COLOMBIA.

RELATIONS BETWEEN COLOMBIA AND PANAMA.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, January 7, 1905.

Mr. Russell reports that the Colombian Government desires to arrange with the United States a settlement of pending questions on the following terms:

First. The consent of the United States to submit the question of the independence of Panama to a plebiscite. If this is not agreed to, and if Panama should be recognized by the Colombian Government, then,

Second. An agreement to celebrate a treaty of friendship, commerce, and navigation with Panama.

Third. Settlement by arbitration of all questions not disposed of in said treaty.

The Acting Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 9, 1905.

(Mr. Loomis informs Mr. Russell that in view of the fact that the Government of Panama has been thoroughly established and has been recognized by the civilized nations of the world it is not now regarded as competent to submit to a plebiscite the question of its independence.

The celebration of a treaty of friendship, commerce, and navigation between Colombia and Panama will be pleasing to the President, as well as the settlement by arbitration of all questions not disposed of in said treaty.)

MESSAGE OF THE PRESIDENT OF COLOMBIA TO THE COLOMBIAN CONGRESS.

Minister Russell to the Secretary of State.

No. 29.]

AMERICAN LEGATION,
Bogotá, March 16, 1905.

SIR: I have the honor to inform you that the National Assembly was opened here yesterday with much pomp and ceremony. The diplomatic corps in uniform marched with the President from the palace to the senate chamber through lines of the national troops drawn up on each sidewalk and sat in the diplomatic gallery through the reading of the President's message. I inclose herewith a copy of said message with the parts marked that are of interest to the United States, and translations thereof.

I am, etc.,

WILLIAM W. RUSSELL.

239
Colombia's relations with all the countries with which she cultivates friendship are cordial, and from all of them the government has received, through the diplomatic representatives accredited in this capital, not only assurances of their kindly feelings toward us, but also the satisfaction with which they view the unanimous effort of the nation to put an end forever to the fratricidal strife which for nearly a century have sapped its energies and to enter upon the paths of prosperity and grandeur.

For the purpose of settling pending boundary and commercial questions with Venezuela and Brazil diplomatic ministers have been accredited to these two Republics. The one appointed for Venezuela is already in Caracas, and the one who is to represent us in Brazil will leave shortly for his post.

We trust that our neighbors will recognize and grant the justice we ask of them, and in regard to Peru and Brazil we also trust that our rights will be recognized in that vast and rich region of the Amazon, explored and made known to the world by Colombians more than by any others, and of which exploring party I had the honor to be chief, as is shown in the report which, in the name of Colombia and as its representative, I presented to the Second International American Congress of Mexico. Said congress ordered a bronze tablet to be made in memory of my two brothers with this inscription:

"The delegates to the Second International American Congress assembled in Mexico in 1901 and 1902, to Nestor and Enrique Reyes, killed in the service of American civilization."

Pardon me for making reference to facts which concern me personally, but I consider very important this resolution of the International Congress of Mexico as a moral title of great value, which is in addition to the legal titles which Colombia holds to the land washed by the Putumayo and Caquetá, unknown deserts when my brothers and I explored them, and which to-day are known to the world and mapped, due chiefly to said explorations which were extended to the greater part of the immense tract washed by the Amazon and its tributaries.

There has been lately appointed a minister plenipotentiary to the Government of the United States, and who will soon leave for his post for the purpose of endeavoring to arrange pending questions with that country growing out of recent events on the Isthmus of Panama. Faithfully interpreting the national sentiment, the government believes that it is contrary to the interests of the Republic to postpone indefinitely the solution of these questions, and consequently the necessary instructions will be given to the minister who has been appointed to discuss said questions with a due regard, in the first place, to the honor and dignity of the country, and in the second place to its economical and material interests. If our minister, in whose patriotism and capacity the government has full confidence, should succeed in celebrating a treaty under such conditions, said treaty will be submitted to your consideration in accordance with the requirements of the constitution.

We should not lose sight of the fact that the opening of the Panama Canal will be an efficacious and powerful aid in every sense to the development and progress of the nation, as we are the most favorably situated to reap the benefits from this gigantic undertaking.

The departments of Cauca and of the Atlantic coast give proof of this assertion, in view of the great increase in their commerce during the works of the old French company from 1880 to 1888.

ARBITRATION OF BOUNDARY DISPUTE BETWEEN COLOMBIA AND ECUADOR.

Minister Russell to the Secretary of State.

No. 30.] American Legation, Bogotá, March 20, 1905.

Sir: I have the honor to inclose herewith text and translation of a treaty concluded between Colombia and Ecuador for the settlement of their pending boundary dispute.

I am, etc.,

William W. Russell.
Treaty of arbitration as to boundaries between Colombia and Ecuador, signed by their respective plenipotentiaries in Bogotá, November 8, 1864.

The Republics of Colombia and Ecuador, desirous of carrying out the provisions of article 26 of the treaty of July 9, 1856, in order to strengthen the bonds of friendship which happily unite them, have seen fit to celebrate a convention for settling their pending boundary questions, and for this purpose have named their respective plenipotentiaries, as follows:

Colombia, its envoy extraordinary and minister plenipotentiary in Spain, Don Julio Betancourt, invested with the functions of special plenipotentiary for everything in regard to boundaries; and Ecuador, its envoy extraordinary and minister plenipotentiary in Colombia, Gen. Julio Andrade.

Who, after having presented their full powers, which were found to be in due form, have agreed as follows:

**Article 1.**

The Governments of Columbia and Ecuador submit to the absolute unappealable decision of His Majesty the Emperor of Germany and King of Prussia the pending question of boundaries between the two Republics.

**Article 2.**

Both governments, through their plenipotentiaries, shall request His Imperial Majesty to accept immediately after exchange of ratifications of this treaty.

**Article 3.**

Within fifteen months from the date on which the august arbiter shall notify the interested parties of his acceptance, the plenipotentiaries of the latter shall present the memorials containing the claims of their respective governments and the documents in support of said claims.

**Article 4.**

After the termination of the above-mentioned fifteen months the interested parties can present no further memorials or documents, except those which the august arbiter may deem necessary to throw light upon the points at issue.

**Article 5.**

The two governments interested agree that an ocular inspection shall be made of the territory in dispute if the august arbiter shall deem this necessary.

**Article 6.**

Ecuador and Colombia acknowledge that the principal bases for a determination of their rights in this arbitration are as follows:

(a) The Colombian law of June 24, 1824, in regard to territorial division.
(b) The treaty of peace of September 22, 1829, between the old Republic of Colombia and Peru; and
(c) The treaty of July 9, 1856, in so far as it is binding between the Republics of New Granada (now Colombia) and Ecuador; without prejudice to any additional historic-juridical antecedents which the parties in interest may see fit to cite and which are not at variance with the three above-mentioned bases.

**Article 7.**

For the purpose of this arbitration Ecuador establishes the fact that the territory of the eastern section from the course of the river Napo to that of the Caquetá or Yapura is not included in the arbitration which Ecuador and Peru submitted to His Majesty the King of Spain by treaty of August 1, 1887.

**Article 8.**

Before the arbitral award is given both parties can arrange, by direct negotiation, any or all of the points at issue, and if said negotiations become effective in the form of public treaties the august arbiter shall be notified and the arbitration shall be considered as concluded or shall be limited to the points not agreed upon.
ARTICLE 9.

In the unexpected event that His Majesty the German Emperor does not accept the appointment as arbiter, the President of the United States of Mexico shall be chosen, and in no other particular shall the provisions of this convention be changed.

ARTICLE 10.

The expenses of the arbitration shall be borne by Colombia and Ecuador equally.

ARTICLE 11.

This treaty approved in accordance with the constitutional provisions in both Republics shall be exchanged in Bogotá or in Quito within as short a time as possible.

