COSTA RICA.¹

REBUILDING OF THE CENTRAL AMERICAN COURT OF JUSTICE DESTROYED BY EARTHQUAKE, MAY, 1910.²

File No. 713.001/4.

Mr. Andrew Carnegie to the Acting Secretary of State.

SKIBO CASTLE,
Dornoch, Southerland, October 7, 1910.

Dear Sir: In reply to yours of September 20,³ inclosing Mr. Merry's letter regarding the proposed temporary structure, I beg to say that I have already been approached through Mr. Barrett and replied that on no account would I be a party to the erection of any temporary structure. The money appropriated for a permanent structure must be applied to that object and none other. The balance on hand should be remitted to me at New York and form part of the sum which I am to spend for the new courthouse.

It will be in your recollection that reports were made of the improper construction of the former building, these stating that the probability was that if it had been properly constructed it would have withstood the earthquake. I think it would be advisable when the next structure is determined upon for us to see the plans and mode of construction. I do not wish to erect a structure which is not what it should be and I am sure you will understand how reluctant I should be to have anything to do with a mere temporary structure costing a few thousand dollars.

Very truly, yours,

Andrew Carnegie.

File No. 713.001/8.

The American Minister to the Secretary of State.

No. 1538.]

AMERICAN LEGATION,
San José, Costa Rica, November 19, 1910.

Sir: I have the honor to further acknowledge receipt of the following despatches³ relating to the building for the Central American Court of Justice: No. 863, file No. 713.001/4, of the 24th ultimo; No. 864, file No. 713.001/5, of the 27th ultimo; and file No. 713.001/6 of 31st ultimo.

Since their receipt I have had a confidential interview with His Excellency José Astúa Aguilar, Costa Rica magistrate in said court, and have sent a note to the secretary of the court, Mr. Ernesto Martin, informing him that Mr. Carnegie was not disposed to have

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¹ See Panama, p. 674.
² See Foreign Relations, 1910, pp. 409-414.
³ Not printed.
his funds used for the construction of a temporary building as suggested. Judge Aguilar freely admitted the disgraceful result of poor construction and partly poor material at the Cartago court building and is of the opinion that the arrangement for the location and construction of the next building should be made at Washington, where all the Central American Republics are represented, and where Mr. Carnegie is accessible. He thinks that the location can be changed to San José; but inasmuch as article 5 of the Washington Convention of December 27, 1907, specifies Cartago as the location of the court, the permission to change the location would have to receive the assent of the signatory Republics through their Washington representatives. I also suggested to him that instead of spending one-tenth of the fund for realty the Government has vacant land in suitable location here which can be utilized for the purpose, permitting the entire fund to be used for construction. There is an excellent location for the building in the eastern part of the National Park to which the building would be an attractive ornament.

As I have no instruction to take further action in the matter, I shall not communicate with the Costa Rica Government in relation to it. What funds remain were in possession of ex-President Gonzales Viquez and have no doubt been by him transferred to President Jiménez.

With assurances [etc.],

William Lawrence Merry.

File No. 713.001/13.

The President of Costa Rica to the American Minister.

[Translation.]

San José, December 21, 1910.

My dear Mr. Merry: Mr. Astúa Aguilar referred to me the interview that he had had with you with respect to the edifice of the Central American Court of Justice. I learnt from him that although you do not treat this affair as one of those of the legation which is in your worthy charge, you desired to bring to the knowledge of the Government of Costa Rica the attitude of Mr. Carnegie with respect to this affair. My Government can do no less than acknowledge once more the generous undertaking of Mr. Carnegie and it has not the least objection to make to Mr. Carnegie's intention not to construct the building once more in the city of Cartago. We desire that the Central American Court of Justice shall fulfill the mission assigned to it by its creators, but we are entirely indifferent as to the place where it exercises its functions. Otherwise, my firm intention is not to interfere at all in the execution of the work; but as Mr. Astúa spoke to me of the suggestion that I understand you were pleased to make respecting the necessity of modifying the Washington treaty in order to change the regular seat of the court, I am agreeable that the Government of Costa Rica should propose the necessary modifications of the treaty in the next Central American conference which will meet in Guatemala City at the beginning of next January. With
this purpose and to justify the proposal of Costa Rica, I beg you, if you approve, to so authorize me, in order that the representative of Costa Rica may affirm in the conference that Mr. Carnegie is disposed to reconstruct the edifice, always providing that the building be constructed not in Cartago, but in another place in Costa Rica to be decided by the court with the acquiescence of Mr. Carnegie, although this last circumstance is not considered in the amendment which will be made to the Washington treaty, and in order that said representative of Costa Rica may declare that our Government has knowledge of the decision of Mr. Carnegie through the channel of the American legation that you so ably conduct.

I remain [etc.],

RICARDO JIMÉNEZ.

The American Minister to the President of Costa Rica.

AMERICAN LEGATION,
San José, Costa Rica, December 22, 1910.

