

ernment of Chile sees that his Excellency the President of the United States finds reason to continue to regard the incident of October as an attack caused by a hostile feeling toward the uniform of the navy of the United States. That unfortunate occurrence took place on a sudden, in a district when the sailors of vessels lying in the bay of Valparaiso are in the habit of assembling without distinction of nationality. From the nature of the incident, it would be impossible to prove that there was no doubt as to the special cause which served as its origin or pretext, but the undersigned can assert that the cause was not a hostile feeling towards the United States navy; because the people of Chile have always esteemed and respected that uniform ever since the time when it saw it figuring honorably in the ranks of the soldiers and sailors to whom in a glorious struggle it gave independence and established the republic. The undersigned admits that the occurrence of October 16th was of greater gravity than those which usually occur in the same district between sailors and which are frequent. The fact of knowing that two deaths have resulted from it, among sixteen wounded men of the "Baltimore," has sufficed to give it an extraordinary character and induce the government of Chile to hasten to adopt measures necessary to discover and punish the guilty parties; to offer in due time, if there should be ground for so doing, such reparation as might be due.

"The preliminary examination commenced on the morning which followed the night of the conflict some days before you presented your complaint, but the investigation could not be finished with the rapidity which the government of Chile desired, because the rules of procedure in criminal matters established by our laws are of slow application and it was not possible for the President of the Republic to modify or set them aside. This delay is inevitable, owing to the independence with which the judicial authorities must act and has compelled the government of the undersigned to delay, greatly to its regret, a statement of the difficulty pending with your government, and a spontaneous offer of reparation for any injury done to the sailors of the "Baltimore" and that might be attributed to the Chilean soldiers or sailors, or that might effect the responsibility of Chile. In view of your communication and considering that, up to date it has been impossible for the trial initiated by the Judge of the Criminal Court of Valparaiso to be decided, the undersigned regards it as his duty to declare once more that the government of Chile laments the occurrence of October 16th and by the way of showing the sincerity of his feeling and the confidence which he has in the justice of his cause, he declares his willingness not to await the decision of the examining Judge, and proposes to the United States government that the Supreme Court of the United States at Washington, to the end that that high tribunal, with its learning and impartiality, may determine on appeal whether there is any ground for reparation, and in what shape it should be made.

"The undersigned would remind

you, referring to the conduct of the Valparaiso authorities, that it appears from the preliminary examination that they sent without delay to the scene of the conflict all the forces at their disposal belonging to the special guard of the Intendencia and to the police. Swanson, Case, Michells, Sarony, Honies, Cunningham, Williams, Talbot, Holland, Hodge, Butler, etc., seamen belonging to the crew of the "Baltimore," stated to the interpreter of that vessel that the object of the police in arresting them was to shelter them from any attempted attack by the excited people. The undersigned thinks that the action of the police in this matter should be considered with due allowance for the civil war which has recently been brought to a close. The body is not yet properly organized, nor did it have the force required to put down a disorder of such proportions in a short time. In this connection it is proper to recall the words used by the Honorable Secretary of State at Washington in his note addressed to the Marquis Imperiali, and bearing the date of May 21, 1891: "There is no government, however civilized it may be, however great may be the vigilance displayed by its police, and, however severe its criminal code may be, and however speedy and inflexible may be its administration of the law, that can guarantee its own citizens against violence growing out of individual malice or sudden tumult." This is precisely the situation of the administration authorities at Valparaiso on the occasion of the occurrence which took place in October.

"The undersigned hopes that the foregoing will convince the honorable the secretary of state that the government of Chile attaches due importance to the question now under discussion; that he does not hesitate for a moment to condemn in vigorous terms the act committed on the 16th of October or to offer such reparation as is just, and that he has not neglected an opportunity to express these sentiments before now, since on various occasions and through the plenipotentiaries of both countries he has forwarded explicit declarations on the subject to Washington. The undersigned takes the liberty to recall that five days after he had taken charge of the department of foreign affairs he had addressed to the minister of Chile in the United States a telegram, which, in the part relating to the matter, said: "Express to the United States government what has already been stated, adding all the data known, in the most cordial and amicable form. Express to the United States government very sincere regret on account of this unfortunate incident, which, although not strange in the ports of the world, this government doubly laments, owing to its sincere desire to cultivate friendship with the United States."

"If the United States government should not accept the foregoing explanations as satisfactory, notwithstanding that the judicial authorities hold the guilty parties responsible for the disorder of October 16th, the undersigned must recall the circumstances that the government of Chile, through the medium of its minister in Washington, has expressed desire to submit any misunderstanding [dispute] to a decision by arbitration by any

power or tribunal which may be indicated to try it, and that in fact arbitration was suggested in a conference with the minister of Chile in Washington on the 30th of December, when the government of the undersigned declared its good will and its resolve to accept arbitration, after a final judgment which would not be further delayed many days.

"In furtherance of its purpose to give a speedy solution to the incident in the most friendly terms, the government of the undersigned called upon its minister for a definite reply on the 11th instant, and on the 13th Minister Montt reported that, notwithstanding certain observations made by the American State department with respect to the opportuneness of resorting to arbitration, he had nevertheless agreed with the honorable Blaine, that if any divergence of views or discord should supervene after the verdict of the judge of Valparaiso, such controversy would yield to arbitration, the undersigned hastened to declare that he would fully accept such agreement, for which reason the government of Chile deems that a case has arisen for submitting to arbitration in terms as ample as those above indicated, any differences of views which it may have with the government of the United States concerning the incident of the "Baltimore." There is therefore submitted to the honorable secretary of state of the department of foreign relations at Washington the designation of either of the Supreme Court of Justice of the United States or a tribunal of arbitration to determine the reparation which Chile may have to make for that lamentable occurrence.

"As for the dispatch addressed under date of December 11th to the Chilean minister at Washington by the minister of foreign relations of the provisional government, the undersigned submits that there could not be on the part of Chile any hostility toward the government of the United States, with which it desires ever to cultivate the most friendly relations. Consequently the undersigned deplors that in that telegram there was employed, through an error of judgment, expressions which are offensive in the judgment of your government, declaring, in fulfillment of the high duty of courtesy and sincerity toward a friendly nation, that the government of Chile absolutely withdraws said expressions.

"The undersigned trusts that this frank and explicit declaration, which confirms that which has already been made to the honorable secretary of state in Washington, will carry to the mind of his excellency, Harrison, and his government, that the people of Chile, far from entertaining a feeling of hostility, have a lively desire to maintain unalterable the good and cordial relations which, up to the present time, have existed between the two countries, a declaration which is made without reservation, in order that it may receive such publicity as your government may deem suitable.

"With regard to the suggestion and touching a change of the personnel of your legation, to which the instructions of the honorable secretary of state refer, it is incumbent upon the undersigned to declare that the government of Chile will take no positive steps