In virtue of which the undersigned plenipotentiaries have signed and sealed with their respective seals in Bogotá this 5th day of November, 1904.

[Seal.]

JULIO BETANCOURT.

[Seal.]

JULIO ANDRADE.

SETTLEMENT OF THE CLAIM OF THE COMPAÑÍA FLUVIAL DE CARTAGENA ET AL. AGAINST COLOMBIA.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, March 21, 1905.

(Mr. Russell reports that the claim of the Compañía Fluvial de Cartagena et al. against the Government of Colombia has been settled by that government by an offer of $475,000 in bonds, which was accepted by the agent of the companies.)

Minister Russell to the Secretary of State.

No. 34.]

AMERICAN LEGATION,
Bogotá, March 22, 1905.

Sir: Referring to my cable of yesterday in regard to the settlement of the claim of the Cartagena company, I have the honor to state that the terms of the settlement were the very best that could be obtained, and the Government of Colombia has acted in a very fair and equitable manner in regard to this matter. The minister for foreign affairs when he authorized me to summon Mr. Ford, the general manager, to Bogotá, assured me that he intended to examine the question very thoroughly and make a definite offer of settlement. The negotiations have been conducted at the foreign office between the minister for foreign affairs, Don Climaco Calderón, Mr. Ford, the general manager of the companies, and myself. There has been no friction whatever during the discussions, and I must say that the Colombian Government has acted throughout with that spirit of fairness which resulted in an award so just and equitable to this American corporation. The bonds given are called vales de extranjeros, and their issue was authorized by law 27, of 1903, for the purpose of paying claims of foreigners arising from the last revolution, are redeemable at the custom-houses for the payment of duties to the extent of 8 per cent of the amount due, and bear interest at the rate of 6 per cent per annum.
I inclose for your information copy of a letter to me from Mr. J. T. Ford, general manager of the companies interested, which gives a detailed statement of the manner in which this claim was settled. I am especially pleased to place on record the fact that Mr. Ford, by his judicious and temperate attitude in the presentation and management of this matter, has greatly facilitated me in obtaining an amicable and equitable settlement of the claim in question.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.]

Mr. Ford to Minister Russell.

Bogotá, March 24, 1906.

DEAR Sir: In view of the successful termination of my business in the capital with results that I had not dared to hope for, when taking into consideration the delicate diplomatic relations that have lately existed between Colombia and the United States of America, I wish particularly to place on record in the name of the companies that I have the honor to represent my high appreciation of your distinguished ability in dealing with the case and your courteous treatment of me throughout the negotiations so happily concluded for the settlement of a claim of such magnitude, which, from its peculiar nature, may be described as bristling with difficulties and which, with careless handling, would unquestionably have produced disastrous consequences to myself as the principal actor in the unfortunate incidents of the late revolution which gave rise to our claims and forced me often to protect the interests of my companies with a degree of vigorous warmth that had already earned for me unjustly the reputation of enmity to Colombia; but still more were the interests of our companies themselves threatened with serious injury in view of their connection with the relations between Colombia and the United States, and further delay might easily have been injurious also to Colombia. In these circumstances, therefore, I wish to forward to our companies an official confirmation from you of certain salient facts in connection with our settlement that will satisfy them as to the bona fide of the whole transaction from the point of view of all parties concerned, while it will serve as a matter of record in the remote event, not to be anticipated, of any hesitation on the part of future governments in Colombia to faithfully carry out the redemption of the bonds I have accepted in payment of the claim, when we could with perfect propriety again appeal to the Government of the United States for its good offices in protection of the rights of its citizens which in this instance it has so ably given.

The facts I allude to are as follows:

1. The claims of the companies I represent were placed in the hands of the State Department for collection through the diplomatic channel after some abortive attempts to arrive at a full settlement under a previous administration of the Colombian Government.

2. On your assuming the duties of American minister at Bogotá you were encouraged at the possibilities of the new administration of the President, General Reyes, to suggest, and, with his consent and that of the State Department at Washington, to summon me to Bogotá as representative of the companies with a view to further efforts toward an amicable settlement instead of forcing an arbitration, both costly and long drawn out, which, in view of the late results in Venezuela and the complications arising therefrom, it was in every way most desirable to avoid in the interests of all parties concerned.

3. Our companies in accepting this proposal did not therefore act independently of the State Department or take the matter out of your hands, but made use of your good offices to such an extent that you were personally a witness at every interview between myself and his excellency the minister of foreign affairs, Don Clifamco Calderon R., until the final conclusion of the settlement on the 21st of March, and that the Government of the United States, to the extent that these facts may show, has been throughout a party to the transaction.

4. That the terms of the settlement are as follows: $475,000 American gold in bonds of the Colombian Government, issued under law 27 of 1903, bearing interest at the rate of 6 per cent per annum, and redeemable as cash payment of customs duties to the extent of 8 per cent of any or all such duties until finally liquidated.

5. That the settlement was for a sum on bloc, taking into consideration the possible depreciation in the value of the bonds to be received and with no admission whatever either by yourself or myself of the contentions often advanced by his excellency the minister of foreign affairs that the Government of Colombia was not responsible for the damages due to the acts of revolutionary forces after granting amnesty, notwithstanding the fact that on the part of the said minister the sum of the settlement as agreed by him may have been so divided from the items of the original claim papers in full.
6. That, furthermore, in view of such acceptance by me of a settlement without any payment in cash, it was agreed by the minister of foreign affairs that orders would be given to the respective departments that the previous obligations of the government for the payment of certain sums monthly to the company for delayed subvention bonds and balance outstanding for current and past services be faithfully continued or resumed in accordance with the terms of such previous agreements.

With due apologies for the length of this letter and hoping that you will comply with my request by a letter confirmatory of the above record of simple but important facts,

I have, etc.,

J. T. Ford,
Legal Representative C. T. I. Co., C. M. Rwy. Co. and Cia. F. de C.

Chargé Snyder to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, July 11, 1905.

(Mr. Snyder reports that a decree has been issued by the Government of Colombia prohibiting the receipt in custom-houses of vales extranjeros, which practically annuls the claims of citizens of the United States.)

Chargé Snyder to the Secretary of State.

No. 78.] AMERICAN LEGATION,
Bogotá, August 8, 1905.

Sir: Referring to my telegram of July 11, 1905, regarding the decree of the Colombian Government refusing to further receive the vales de extranjeros in the custom-houses of the Republic, I have the honor to inform you that owing to the representations of this and the other interested legations said decree, in as far as it concerned the payment of vales and railroad exemption bonds, was revoked on the 26th of July by resolution No. 27 of the ministry of hacienda.

The matter, therefore, remains satisfactorily adjusted.

I am, etc.,

ALBAN G. SNYDER.

Chargé Snyder to the Secretary of State.

No. 90.] AMERICAN LEGATION,
Bogotá, October 10, 1905.

Sir:

I have the honor to inform you that in the past week, largely due to the personal efforts of the minister for foreign affairs, all matters at issue between the Cartagena companies and the Colombian Government were finally settled.

While the decree of the minister of finance regarding the non-receipt of the vales de extranjeros was revoked, as reported in my No. 78 of August 3, 1905, many inconveniences were put in the way of these companies by the customs officials of Cartagena and Barranquilla until an explicit order was sent from the ministry for foreign affairs that they cease.
Likewise, on the 7th instant, the last payment, then two months past due, was made by the government on the contract entered into about a year ago between said companies and the Colombian Government, through this legation, for the payment, in monthly installments, of the sum of $50,000, due said companies for services rendered the government during the last revolution.

I am, etc.,

ALBAN G. SNYDER.

PRESENTATION OF CREDENTIALS BY THE COLOMBIAN MINISTER.

The Colombian Minister to Acting Secretary of State Loomis.

[Translation.]

LEGATION OF COLOMBIA,

Washington, May 27, 1905.