MY ESTIMATED FRIEND: I have the honor to acknowledge your favor of the 21st alluding to another edifice for the Central American Court of Justice. Although strictly speaking I have no direct connection with the matter, under dates of October 24, 27, and 31 I am informed by my Government of the desire of Mr. Carnegie to rebuild under somewhat different conditions. First, he desires a location elsewhere, preferably I presume at San José; second, he proposes to have his own architect and superintendent of construction, who will be instructed to produce a building as near earthquake proof as is possible. I presume that the funds will be available whenever the arrangement can be made for change of location and I agree with your Excellency that your Government shall propose the necessary modification of the treaty in the proximate Central American Conference which is to meet in January at Guatemala. You are at liberty to make use of the information contained in Mr. Carnegie's letters to my Government. Permit me to suggest also that it seems to me the building at the east end of the National Park, where it would be an ornament to the city and add to the attraction of the park itself. By so doing, the total amount contributed by Mr. Carnegie can be devoted to construction. The property now at Cartago might also be sold and added to the amount. However, these are informal views of my own.

Having observed recently on the part of the San José local press a disposition to depreciate the value of this court and to discredit its action, I may be permitted to state that my Government values he court as a necessity to the security of Central American international peace. I shall send a copy of your excellency's letter and my reply thereto to my Government by next mail.

Will your excellency kindly inform me of the exact amount remaining from this fund in the hands of your Government at this date, a matter upon which Mr. Carnegie will desire to be accurately informed.

With assurances [etc.],

WILLIAM LAWRENCE MERRY.
Mr. Andrew Carnegie to the Secretary of State.

NEW YORK, January 12, 1911.

DEAR SIR: Replying to your note of January 10,¹ I beg leave to state that I stand ready to appropriate the same sum as before for the erection of the Central American Court of Justice, viz, one hundred thousand dollars, whenever the States concerned agree upon the location and provide a site. There is, I am informed, some thirty odd thousand dollars still in hand from the first fund I provided, all of which was drawn from me, which is to be returned and appropriated by me to the new erection. It will afford me much pleasure to send a competent architect to superintend construction, if so desired by the authorities.

Very truly, yours,

ANDREW CARNEGIE.

The Secretary of State to the American Chargé d'Affaires.

No. 890.]

DEPARTMENT OF STATE,
Washington, June 27, 1911.

SIR: I inclose herewith a copy of a letter from Mr. Andrew Carnegie, stating that he takes great pleasure in authorizing you to draw on Mr. Franks under the conditions stated.

You are accordingly instructed to take the action requested in Mr. Carnegie's letter of May 22.

I am [etc.],

P. C. KNOX.

[Inclosure.]

Mr. Andrew Carnegie to the Secretary of State.

NEW YORK, May 22, 1911.

DEAR SIR: In fulfillment of my promise to renew my former offer of one hundred thousand dollars for the erection of the Central American Court of Justice at San José, replacing that destroyed at Cartago, I beg you to instruct the United States minister at San José to inform the Costa Rican Government that he, our minister, is authorized to draw upon Mr. K. A. Franks, president of the Home Trust Co., Hoboken, N. J., in sums of twenty-five thousand dollars, as the work progresses, to the extent of one hundred thousand dollars, duly forwarding Mr. Franks therewith certificates of work done as given to him by the Costa Rican authorities.

We leave the construction of the court and selection of site to the Government of Costa Rica.

Very truly, yours,

ANDREW CARNEGIE.

¹ Not printed.
CONVENTION RELATIVE TO THE TRANSFER OF RESIDENCE OF THE
CENTRAL AMERICAN COURT OF JUSTICE.

[Transmitted by the American Minister to Guatemala in dispatch No. 65 of Mar. 14, 1911.]

[Translation.]

Whereas the Governments of Guatemala, Nicaragua, El Salvador, Costa Rica, and Honduras deem it of urgent necessity to amend Article V of the Washington treaty of 1907 relative to transferring to the city of San José, capital of Costa Rica, the seat of the Central American Court of Justice, which, pursuant to the above-named treaty, should reside at Cartago, they have named as delegates: Guatemala, Señor Licenciado don José Pinto; Nicaragua, Señor don Arturo Elizondo; El Salvador, Señor Doctor don José Rodríguez; Costa Rica, Señor Licenciado don Carlos Lara; and Honduras, Señor Doctor don Manuel F. Barahona.

The delegates assembled in the Central American International Office and, after having communicated to each other their respective full powers, which they found to be in good and due form, have agreed upon the following:

ARTICLE I. Article V of the treaty of Washington of December 20, 1907, is changed to read as follows:

ART. V. The Central American Court of Justice shall sit at the city of San José in the Republic of Costa Rica, but it may on occasion transfer its residence to another point in Central America when it may deem it proper to do so for reasons of health, of assuring the exercise of its functions, or of the personal security of its members.

ART. II. This convention shall be ratified by exchange of notes between the interested Governments and may be put in force on ratification thereof.

Signed at the city of Guatemala on the 10th day of January, 1911.

J. PINTO,
ARTURO ELIZONDO,
J. A. RODRÍGUEZ,
CARLOS LARA,
MANUEL F. BARAHONA.

Ratified[1] by Costa Rica, January 11, 1911; Guatemala, February 20, 1911; Salvador, March 17, 1911; Nicaragua, December 30, 1911; Honduras, March 19, 1912.

[1] Notice of these ratifications may be found, except that of Honduras, in “Salvador: Boletín del Ministerio de Relaciones Exteriores; 1911” in the library of the Pan-American Union at Washington, at the following pages: Costa Rica, 99; Guatemala, 205; Salvador, 208; Nicaragua, 892. The ratification of Honduras at page 6 of Boletín VII for 1912 (Salvador).