arrangement between Peru and Ecuador of their boundary controversy.

FOX.