The chargé d'affaires ad interim presents his compliments to the Assistant Secretary of State in charge of the Department and has the honor to inclose a copy of the address which Dr. Diego Mendoza will have the honor to deliver upon his presentation to the President of the Republic.

[Inclosure.—Translation.]

Mr. President: I have the honor to place in Your Excellency's hands the letter of the President of the Republic of Colombia, which accredits me as his envoy extraordinary and minister plenipotentiary.

The circumstances under which it has devolved upon me to come and discharge near your government the duties of the mission with which I am intrusted will not offer insuperable obstacles to the settlement of the questions pending between the two countries, in reliance on Your Excellency's amicable and justice-loving cooperation and the sentiments of mutual friendship which unite the people of Colombia to the people of the United States.

I am glad to convey to Your Excellency on this occasion the wishes of the President of Colombia for your personal happiness and the prosperity of your country.

And with the hope that my acts will be received with good will by your government, I commend myself, most Excellent Sir, to the hospitality of the United States.

The Acting Secretary of State to the Colombian Minister.

No. 1.]

DEPARTMENT OF STATE,

Washington, May 29, 1905.

Sir: I have the honor to inclose herewith for your use a copy of the President's reply to the remarks made by you this afternoon on the occasion of the presentation of your letters of credence as envoy extraordinary and minister plenipotentiary of Colombia near this government.

Accept, etc.,

F. B. LOOMIS.

[Inclosure.]

Mr. Minister: I am glad to welcome you to Washington and to receive from your hands the letters whereby you are accredited to this government in the quality of envoy extraordinary and minister plenipotentiary from Colombia.
The United States has no other wish than to cultivate and maintain with Colombia the 
most cordial relations and to conduct its intercourse with that country with equity and jus-
tice; and I know of no existing circumstances that could affect my sincere desire to preserve 
and increase in all honorable ways the friendship and good understanding between the two 
governments and peoples. I count, Mr. Minister, on your cooperation to this end.

I beg that you will convey to President Reyes an expression of my thanks for his courteous 
message and assure him of my best wishes for his personal welfare and the happiness and 
prosperity of the Colombian people.

MURDER OF JOSEFF OTTO IN COLOMBIA.

Charge Snyder to the Secretary of State.

No. 61.]

AMERICAN LEGATION,
Bogotá, June 29, 1905.

SIR: I have the honor to inclose herewith copy and translation of a 
telegram just received by me in reference to the murder of one Joseff 
Otto, American citizen, in the town of Segovia, Colombia, together 
with copy of my note to the minister of foreign affairs on the subject. 
I am, etc.,

ALBAN G. SNYDER.

[Inclosure.]

Chargé Snyder to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Bogotá, June 29, 1905.

Mr. Minister: I have the honor to inform your excellency that the following telegram was 
received by me last night, June 28:

SEGOVIA, June 13,
REMEDIOS, June 14, 1905.

Mr. Joseff Otto, American citizen, was murdered on the 11th of this month. He was 
marrried less than a month and left properties and pending business. I advise you for legal 
effects. Please acknowledge receipt.

VESPAIANO ZEA J., Alcalde.

The Federal government is hereby respectfully requested to make a full investigation of 
this homicide and to use its influence and authority to effect the immediate apprehension of 
the guilty person or persons and an early and just trial, and, further, that this legation be 
fully informed of all the circumstances of the occurrence and the steps taken by the authorities. 
I take, etc.,

ALBAN G. SNYDER.

Chargé Snyder to the Secretary of State.

No. 62.]

AMERICAN LEGATION,
Bogotá, July 4, 1905.

SIR: Referring to my No. 61 of June 29, 1905, I have the honor to 
send you herewith copy and translation of a note received from the 
minister for foreign affairs in answer to my note of June 29, 1905. 
I am, sir, etc.,

ALBAN G. SNYDER.
COLOMBIA.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Snyder.

REPUBLIC OF COLOMBIA,
MINISTRY FOR FOREIGN AFFAIRS,
Bogotá, June 30, 1905.

Sir: In your note of the 29th of this month your honor has seen fit to transmit to me a telegram from the alcaldé of Segovia, Department of Antioquia, informing you that Joseff Otto, citizen of the United States, was murdered on the 11th of said month.

By telegram of this date the government of Antioquia has been ordered to take summary measures, if they have not already been taken, against those responsible for the crime, and that the necessary measures be taken in accordance with the law and consular convention between this Republic and the United States, to place in security the effects left by the deceased; and that information be given to this office of all the circumstances of the case in order that they may be forwarded to your honor.

I improve, etc.,

CLIMACO CALDERÓN.

The Acting Secretary of State to Chargé Snyder.

No. 31.] DEPARTMENT OF STATE,
Washington, August 11, 1905.

Sir: I have to acknowledge the receipt of your No. 82 of July 4 last, reporting the murder of an American citizen, Joseff Otto, in the Department of Antioquia.

In reply I have to say that the Department is gratified to see that the Colombian Government is taking appropriate measures to secure the apprehension of the perpetrators.

The report of the circumstances of the case is awaited by the Department.

I am, etc.,

F. B. LOOMIS.

Chargé Snyder to the Secretary of State.

No. 82.] AMERICAN LEGATION,
Bogotá, August 15, 1905.

Sir: Referring to my No. 61 of June 29, 1905, I have the honor to transmit herewith copy and translation of a note received from the minister for foreign affairs relative to the murder of Joseff Otto.

I am, etc.,

ALBAN G. SNYDER.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Snyder.

REPUBLIC OF COLOMBIA,
MINISTRY FOR FOREIGN AFFAIRS,
Bogotá, July 24, 1905.

Sir: Referring for the second time to your note of June 29 last, I inform your legation of the following dispatch received by telegraph from the governor of the Department of Antioquia:

"MEDELLÍN, July 17, 1905.

"MINISTER FOR FOREIGN AFFAIRS: Relative to the murder of the foreigner, Joseff Otto, I transmit the following telegram:


I improve, etc.,

CLIMACO CALDERÓN.
RELATIONS BETWEEN COLOMBIA AND VENEZUELA.—REQUEST FOR THE GOOD OFFICES OF THE UNITED STATES IN ADVOCATING THE PRINCIPLE OF THE FREE NAVIGATION OF RIVERS COMMON TO NEIGHBORING COUNTRIES.

The Colombian Minister to the Secretary of State.

[Translation.]

LEGATION OF COLOMBIA,
New York, July 5, 1905.

Mr. Secretary: The minister of foreign relations of Colombia handed to the most excellent Mr. William W. Russell, envoy extraordinary and minister plenipotentiary of the United States at Bogotá, under date of May 23 last, a memorandum concerning the relations between Colombia and Venezuela, and the navigation of the rivers common to both countries.

In that document the minister of foreign relations summarized, with full precision, the history of the commercial relations between Colombia and Venezuela, and presented a clear statement of the present status of the question. From the time when the award which decided the boundary dispute between the two countries, the minister says, the policy of Venezuela in matters relating to the transit trade of Colombia and the navigation of the common rivers has been marked by a conspicuous spirit of hostility toward Colombia, and true it is. To the mind of all those interested in the free navigation of rivers, the attitude of Venezuela is governed by a spirit which is not exactly that which is necessary for the promotion and development of pacific relations among nations. Neither logical arguments nor historic precedents, such as those submitted by the Colombian chancellery to the Government of Venezuela for the recognition by the latter of the principle of free trade over the natural waterways placed by God at the disposal of all nations, have availed.

The minister of foreign relations in the above-mentioned memorandum most appropriately recalls the brilliant debate conducted by the Government of the United States against the Governments of Great Britain and Spain in regard to the navigation of the St. Lawrence and Mississippi rivers and the splendid triumph achieved in the cause of universal progress when the principle of free navigation was sanctioned by the treaties that terminated the controversy.

