

CHILE.

MESSAGE OF THE PRESIDENT, RAMÓN BARROS LUCO, TO THE CONGRESS.

File No. 825.02/9.

Chargé Summerlin to the Secretary of State.

[Extract.]

No. 642.]

AMERICAN EMBASSY,
Santiago, June 15, 1915.

SIR: I have the honor to report that the President of the Republic opened the ordinary sessions of the Congress on the first instant * * * at which the President's Message was read. Copies of the Message, with translations of the most important passages, are enclosed herewith. * * *

I have [etc.]

GEORGE T. SUMMERLIN.

[Inclosure—Translation—Extract.]

The friendly mediation of the Argentine, Brazilian and Chilean Governments in the conflict stirred up between the United States of America and the Government of General Huerta in the Republic of Mexico, which was so successful at the Niagara Falls conferences, has been an eloquent testimony of the solidarity spirit which governs the relations of the American peoples.

Inspired by the same sentiment of Pan-Americanism which led them to tender their good offices on that occasion, the Governments of these three Republics agreed upon an interchange of visits between their Ministers for Foreign Affairs in order to contribute by a public act of cordiality to the drawing closer of their relations.

In fulfilling this agreement the capital of the Republic has had the honor of receiving the Ministers for Foreign Affairs of Brazil and Argentina, Messrs. Lauro Müller and José Luis Murature; and the Minister for Foreign Affairs, Mr. Alejandro Lira, has visited Buenos Aires.

The enthusiastic and warm welcome which these three representatives met in Santiago and Buenos Aires is a frank manifestation that the diplomatic action of the Governments has faithfully interpreted the sentiment of the people, and that the policy of approximation so happily initiated is a solid guaranty of peace for the American Republics and of respect for their rights, the most vital of which is the integrity of the Continent.

As a practical result of this international act, a treaty between the three Republics was signed in Buenos Aires on the 25th of May last, destined to strengthen the cordial understanding which unites them and which establishes a formula, inspired by the Bryan Peace Treaty, for the solution of questions which might arise among them.

Upon the initiative of the Government of the United States, our Government raised its diplomatic representation in that country to the rank of Embassy, and we continue to cultivate a constantly closer friendship with that country.

In order to increase the means of solving through juridical channels the differences that might arise between the nations, the Secretary of State of

the American Government, Mr. Bryan, submitted to the diplomatic representatives accredited in Washington a proposed treaty which was given the frankest acceptance by the Governments. Our Government, simultaneously with those of Argentina and Brazil, signed a treaty of this nature with the Government of the United States, which desired to invest this act with special solemnity.

We have signed a similar treaty with the Government of Uruguay.

RULES AND REGULATIONS FOR CABLE AND WIRELESS MESSAGES.

File No. 825.731/1.

Ambassador Fletcher to the Secretary of State.

No 574.]

AMERICAN EMBASSY,

Santiago, January 11, 1915.

SIR: I have the honor to enclose a copy, with translation, of Decree of the Chilean Government No. 6364, dated December 30, 1914, which orders all telegraphic, radio-telegraphic and telephonic apparatus, destined or not for public service, whose installation has not been duly authorized to be destroyed and forbids all telegraphic, cable, or radio-telegraphic companies, either governmental or private, to transmit communications in code language or cipher, excepting, however, the communications of diplomatic agents and banks providing they deposit their code with the Director General of Telegraph. All communications must be written in clear language in German, Spanish, French, English, Italian or Portuguese, and may not contain news regarding the situation, movements or operations of the ships of belligerent nations.

Some time before the issuance of this decree and during the incumbency of Mr. Salinas, the matter was several times informally discussed between him and myself and Mr. Castro, the Sub-Secretary, and I pointed out the inconvenience and annoyance to neutral commerce which would be caused by a decree applying to belligerents and neutrals alike. I also pointed out the inconvenience which would be caused if consuls were prevented from communicating with their diplomatic representatives and their governments in code. Both the Minister, Mr. Salinas, and Mr. Castro seemed to agree with the reasonableness of my observations.

The decree was signed on the 30th of December. On the 2d of January I again called on the Foreign Office and took up the matter with both the Minister and the Sub-Secretary. They explained that the decree had been prepared and issued in this comprehensive form, without exception of communications to and from neutral countries, in order to secure a more forceable effect and attract more serious attention, but that exceptions could and would be made later.

This decree very seriously interferes with our commercial and business relations with Chile, and I have received strong and energetic protests from practically all the leading American houses doing business in Chile, and I have addressed to the Minister for Foreign Affairs, under date of January 9, last, a note, of which I enclose copy and in which I embodied the complaints of the American business community.

