

sometimes considered the case, in which the government of the United States and that of Chile should fail to agree when the investigation should be terminated and the two governments should have formed their final opinion, and we agreed that arbitration would be the best means of settling the difficulty, and, advancing farther in this conciliatory spirit, we even formally agreed that the differences that might arise should be submitted to arbitration. This agreement to accept arbitration has been the basis of several of our conferences, especially that of the 18th instant, and no incident or fact interfering therewith has come to "my knowledge." On the contrary I took the occasion to inform you on the first of January that my government had authorized me to conclude an agreement looking to arbitration and my government, subsequently, approved the agreement concluded by me with you of which I also informed you. As the criminal trial initiated at Valparaiso has not come to an end, my government has not yet been able to reply to the demands of the United States. Various documents and antecedents to which I have called your attention in my foregoing communications, were designed to inform the United States government of the progress of the judicial investigation and of the facts thereby elicited; they do not, however, constitute a reply which can only be given when the facts are known.

The testimony which the government of the United States has caused to be taken in California from the crew of the "Baltimore" cannot take the place of the trial being held at Valparaiso where the offense was committed. The testimony may be useful for disciplinary or administrative purposes in the United States, but it cannot serve as a basis of a judicial sentence, either in Chile or the United States.

The copy which I have today had the honor to send you of the statement made by one of the seamen of the "Baltimore" at Valparaiso shows that the seaman made no charge against the police. The charges which he makes here, in the absence of the accused parties, in contradiction of his first statement have no value either in law or in your enlightened opinion.

It is to be observed, moreover, that a statement was made by this seaman at Valparaiso and attested by the judge, by the signature of the seaman himself and by that of the interpreter who was an officer of the "Baltimore," who had been appointed for the express purpose of inspiring the deponents with confidence. You were pleased to state in your instructions to Egan that undersigned has not communicated to the United States government the note addressed to him by Matta on the 11th of December last. The first time the honorable secretary of State saw fit to call my attention to the aforesaid note of Matta, I told him that the note contained instructions addressed to me by Matta, and that as I had not been directed to communicate it officially to the department of State, there was no reason why the honorable secretary should take cognizance of it. I further reminded you that it was the

doctrine established by the American government that documents exchanged between the President and Congress, or between the department of State and diplomatic representative of the United States in foreign countries could not form the subject of discussion for foreign governments. I also took the liberty to remind you of the illustrious Webster and the representative of Austria in 1850.

The Austrian government complained at time because it considered the instructions sent to the representative of the United States unjust or disrespectful to Austria, said instructions having been published in the message of the President, who sent it to the Senate. "This department," said Mr. Webster, "has on former occasions informed the ministers of foreign powers that any communication from the President to either House of Congress is regarded as a domestic communication of which ordinarily no foreign State has cognizance, and in more recent cases the great impropriety of making such communication subject of correspondence and diplomatic discussion has been fully shown. The circumstances of publicity does not change the character of the communication in the opinion of Webster, because such is the common and usual mode of proceeding of communications of the President and Senate. It was therefore on the nature of the note and on no other reason that I passed by abstention from communicating to you the instructions which Matta had sent me on the 11th of December, and of which I had the honor to inform you. I added, however, that it was far from being the purpose of my government to act in a manner at all offensive to the President of the United States or any member of his cabinet, and that Matta's note, if rightly interpreted, admitted of no such construction. I afterwards had the honor to inform you that I had received instructions from my government to inform that of the United States that in consideration of the views expressed by Buchanan and Webster in 1849 and 1850, messages sent by the President to Congress were domestic communications which cannot serve as basis for interpretations to foreign powers or representatives. My government had no objection to striking out of the note of December 11th such words as might be considered disagreeable by the United States government. On the 18th inst., an official telegram was published which has been addressed by the commander of the "Yorktown" to the secretary of the navy, and couched in terms offensive to the government of Chile, and in view of what we had said concerning the note of December 11th, I deemed it my duty to call your attention to that telegram. The lofty spirit of justice which characterizes you, did not permit you to hesitate to tell me that the wording of said telegram was improper and objectionable. This declaration on your part, which was as impartial as just, terminated the incident. Since the early part of the month of October, when I had the honor to be invited to unofficial conferences with the representatives of the department of state (as the credentials which accredited

me as minister of Chile had not yet arrived), it had been repeated to me on various occasions by the United States government that if the representative of the United States was not a *persona grata* to the government of Chile, it was sufficient for the government of Chile so to state and that said representative would be succeeded by another. It is the rule based upon the nature of the diplomatic relations, and designed to make them frank and cordial, that the representatives of a nation must be a *persona grata* to the government to which he is accredited. In the conference with which you were pleased to favor me on the 20th inst., I had the honor to state that the representative of the United States at Santiago was not a *persona grata* to the government of Chile, which would be very glad to receive another representative from the United States, and you were pleased to acknowledge that the government of Chile has a right to ask that a change should be made. Afterwards, having your notice, I addressed to you in writing the same communication which I had made to you verbally. I have deemed it my duty to state in this note the foregoing facts which show the friendly and cordial purpose of our conference in which you took a most important part.

With sentiments, etc.,

PEDRO MONTT.

HON. JAMES G. BLAINE, etc., etc.

BLAINE TO MONTT.

DEPARTMENT OF STATE,

Washington Jan. 27, 1892.

Sir—I have the honor to acknowledge your favor dated the 23rd inst., but not received by me until Monday, the 25th. I beg to comment on two or three of its recitals. I think that, from zeal for your country, you have made some mistakes which I shall proceed to correct. You are right in saying that I considered the proceedings of the government of Chile in making a judicial investigation of the unhappy affair at Valparaiso entirely praiseworthy. But you will remember that as early as the 25th of November, I complained of the length of the judicial proceedings, and from time to time renewed the complaint; saying to you lately that the court had already been eighty days in session, considering a matter which in the United States would have been wholly disposed of in two or three weeks. You replied that Spanish law was slow in its processes, but exact in its conclusions, and with your statements I had to be content, though impatient for a final judgment. Your offer for arbitration was never unconditional and exact. Had it been, I would have insisted on your reducing it to writing, for it would have been my duty to lay it before the President for consideration, but unable to report a mere verbal exchange of views between us as an agreement to arbitrate. You did say to me several times that, in that distant future, when the Chilean court should order its judgment (if the United States should not be satisfied with it), the two countries could arbitrate the matter, and even then you always maintained that Chile would not voluntarily propose arbitration, but would do so when required by some friendly power to take that course.