I venture to supplement the facts recalled by the minister of foreign relations of Colombia as decisive arguments in favor of the principle that Colombia consecrated years ago by her laws and wished to have consecrated by her international compacts for the mutual advantage of the people of Colombia and of Venezuela, with another precedent that I consider quite fitting and directly applicable to the matter dealt with in this note.

In 1851 Mr. J. Randolph Clay, minister of the United States to Peru, concluded a treaty by which Peru granted to citizens of the United States the right to establish steamship lines on the rivers of Peru. That treaty was not approved by the Congress of Peru.

The American expedition of Messrs. Herndon and Gibbon, of the Navy of the United States, to explore the Amazon River, induced the Government of Brazil to negotiate with Peru and Bolivia treaties excluding citizens of the United States from the navigation of the Amazon and South American trade, and a treaty was, in fact, drawn
up on the 23d of October, 1851, between Peru and Brazil, by which it was stipulated that the navigation of the Amazon was the exclusive property of the riparian states. The minister of the United States, Mr. Clay, who had knowledge of this convention, endeavored to frustrate the designs of Brazil both with Peru, which had just concluded the treaty, and the Government of Bolivia. Of the latter he obtained that it would open to the whole world its rivers and navigable waters. He also succeeded in securing the cooperation of the Governments of New Granada (now Colombia) and of Ecuador to the same end.

The action of the representatives of the United States in regard to the navigation of the Amazon did not solely bear on the right of navigation that might appertain to the riparian states, but also embraced the right to navigate its waters that might be claimed by non-riparian countries. If Mr. Clay had confined his efforts to an acceptance of the principle of the free navigation of the Amazon by the co-owners of that river, the treaty of October, 1851, between Peru and Brazil, although intended for the two contracting parties, would have met the liberal aspirations of that diplomatist. On the basis of that convention the other countries watered by the Amazon River could have sanctioned the principle of freedom in the conventions they might subsequently conclude on so important a subject. But Mr. Clay did not stop at the clauses of the treaty here referred to. The representative of the United States had broader horizons in view; he desired for all nations the generous and fruitful policy of free commerce.

The representative of Brazil at Washington sought the views of the Government of the United States with special reference to the scientific expedition of the above-named Herndon and Gibbon. Mr. Marcy, then Secretary of State, made the following declaration in 1853 to the minister of Brazil:

"I permit myself to entertain the hope that the Government of Brazil, actuated by an enlightened regard for the interests of the Empire, will strive by all proper means to develop its vast resources. It appears to me that no measure would be more certain to obtain this result than the removal of unnecessary restrictions upon the navigation of the Amazon, and especially to the passage of vessels of the United States to and from the territories of Bolivia and Peru watered by that river and its tributaries. It is to be hoped that by means of treaty stipulations those advantages may be secured to citizens of the United States."

The Government of the United States was no less interested than its Minister Clay in the solution of this problem. President Pierce, in his message to Congress in 1853, said:

"Considering the vast regions of this continent and the number of states which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restricted in regard to the use of this river as to obstruct and nearly exclude foreign commercial intercourse with the states which lie upon its tributaries and upper branches. Our minister to that country was instructed to obtain a relaxation of that policy and to use his efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American
States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their cooperation in the measure."

President Pierce made remarks of a more general character in the document above referred to, and my purpose in alluding to the latter is to point out that precedents in Europe, as well as in America, show that the international policy of the United States had for its aim the liberty of commerce on the rivers watering the territory of more than one country.

Untiring in his efforts, Minister Clay signed with the Government of Bolivia the treaty of 1850, in which Article 28 reads as follows:

"In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit and invites commercial vessels of all descriptions, of the United States and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending or descending as far as the ocean."

The great interests of European countries and the United States that have in recent years grown up touching the trade with the Latin-American countries, which, owing to the extremely rich nature of their soil, are destined to become a likely field of noble activity and competition for all nations, are a fact well worthy of the earnest consideration of statesmen.

The government, whose spokesman I am, ventures to offer to the Government of the United States the suggestion that it may be expedient to join in its efforts to secure from the present Government of Venezuela, by persuasive methods, the solemn and everlasting recognition of the principle of the free navigation of the international rivers that flow in part through its territory for the mutual advantage of the people of Colombia and that of Venezuela, as well as for the general advantage of mankind.

It would be desirable, and I would ask that it be done if this note were favorably received by the Government of the United States, that the American minister at Caracas be appropriately instructed in the sense of declaring on behalf of the commercial interests of the citizens of the United States his desire that the Government of Venezuela make the navigation of the Zulia and Orinoco rivers free, and urging, by persuasion, that the principle be solemnly consecrated in its public treaties. My government will join in such an action, which comes within its traditional policy in the matter, and will interpose no obstacle or delay to the meeting of an international mixed commission for the framing of regulations concerning the use of the above-named rivers without detriment to the legitimate interests of the countries through which they flow.

Colombia harbors no ill will toward any nation, and especially toward Venezuela, to which it is bound by ties that can not be broken.

I embrace, etc.,

Diego Mendoza.
The Acting Secretary of State to the Colombian Minister.

No. 4.]

DEPARTMENT OF STATE,
Washington, August 5, 1905.

SIR: I have to acknowledge receipt of your note of the 5th ultimo, informing me of the substance of a memorandum handed to Mr. Russell prior to his departure from Bogotá by the minister for foreign affairs of Colombia regarding the commercial relations between Colombia and Venezuela and inviting the good offices of the United States to urge upon Venezuela the recognition of the free navigation of rivers.

Mr. Russell duly presented to the Department the communication to which you refer, and the subject has had attentive consideration.

The principle of the free navigation of rivers has been advocated by the United States and maintained in its relations with its neighbors for many years. This government is ready, therefore, to use its good offices in the sense requested, and Mr. Russell has been instructed upon arriving at his new post in Venezuela to take advantage of fitting occasion to express to the minister for foreign affairs the great satisfaction with which the United States would view the adoption and proclamation by Venezuela of the general principle of the free navigation of rivers and fluvial arteries of communication common to neighboring countries.

It is of course to be understood that in touching upon this matter this government does not seek to intervene or mediate in any way in the relations between Colombia and Venezuela, but is merely interested in the universal recognition of a policy beneficial to the commerce of the world.

Be pleased, etc.,

ALVEY A. ADEE.

The Acting Secretary of State to Chargé Snyder.

No. 29.]

DEPARTMENT OF STATE,
Washington, August 5, 1905.

SIR: On July 25, 1905, while in Washington, Mr. W. W. Russell addressed to the Department a dispatch reporting interviews last winter with the Colombian minister for foreign affairs concerning the strained relations between Colombia and Venezuela, growing out of the closing of the Orinoco to Colombian commerce, and transmitting a memorandum handed to him by Señor Calderon just prior to Mr. Russell’s departure from Bogotá, bespeaking the good offices of the United States to urge upon Venezuela the recognition of the principle of the free navigation of rivers. This matter was also presented to the Department by the Colombian chargé d’affaires at this capital in a note of the 5th ultimo.

The subject has been given consideration, and Mr. Russell is instructed, after arriving at his new post at Caracas, to take advantage of a favorable occasion to express to the Venezuelan minister for foreign affairs in a friendly way the great satisfaction with which the United States would view the adoption and proclamation by Venezuela of the general principle of the free navigation of rivers and fluvial arteries of communication common to neighboring countries. This principle the United States has advocated and in its relations
with neighboring States maintained for many years. Mr. Russell is
instructed to make it plain that this government in touching upon
this subject does not seek to intervene or mediate in any way in
the relations between Colombia and Venezuela, but is merely inter-
ested in the universal triumph of a principle beneficial to the world's
commerce.

I am, etc.,

Alvey A. Adee.

Minister Barrett to the Secretary of State.

No. 16.]

American Legation,
Bogotá, December 13, 1905.