I have followed up this note with a personal interview with the Minister to-day, and urged him as strongly as possible and with all

the arguments at my command to relieve our commerce from these restrictions. He agreed with me that Chile's responsibility in the matter of neutrality did not extend to other neutral countries and that the restrictions which I complained of should be removed, and promised to take up the matter immediately with the Minister of the Interior, with a view to having the decree amended. I have also spoken of the matter of the decree with a number of leading Senators and Deputies, who have promised to urge its amendment.

I am just now in receipt of a circular from the Foreign Office, transmitting printed copy of the decree and stating that the Minister of the Interior is preparing a new decree excepting consular communications from the scope of the decree. This circular, however, was prepared some days ago, and I am hoping to secure the exception of communications to and from neutral countries also.

I shall, at all events, continue my efforts to have these restrictions upon our commerce removed.

I have [etc.]

HENRY P. FLETCHER.

[Inclosure 1—Translation.]

Decree No. 6364.

MINISTRY OF THE INTERIOR,
Santiago, December 30, 1914.

Considering that, in accordance with the Radiotelegraph Conference of London, July 5, 1912, wireless-telegraph offices not authorized by the Government can not exist in the territory of a State;

Considering that Chile signed the 5th Convention of The Hague relative to the rights and duties of neutral powers in case of war;

In view of Articles 3 and 9 of the said Convention, which say the following:

Article 3. Belligerents are likewise forbidden to:

a. Erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with the belligerent forces on land or sea.

b. Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

Article 9. Every measure of restriction or prohibition taken by a neutral power in regard to the matters referred to in articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

IT IS DECREED:

1. The Intendentes and Governors of the Republic will proceed to dismantle the telegraphic, radio-telegraphic or telephonic apparatus destined or not for the public service, whose installation has not been fully authorized.

2. The telegraphic, cablegraphic or radio-telegraphic companies of the Government or private will not in the future accept, until a new order, for transmission communications which are written in code language or cipher.

3. From this rule are excepted the communications sent by diplomatic agents accredited in the Republic and those exchanged by the banks between their offices, providing that they deposit the key in the Directory General of Telegraphs.

Only communications written in clear language in German, Spanish, French, English, Italian and Portuguese, which do not contain notices regarding the situation, movements and operations of the ships of the belligerent nations, will be accepted.

Take note, communicate, publish and insert in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.
PEDRO N. MONTENEGRO.

[Inclosure 2.]

*Ambassador Fletcher to the Minister for Foreign Affairs.*AMERICAN EMBASSY,
Santiago, January 9, 1915.

No. 20.]

EXCELLENCY: Referring to the conversation I had the honor of having with your excellency on the 2nd instant, on the subject of the decree of the Supreme Government No. 6364, dated December 30, 1914, relating to telegraphic messages, etc., in which your excellency promised to study the question and relieve as far as possible innocent neutral commerce from any annoyances or inconveniences which might arise from the application of the new regulations, I have the honor to inform your excellency that I am in receipt of communications from practically all the leading American commercial establishments in Chile, complaining of the serious effect the decree is having upon our trade and asking me to use my good offices with your excellency to secure an amendment of the new regulations.

The inconveniences complained of are principally:

(1) Owing to the inability on the part of steamer agents to advise the movements of steamers by wire, grave inconveniences will be caused to the consignees and shippers of merchandise and the owners of the steamers, as it will be impossible to prepare for the loading or discharge of a steamer before her arrival, which in many cases will result in demurrage and loss of time and money to all parties concerned.

(2) The export of nitrate will be disorganized for, as the nitrate industry is at present conducted, it is necessary to exchange cables continually between the loading ports and Valparaiso as regards quantities shipped, payments of contracts and duties to be paid to the Government. An example of this difficulty is that on completion of a shipment of nitrate in the loading port both buyer and seller advise their representatives in Valparaiso that the shipment is completed. Payment is made in Valparaiso and the payment is then advised to the loading port when bills of lading are delivered. In all these cablegrams it will be necessary to mention the name of the ship, which we understand will cause them to be censored.

(3) It would be impossible to order payments by cable, which is a commercial operation that is daily taking place, for no commercial house will make a cable payment on a plain word cablegram owing to the danger of fraud.

(4) The secrecy necessary between business houses competing with each other as regards prices of merchandise could not be kept.

(5) A considerable additional expense would be imposed on commercial houses through the inability to shorten cablegrams by putting them into code, thus hindering the commerce of the country.

I desire also, with your excellency's permission, to refer to the fact that the decree as promulgated makes no exception of the official telegraphic communications of Consuls with their respective diplomatic representatives or their Governments, and that such a rule will seriously impede the transaction of the business of my Government.