Sir: Although the Department may have been informed fully by
the American minister in Caracas about the negotiations recently con-
ducted there in regard to the relations of Colombia and Venezuela, I
have the honor to report briefly on the matter as given out officially
here.

It will be remembered that a few months ago the President of Vene-
Zuela refused to receive a special envoy of Colombia sent to Caracas to
reopen diplomatic relations which were broken off some time ago on
account of troubles of the boundary and the navigation of the upper
waters of the Orinoco. When the Colombian envoy retired another
man by the name of Dr. J. Ignacio Díaz Granados was sent to Caracas
as a confidential agent of President Reyes to look over the situation
and try to pave the way for a better understanding.

Doctor Granados, after working quietly but effectivély for several
months, has at last signed an agreement or protocol with Doctor
Rafael López Baralt, confidential agent of Venezuela, by which it is
agreed that past differences between the two nations are forgotten, that
both shall send to the respective capitals ministers plenipotentiary and
envoys extraordinary, and that a new treaty of amity, commerce, and
navigation shall be negotiated. The initial framing and principal dis-
cussion of the treaty will take place at Caracas between Gen. Ben-
jamin Herrera, a distinguished liberal of Colombia, who will be named
as Colombian envoy, and the plenipotentiary of Venezuela yet to be
named or the minister of foreign affairs.

The importance of this announcement and of the coming negoti-
ations is emphasized greatly by the fact that there is a very serious dif-
ference between the two countries over the boundary and that Colom-
bian commerce has suffered acutely through the practical closing to
Colombian navigation and trade by Venezuela of the Orinoco, whose
upper waters or tributaries flow through or into large and resourceful
sections of Colombia. As a number of Americans have legitimately
operated in the trade of this district and upon these rivers, the United
States is indirectly concerned in the results to be obtained by the nego-
tiation of this new treaty.

I have, etc.,

John Barrett.
AMENDMENTS OF THE NATIONAL CONSTITUTION OF COLOMBIA.

Chargé Snyder to the Secretary of State.

No. 69.]                     AMERICAN LEGATION,  
                             Bogotá, July 22, 1905.

SIR: I have the honor to transmit herewith copy and translation of  
a general act additional and reformatory of the national constitution  
passed by the national assembly of Colombia during its sessions of the  
present year.

I am, etc.,                            ALBAN G. SNYDER.  

[Inclosure.—Translation.]  
A general act additional and reformatory of the national constitution.

In the name of God, the Supreme Fountain of all authority.

The members of the national constitutional and legislative assembly for the departments of Antioquia, Bolivar, Boyaca, Cauca, Cundinamarca, Magdalena, Narino, Santander, and Tolima:

Considering Decree No. 29 of February 1, 1905, by which a national assembly is convoked and the various drafts of acts reforming the national constitution presented by the executive government during the sessions of the national assembly and agreed to by this body;

And in order to unite all the partial acts of constitutional reform into one sole act or official instrument, we have decided to compile and sign said reform in the present general act, adding to and reforming the national constitution as follows:

Reformatory act No. 1 of March 27, 1905.

ART. 1. The magistrates of the supreme court of justice will serve for a term of five years, and the judges of the superior tribunals of the judicial district will serve four years.

ART. 2. The first term of the supreme court judges will commence on May 1st of the present year, and that of the judges of the district supreme tribunals from the 1st of June of the present year.

PARAGRAPHER. Said magistrates may be elected indefinitely.

ART. 3 (transitory). The first time, the President of the Republic will appoint, at his discretion, the judges of the supreme court and of the superior tribunals, and shall submit their appointments for the approbation of the Senate.

Reformatory act No. 2 of March 28, 1905.

ART. 1. Hereafter the legislative bodies shall meet in ordinary sessions of their own right in the capital of the Republic every two years, on the 1st day of February.

ART. 2. The ordinary sessions shall last for ninety days, upon the conclusion of which the government shall declare the sessions closed.

ART. 3. After the passage of this reformatory act the first constitutional Congress will meet on February 1, 1905, which will be the initial date for the subsequent meetings of said body.

ART. 4 (transitory). In the meantime, until the meeting of the first Congress treated of in the preceding article the present national assembly shall continue to exercise the legislative functions in extraordinary sessions, which the constitution gives to Congress and the Senate and Chamber of Representatives separately.

ART. 5 (transitory). Before the date of meeting of the first constitutional Congress the national assembly shall again exercise its legislative functions, when the government may convene it in extraordinary sessions.

Reformatory act No. 3 of March 30, 1905.

ART. 1. The law will change the territorial division of the whole Republic by forming the number of departments that may be deemed proper for the public administration.

ART. 2. It will also separate municipal districts from existing departments or from those which may be formed, in order to organize or administer them according to special laws.

ART. 3. The law-making body will determine the population which is to correspond to each department in the new territorial divisions. It will distribute among them the property and charges and will determine the number of senators and representatives and also the manner of electing them.

ART. 4. Articles 5, 6, and 76 of the constitution are hereby reformed.
Reformatory act No. 4 of March 30, 1905.

 Sole article. Let article 204 of the constitution be abolished.

Reformatory act No. 5 of March 30, 1905.

Art. 1. Upon the passage of this act the offices of Vice-President of the Republic and "designado" to exercise the executive power are abolished.

Art. 2. In case of temporary absence of the President the minister whom he may designate shall replace him, and in the absence of ministers on whom this designation may fall the governor of the department nearest to the capital of the Republic will be charged with the executive power.

Art. 3. In case of vacancy of the Presidency the minister whom the cabinet by a clear majority may elect shall be substituted for him, and if the minister should be absent then the governor of the department nearest the capital of the Republic.

§ 1. Whoever is in charge of the executive power shall immediately call the national assembly, and, after the termination of the sessions of this body, the Congress, in order that it may proceed to elect the citizen to replace the President for the unexpired term within the 60 days following.

§ 2. When only a year or less remains of the unexpired term, whoever is exercising the executive power shall continue to the expiration of the term, calling the election for President according to the constitution.

§ 3. If, from whatever cause, the minister who may have been made acting President is absent, the cabinet shall proceed to make a new selection.

§ 4. The citizen provisionally occupying the Presidency according to Article 3 of this act can not be elected by the national assembly or Congress for the remainder of the term.

The person exercising the functions of President in the last six months preceding the election of the new President likewise can not be elected for this office.

Art. 4. The only absolute vacancy of the Presidency is through the death of the President or his accepted resignation.

Art. 5. The present Presidential period, only good during the administration of General Reyes, shall be ten years, from January 1, 1905, to December 31, 1914.

In case General Reyes has occupied the Presidency during his full term, the term of the one who regularly succeeds him shall be four years, and this shall be the term of all subsequent administrations.

Art. 6. Articles 74, 102, 108, 114, 120 (ordinal 9), 127, 136, and 174 of the constitution are hereby reformed, and Articles 77, 124, 125, 128, 129, 130, and 131 of the same, and any others whatever contrary to the present reformatory act, are abolished.

Reformatory act No. 6 of April 5, 1905.

Sole article. In times of peace no one shall be deprived of his property, in whole or in part, except in the following cases and according to the following expressed conditions:

For general contribution.

For motives of general utility defined by the legislature, a previous indemnization having been made, except in the opening and construction of lines of communication, in which cases it is supposed that the general benefit accruing to the lands involved balances the value of the strip of land necessary for the road; but if it shall be proved that said strip is worth more, then the difference shall be paid.

Reformatory act No. 7 of April 8, 1905.

Art. 1. The departmental assemblies are charged with the direction and fostering of the primary instruction and charitable undertakings by means of ordinances and the resources of the department itself; the established industries or those to be established; the colonization of the public lands pertinent to the department; the opening up of roads and navigable canals and the working of the forests within the department; the management of the local police and the jails of the judicial circuit; the management of the revenues and expenditures of the department and municipalities and all appertaining to the internal progress.

Art. 2. Article 186 of the constitution is hereby replaced by the present reformatory act.

Reformatory act No. 8 of April 13, 1905.

Art. 1. The Senate and House of Representatives shall be reelected at the same time.

Art. 2. The senators shall be elected by the department councils according as the law may determine.

Art. 3. The President of the Republic and the representatives shall be elected in the manner prescribed by law.
ART. 4. In every popular election which may have for its object the election of public corporations and in the naming of senators the right of representation of minorities will be recognized, and the law shall determine the manner and terms for carrying this into effect.

ART. 5. Articles 95, 114, 173, 174, 175, 176, 177, and 178 of the constitution are hereby repealed.

Reformatory act No. 9 of April 17, 1905.

ART. 1. The constitution of the Republic can be reformed by a national assembly called by Congress expressly for this object, or by the executive government through previous petition from a majority of the municipalities.

PARAGRAPH. In regard to the calling of the national assembly referred to in this article, the reforms to be treated of shall be set down and the body shall dedicate its attention thereto.

ART. 2. The assembly treated of in the foregoing article shall be composed of as many representatives as the population is entitled to—namely, in the proportion of one member for each 100,000 inhabitants.

PARAGRAPH. Each deputy shall have two alternates.

ART. 3. The principal deputies and alternates shall be elected by the municipalities of the respective electoral districts.

ART. 4. For the ratification of the reform it is sufficient that it be discussed and approved according to the provisions for enacting laws.

ART. 5. The sessions of the assembly shall last 30 days, but may be prolonged in the judgment of the government.

ART. 6. When necessary to call the national assembly, the constitutional period of the Congress elected before shall cease, and the national assembly shall exercise its legislative functions from the time of its installation until the end of the constitutional period of the Congress which it has replaced.

ART. 7. The legal provisions already provided for the representation of the minorities shall govern in the elections for deputies for the national assembly.

ART. 8. If it should be necessary to introduce new reforms to the constitution in accordance with the provisions of this law, in the time between the closing of this national assembly and the meeting of the regular Congress in 1908, the present assembly will be called by the executive power to adopt such reforms without the necessity of a previous petition from the municipalities.

Reformatory act No. 10 of April 27, 1905.

ART. 1. The council of state is abolished. The law will determine the employees who must comply with the duties and functions relating to this body.

ART. 2. Title XIII of the national constitution is abolished.

ART. 3. This law shall take effect from its publication in the Diario Oficial.

BOGOTÁ, April 30, 1905.

The president of the national constitutional and legislative assembly, deputy for the Department of Tolima, Enrique Restrepo García, the first vice-president of the, etc.

National Executive Power, Bogotá, April 30, 1905.

Let it be complied with and executed.

R. Reyes.

The minister of government, Bonifacio Vélez; the minister for foreign affairs, Clímaco Calderón, etc.

GENERAL ARBITRATION TREATY, ARBITRATION TREATY OF LIMITS, AND MODUS VIVENDI BETWEEN COLOMBIA AND PERU.

Chargé Snyder to the Secretary of State.

No. 89.]

American Legation,
Bogotá, October 10, 1905.

Sir: I have the honor to transmit herewith copies and translations of the treaties referred to in my No. 88 of September 18, 1905.

I am, etc.,

Alban G. Snyder.
General arbitration treaty between the Republics of Peru and Colombia.

His Excellency, the President of the Republic of Peru, and His Excellency, the President of the Republic of Colombia, with the object of extending the cordial relations between the two Republics and of settling amicably any questions which may arise between them, have resolved to conclude a general arbitration treaty, and have named their plenipotentiaries for this purpose.

For His Excellency, the President of the Republic of Peru, Dr. Hernan Velarde, envoy extraordinary and minister plenipotentiary of said Republic, accredited to the Government of Colombia; and

For His Excellency, the President of the Republic of Colombia, Doctor Climaco Calderón, minister for foreign affairs, and Señor Luis Tanco Argeza, envoy extraordinary and minister plenipotentiary of Colombia in Peru, at the present time residing in this capital.

The said parties, their respective powers having been duly accepted, have resolved the following:

ARTICLE 1. The high contracting parties will submit to arbitration all controversies of any kind which, for whatever reason, may arise between them, and which they have not been able to settle amicably by means of direct negotiations. Only questions affecting the independence and honor of the two nations are excepted from this obligation. In case of doubt, this point will also be resolved by compromise. Specifically, national independence and honor will not be considered compromised in controversies relative to diplomatic privileges, consular jurisdiction, customs and navigation duties, validity, construction, and carrying out of treaties, and pecuniary claims, whatever their origin and antecedents may have been and it is understood to be the wish of the two governments to give the fullest possible interpretation to the principle of international arbitration.

The present treaty is also applicable to controversies which have taken place before its conclusion, but questions which have already been definitely settled between both parties can not be renewed. In these cases arbitration will be exclusively limited to differences which may arise as to the interpretation and carrying out of the said arrangements.

ARTICLE 2. The Governments of Peru and Colombia nominate His Holiness the Pope as arbitrator in cases of differences and, in the case of the refusal or inability of His Holiness, His Excellency, the President of the Argentine Republic.

ARTICLE 3. For each case the high contracting parties will conclude a special convention to determine the precise object of the controversy, as also all points and circumstances relative to the affair which they may deem necessary.

Failing such convention, and one of the high contracting parties having notified the other that four months have passed since they had been requested to conclude the same, without, for whatever cause, their being able to come to an arrangement, the arbitrator will decide on the facts of the case and the rights which must be resolved to decide the controversy.

For any other point, in default of the special convention on the subject or should there be no mention made of it in the same, the following rules will be applied:

ART. 4. In default of special arrangements between the interested parties, the arbitrator is empowered as follows: Fix the time for the arbitration; to determine the judicial proceedings and contentions; the formalities and terms for the interested parties; and, in general all necessary measures for the prompt resolving and carrying out of all points and difficulties and all prejudicial and incidental questions that may arise.

The high contracting parties bind themselves to put at the disposal of the arbitrator all information at their command.

ART. 5. The arbitrator has the right to decide, in his own judgment, on the validity and interpretation of the matter in question.

ART. 6. An agent of each of the interested parties will represent his government in all matters submitted to arbitration.

ART. 7. The arbitrator must decide according to the principles of law unless the question imposes special obligations or authorizes the arbitrator to act as a friendly intermediary.

ART. 8. The sentence must definitely decide each point of the case. It will be drawn up in duplicate, signed by the arbitrator, and each of the countries will be notified directly or by the representative sent to the arbitrator.

ART. 9. Each of the interested parties will defray its own expenses and half of those of the arbitration.

ART. 10. The legally pronounced sentence will decide, to the extent of its powers, the controversy between the interested parties. It must contain the statement of the time within which it is to be executed. The same arbitrator will decide any questions which may arise in its execution.

ART. 11. The sentence does not admit appeal and the carrying out of same is left to the honor of the two nations signing it.
Nevertheless, the same arbitrator can be requested to revise the sentence by acquainting him with the following facts:

1. That the sentence has been given in view of a false or equivocal document.
2. If the sentence has been, in whole or in part, the consequence of a fully recognized error, positive or negative, resulting from the proceedings or documents relative to the case.

Art. 12. The arbitrator will fix the proceedings for the revision, and the brief and peremptory terms in which it will be effected, confining himself exclusively to the point which gave rise to the revision.

Art. 13. This treaty will be in force for a period of ten years, dating from the date of the exchange of ratifications. If not denounced six months before its expiration, it will be considered to be renewed for another period of ten years, and so on.

Art. 14. Both governments will simultaneously solicit, through their plenipotentiaries, the acquiescence of His Holiness within six months following the exchange of ratifications of the present treaty.