From conversations I have had with your excellency's honorable predecessor and the Sub-Secretary, Mr. Castro, I was under the impression that the Consuls of neutral countries at least were not to be affected by the new regulations.

Relying upon that spirit of justice and the intelligent and active interest in all that concerns the trade of our two countries which characterize your excellency, I beg to ask your excellency to be kind enough to re-study and re-consider this decree in the light of its effect on legitimate neutral commerce and the official business of neutral Governments, and I allow myself to hope that your excellency may find means to harmonize Chile's duties as a neutral with the interests of other neutral nations, as well perhaps as her own, in free and unrestricted legitimate commercial interchange.

Accept [etc.]

HENRY P. FLETCHER.

File No. 825.731.

Ambassador Fletcher to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Santiago, January 12, 1915.

Chilean Government has issued a decree forbidding all code messages to [omission] except diplomatic to neutral as well as belligerent which seriously interferes with our commerce. Am trying to have neutral countries excepted. Would like to know whether the United States Government has forbidden code messages to neutral countries.

FLETCHER.

File No. 825.731.

The Secretary of State to Ambassador Fletcher.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1915.

Your January 12. United States does not censor cable messages either code or plain, but exercises censorship over radio messages and permits neutral code radio messages sent where codes furnished censors. This applies to neutral and belligerent countries.

BRYAN.

File No. 825.731/2.

Ambassador Fletcher to the Secretary of State.

No. 580.]

AMERICAN EMBASSY,
Santiago, January 30, 1915,

SIR: In continuation of my No. 574 of the 11th instant, on the subject of Decree No. 6364, imposing unnecessary and burdensome restrictions on telegraphic communications, I have the honor to report that a new decree (translation enclosed) has been issued which satisfactorily amends the first decree and eliminates the provisions thereof which affected adversely legitimate neutral commerce.

I have appropriately expressed to the Minister for Foreign Affairs my appreciation of his attentive consideration of and prompt action upon the Embassy's representations on this subject.

I have [etc.]

HENRY P. FLETCHER.

[Inclosure—Translation.]

MINISTRY OF THE INTERIOR,
Santiago, January 25, 1915.

The dispositions of Articles 2 and 3 of Decree No. 6364, of December 30 last, are modified in the following form:

1. The communications of diplomatic representatives and consular agents accredited in Chile can be transmitted and received in cipher or in code language without any restriction when there is reciprocity.

2. Private telegraphic communications, within the country or with neutral countries, may be exchanged in code language or cipher.

3. Private telegraphic communications, in cipher, with the belligerent countries may be made only by means of the codes A. B. C., fifth edition; Scott's Code, tenth edition; Bentley's Complete Phrase Code; Western Union Code; Leiber's Code, and those which the Government of Chile authorizes, providing that the sender gives to the corresponding administrative authority a translation of the telegram and he authorizes its transmission, placing his O. K. on the original cipher.

4. Private telegraphic communications, in cipher or not, which contain notices regarding the situation, movements or operations of the war or merchant vessels of the belligerent nations may not be transmitted; but the agents of steamship companies and commercial houses may transmit telegraphic communications in cipher or code language within the country or to neutral countries regarding the movement of steamers or merchant vessels.

Take note, communicate, publish and insert in the "Boletin de las Leyes y Decretos del Gobierno."

BARROS LUCO.
PEDRO N. MONTENEGRO.

File No. 825.731/1.

The Secretary of State to Ambassador Fletcher.

No. 217.]

DEPARTMENT OF STATE,
Washington, February 13, 1915.

SIR: The Department has received your No. 574 of January 11, in regard to the Chilean Government's decree of December 30, which orders the destruction of all telegraphic, radiotelegraphic and telephonic apparatus the installation of which has not been officially authorized, and forbids all telegraph, radiotelegraph and telephone companies to transmit cipher or code messages, except for diplomats and banks whose codes shall have been deposited with the Director General of Telegraphs.

The Department approves your action in making repeated representations with a view to having the decree modified, which you state have resulted in the Government's deciding to exempt consular messages, and may also lead to the exception of communications from and to neutral countries.

I am [etc.]

W. J. BRYAN.

File No. 825.731/2.

The Secretary of State to Chargé Summerlin.

No. 219.]

DEPARTMENT OF STATE,
Washington, March 11, 1915.

SIR: The Department has received the Ambassador's No. 580, of January 30, transmitting a translation of a decree regulating telegraphic communications, amendatory of the objectionable decree No. 6364, a copy of which was enclosed with his No. 574, of January 11.

The Department approves Mr. Fletcher's action in making the frequent representations which resulted in the modification of the requirements of the original decree.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.