Art. 15. This treaty will be ratified and the ratifications exchanged in Lima and Bogotá in the shortest time possible.

In virtue of which the plenipotentiaries of the high contracting parties have signed and sealed, in duplicate, in Bogotá, on the twelfth day of September of the year nineteen hundred and five.

[Seal]

Hernan Velarde.
Climaco Calderón.
Luis Tanco Argaz.

[Inclosure 2—Translation.]

Boundary treaty of arbitration between Peru and Colombia.

The Governments of Peru and Colombia, animated by the earnest desire of putting a brotherly and decorous end to the question pending between them regarding their territorial limits, and with the object of removing all cause or motive of disagreement which might disturb the friendship which happily exists between them, have considered it convenient to reach an agreement, and for such purpose have appointed their respective plenipotentiaries, as follows:

His Excellency, the President of the Republic of Peru, Doctor Hernan Velarde, envoy extraordinary and minister plenipotentiary of the same Republic in Colombia; and

His Excellency, the President of the Republic of Colombia, Dr. Climaco Calderón, state minister for foreign affairs, and Senor Luis Tanco Argaz, envoy extraordinary and minister plenipotentiary of Colombia in Peru, at present in this capital:

Who, after having presented their full powers, which were found in good and due form, have resolved the following:

Arbitration treaty of limits.

ARTICLE 1. The Governments of Peru and Colombia submit the boundary question pending between them to the unappealable decision of His Holiness the Supreme Roman Pontiff, which question will be resolved, taking into consideration not only the titles and arguments of right presented to him, but also the conveniences of the high contracting parties, conciliating them so that the frontier line be founded in right and equity.

Art. 2. The present arbitration agreement remains expressly subordinate to the arbitration agreed upon between Peru and Ecuador of August 1, 1887; now being actually heard before His Majesty the King of Spain, having effect only in case the royal arbitrator awards territories to Peru which Colombia claims as hers. At the same time the Government of Colombia declares that the stipulations of the present arbitration agreement do not affect the treaty of equal nature celebrated between Colombia and Ecuador on November 5, 1904, which can take effect as soon as the arbitration decision of 1887, between Peru and Ecuador, to which reference is made, be finished.

Art. 3. Within the six months following acceptance by the august arbitrator the plenipotentiaries will present to his holiness, or to the person appointed by his holiness, an exposition in which is set forth the claims of their respective governments, accompanied by the documents which sustain them and in which will be set forth the reasons of the case.

Art. 4. From the day on which said expositions are presented the plenipotentiaries are authorized to receive and answer, in a reasonable time given to them, the proceedings which the august arbitrator thinks it convenient to issue, as well as to carry out the provisions which he may dictate with the object of clearing up determined points.

Art. 5. Once the arbitrator’s judgment pronounced and officially published by the Secretary of State, it is definite and final, and the decisions are obligatory upon both parties.
Art. 6. Although the Governments of Peru and Colombia hope that his holiness will accept the arbitration proposed to him; if such should not prove the case, from now they appoint His Excellency the President of the Argentine Republic as arbitrator, in order that he exercise the request according to what has been stipulated in the foregoing articles.

Art. 7. The expenses incurred by the arbitrator in maintaining the process will be reimbursed by the contracting governments, each paying one-half of said expenses.

Art. 8. If, according to the declaration contained in Article 2, the necessity arise for carrying out of the compromise between Peru and Colombia treated of in this treaty, within four months of the day of execution of the sentence pronounced by His Majesty the King of Spain in the case now pending before him owing to the arbitration agreement celebrated between Peru and Ecuador, both governments will simultaneously request, through their plenipotentiaries, the acquiescence of his holiness.

Art. 9. The present treaty will be ratified by the legislative bodies of Peru and Colombia and the ratifications exchanged in the least possible time.

In virtue of which the plenipotentiaries of the high contracting parties have signed the present treaty in duplicate and have sealed it with their private seals, in Bogotá, the 12th day of September, nineteen hundred and five.

Hernan Velarde.
Climaco Calderon.
Luis Tanco Argaez.

ANNEX XIV.

Complementary act to the treaty of arbitration of limits signed in Bogotá, between Peru and Colombia, on September 12, 1905.

The Peruvian plenipotentiary, his excellency Doctor Hernan Velarde, envoy extraordinary and minister plenipotentiary in Colombia, and the Colombian plenipotentiaries, his excellency Doctor Climaco Calderon, minister for foreign affairs, and his excellency Mr. Luis Tanco Argaez, envoy extraordinary and minister plenipotentiary in Peru, at present in this capital, who signed the agreement accomplished on the 12th of the present month and year between the two Republics, having met the ministry for foreign affairs of the Republic of Colombia and the plenipotentiary of Peru having manifested a desire to clear up the sense of the declaration made by the Colombian plenipotentiaries relative to the treaty celebrated between Colombia and Ecuador on November 5, 1904, and which appears in the second article of the arbitration treaty of limits celebrated by the same negotiators on the 12th of the present month, the mentioned plenipotentiaries agreed that the declaration to which reference is made does not signify that the Peruvian Government accepts the legality of the treaty to which said declaration contracts itself, especially in the seventh article which excludes from the Peruvian-Ecuadorian arbitration, actually being heard by His Majesty the King of Spain, a territorial zone which Peru considers included in that arbitration, and notice is hereby given in this agreement that this zone is considered as an integral part of the treaty of arbitration of limits signed on the 12th of the present month and year, signing it in duplicate and sealing it with their private seals in Bogotá on the twenty-third day of September, nineteen hundred and five.

Hernan Velarde.
Climaco Calderon.
Luis Tanco Argaez.

Modus vivendi agreement between Peru and Columbia.

The Governments of Peru and Columbia, desiring to put into practice the friendly agreement determined upon in the arbitration treaty and to secure harmony between the two countries, have resolved to conclude an agreement of equity, for which they have named plenipotentiaries:

His Excellency the President of the Republic of Peru, Doctor Hernan Velarde, envoy extraordinary and minister plenipotentiary of the said Republic in Colombia.

His Excellency the President of the Republic of Colombia, Doctor Climaco Calderon, minister for foreign affairs, and Señor Luis Tanco Argaez, envoy extraordinary and minister plenipotentiary of Colombia in Peru, at present residing in this capital.

Who, having exhibited their full powers, which were found to be valid and in due form, have agreed upon the following:

1. The Governments of Peru and Colombia bind themselves to maintain the status quo in the territory for which they are contending until the final solution of the controversy,
which will be brought about by the arbitration referred to in the treaty signed on this date, and with the object of avoiding any difficulty or dangerous conflicts in the region of the Putumayo they agree to establish during this time two zones, north and south, for provisional occupation separated by said river.

The zone apportioned to Peru will consist of the territory situated to the south of the right bank, between the rivers Cobuya and Cotuhe, and that apportioned to Colombia the territory situated to the north or the left bank.

2. The Government of Colombia will name an inspector and his secretary for the custom-house of Cotuhe, who will collect import and export duties on merchandise according to the Peruvian tariff and carrying out his duties subject to Peruvian regulations until the two interested governments agree otherwise. Gum of whatever kind will pay in this custom-house the only tax, an export duty of thirty cents Peruvian money per kilogram.

3. From the date on which their agreement comes into effect—that is to say, from its approval by both interested governments—the net produce of the mixed custom-house of Cotuhe will be divided equally between the two nations and each government will pay the expenses of the employees which they maintain in the said custom-house.

4. Articles of import which, owing to their destination, should be introduced through the custom-house of Cotuhe will not pay duties in passing through the custom-house of Iquitos, through which they pass as goods in transit in the same manner as goods passed through the custom-house of Para. Such goods when passing through the custom-house of Cotuhe will only pay according to the Peruvian tariff, or according to such tariff as the two countries may agree upon.

5. In virtue of the friendly and equitable character of this agreement it is understood that the conditions underlying traffic on the river Putumayo shall be the same for Colombians and Peruvians, and the boats of both nationalities may freely ply that river.

6. The Governments of Peru and Colombia mutually bind themselves to respect and encourage the industrial enterprises of Peruvians and Colombians, who have established themselves at the present time in the zone of the river Putumayo and its tributaries. They shall not have the right to burden in any way affect these interests with other imposts or taxes than those laid down in article three.

7. The Governments of Peru and Colombia bind themselves to in no way interfere in a manner contrary to the agreement come to so long as the frontier disputes between the two countries have not been definitely settled in accordance with the arbitration agreed upon.

8. The preceding stipulations do not in any way imply the renunciation or the recognition of territorial rights in favor of other countries, their only object being to avoid imminent danger of armed conflict between the Colombians and Peruvians exploiting this region. The object of said stipulations is to facilitate the fraternal agreement sought by the governments of both Republics.

In virtue whereof they sign in duplicate and seal with their private seals the above in Bogotá this twelfth day of September, nineteen hundred and five, it being agreed upon that this convention will come into force on its approval by the executive of both governments.

HERNAN VELARDE.
CLIMACO CALDERÓN.
LUIS TANGO ARGÁEZ.

________________________________________
Complementary act to the modus vivendi agreement signed in Bogotá, between Peru and Colombia, the 12th of September, 1905.

The envoy extraordinary and minister plenipotentiary of Peru, Doctor Hernan Velarde, and the Colombian plenipotentiaries, Doctor Clímaco Calderón, minister for foreign affairs, and Luis Tango Argáez, envoy extraordinary and minister plenipotentiary in Peru, at present residing in this capital, signers of the treaties concluded on the 12th of this month, between the two Republics, and the Peruvian plenipotentiary, having expressed a desire to make clear the sense of the fourth clause of the modus vivendi, the above-mentioned plenipotentiaries agreed that the object of this clause is not to make Iquitos a transit port and a deposit for the Putumayo, but to fix the regulations which merchandise destined for the said river and passing through Iquitos will be subject from its entrance into Iquitos till its arrival at Cotuhe, where the respective duties are to be paid under strict supervision by the Peruvian customs authorities to the regulations of that country, and in virtue of which the present act forms an integral part of the modus vivendi above referred to, it being signed in duplicate and sealed with their private seals in Bogotá this twenty-third day of September, nineteen hundred and five.

HERNAN VELARDE.
CLIMACO CALDERÓN.
LUIS TANGO ARGÁEZ.
SETTLEMENT OF THE CLAIM OF RAYMOND AND SOPHIE SMITH AGAINST COLOMBIA.

Chargé Snyder to the Secretary of State.

No. 93.] AMERICAN LEGATION, Bogotá, November 7, 1905.

Sir: I have the honor to inform you that I have settled the claim of Raymond and Sophie Smith, American citizens, for damages suffered at the hands of government troops during the last revolution, for the sum of $1,500 gold, payable in vales de extranjeros. * * *

I inclose herewith copy and translation of the resolution of the Colombian foreign office settling this claim.

It might be well to remark that this is the only claim to date in which the Colombian Government has paid the full amount requested, even in vales.

I am, etc.,

ALBAN G. SNYDER.

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[Inclosure—Translation.]

MINISTRY FOR FOREIGN AFFAIRES, Bogotá, October 10, 1905.

Raymond and Sophie Smith, citizens of the United States of America, domiciled in the municipality of Aguaicha, Department of Magdalena, possessed in that municipality a country estate, on which they had plantations of cacao, coffee, a dwelling house, domestic fowls and cattle. It is known in the petition that they observed neutral conduct during the last revolution.

It also appears duly proved: 1st. That forces of the Gramalote battalion, which formed part of the army commanded by General Luis Morales Berti, appeared on said estate of Raymond and Sophie Smith and took various head of cattle and other domestic animals of the corral; 2nd. That later, government forces which were in Ocaña under orders of Miguel Quin, civil and military chief of that city, set fire to the house of said Smiths and destroyed the plantations of the estate of Aguaicha; 3rd. That revolutionary forces had entered that estate, before the house was burned, and carried off the cattle which had remained there after the Gramalote battalion of the government forces had taken the greater part; and 4th. That seeing themselves without any protection whatever, the Smiths resolved to abandon their estate, and in fact did so abandon it, going to Barranquilla, from whence they afterwards proceeded to the United States.

The foreign character of the claim is proved, and it is also known that after coming to Colombia they bought the lands in the vicinity of Aguaicha, built the house which was burned, cleared the land of trees and underbrush, and made the plantations of cacao and coffee which were destroyed. But the claim does not clearly prove how much of the damages and expropriations were caused by the government forces; and therefore, in consideration, on the one part, of the good faith which the claim reveals, and, on the other, that it is a case for the application of Article 2 of law 27 of 1903, deciding in good faith and belief, and bearing in mind the legal proof and form in which it is presented, as well as the rectitude with which it has been pressed by the claimants, the ministry fixes the sum of the indemnity which can be given to the petitioners at $1,500.00.

In consideration of the above it is resolved:

That there be recognized in favor of Raymond and Sophie Smith, citizens of the United States, as the only and definite indemnity for the value of their claim, the sum of $1,500.00 gold, payable in vales de extranjeros.

It is made known that the Honorable Alban G. Snyder, chargé d'affaires of the United States, is authorized to receive the sum recognized, and that the payment should be made to him.

Let it be made known, copied in the respective book, published in the Diario Oficial, and if accepted by the claimants, an authentic copy sent to the ministry of finance and treasury to be paid and placed in the archives.

The minister.

CLÍMACO CALDERÓN.
COLOMBIA.

The Secretary of State to Minister Barrett.

No. 6.]

DEPARTMENT OF STATE,
Washington, December 15, 1905.

Sir: I have to acknowledge the receipt of Mr. Snyder's No. 93, of the 7th ultimo, reporting the settlement of the claim of Raymond and Sophie Smith by the payment of the amount claimed, $1,500, in vales de extranjeros.

The Department approves Mr. Snyder's action.

I am, etc.,

ELIHU ROOT.

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REVOLUTIONARY CONSPIRACY.

Minister Barrett to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, December 20, 1905.

(Mr. Barrett reports that an official announcement has been made of the discovery of a plot to dispose of the President of Colombia and to organize a new government. Many prominent men who were arrested are now about to undergo trial by court-martial. Among the leaders are a former cabinet minister and generals.)

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Minister Barrett to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, December 21, 1905.

(Mr. Barrett states that the President of Colombia requests that an announcement be made that while the conspiracy was serious enough to warrant severe punishment of the conspirators there are no important ramifications through the country. His government completely controls the situation and no revolution can result from the foolishly managed conspiracy. The financial credit of the government is not weakened. The President is determined that the decision of the court-martial be executed firmly and that the majesty of the law be maintained. Foreign nations are invited to have confidence in the stability of the government.)

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Minister Barrett to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, December 21, 1905.

(Mr. Barrett reports that upon further investigation it is shown that the conspiracy aimed to assassinate the President of Colombia in his residence last night. Former minister for foreign affairs, Felipe
Angulo, is the chief of the conspirators. Confidence in the government has been restored by the prompt action of the President in arresting the conspirators and providing a speedy trial for them, and complete calm prevails.

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**President Roosevelt to President Reyes.**

[Telegram.]

**WASHINGTON, December 22, 1905.**

I offer you my congratulations upon the frustration of the reported attempt against your personal safety.

**THEODORE ROOSEVELT.**

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**President Reyes to President Roosevelt.**

[Telegram.]

**BOGOTÁ, December 25, 1905.**

Sincerely obliged for your congratulations. Minister Mendoza is charged to pay your excellency visit in my name on this occasion. Peace is assured all over the country.

**REYES.**