

THE CHILEAN QUESTION.

WASHINGTON, Jan. 25.

To the Senate and House of Representatives:

In my annual message delivered to Congress at the beginning of the present session, after a brief statement of the facts then in possession of this government touching the assaults in the streets of Valparaiso, Chile, upon the sailors of the United States steamship "Baltimore," on the evening of the 16th of October last, I said:

"This government is now awaiting the result of the investigation which is now being conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed, and it is expected that the result will soon be communicated to this government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed, or further needless delay intervene, I will, by special message, bring this matter again to the attention of Congress for such action as may be necessary."

In my opinion the time has now come when I should lay before Congress and the country the correspondence between this government and the government of Chile, from the time of the breaking out of the revolution against Balmaceda, together with all other facts in possession of the executive department relating to this matter. The diplomatic correspondence is herewith transmitted, together with some correspondence between the naval officers for a time in command in Chilean waters and the secretary of the navy, and also the evidence taken at Mare Island navy yard since the arrival of the "Baltimore" at San Francisco.

NO FULL ANALYSIS.

I do not deem it necessary in this communication to attempt any full analysis of the correspondence or of the evidence. A brief re-statement of the international questions involved and the reasons why the responses of the Chilean government are unsatisfactory, is all I deem necessary.

It may be well at the outset to say that, whatever may have been said in this country or Chile in criticism of Egan, our minister at Santiago, the true story of this exciting period in Chilean affairs, from the outbreak of the revolution until this time, discloses no action on the part of Egan unworthy of his position, or that could justly be the occasion of serious animadversion or criticism. He has, I think, on the whole, borne himself in very trying circumstances with dignity, discretion and courage, and ability, courtesy and fairness.

It is worth while also at the beginning to say that the right of Egan to give shelter in the legation to certain adherents of the Balmaceda government who applied to him for asylum has not been denied by the Chilean authorities, nor has any demand been made to surrender these refugees. That there was an urgent need of asylum is shown by Egan's note of August 24, 1891, describing the disorders that prevailed in Santiago, and by the

evidence of Captain Schley as to the pillage and violence that prevailed at Valparaiso. The correspondence discloses, however, that the request of Egan for safe conduct from the country in behalf of these refugees was denied. The precedents cited by him in the correspondence, particularly the cases of the revolution in Peru in 1865, did not leave the Chilean government in a position to deny the right of asylum to political refugees, and seemed very clearly to support Egan's contention that a safe conduct to neutral territory was a necessary and acknowledged incident of asylum. The refugees have very recently, without formal safe conducts, but by the acquiescence of the Chilean authorities, been placed on board the "Yorktown," and are now being conveyed to Callao, Peru.

DISRESPECT MANIFESTED.

This incident might be considered wholly closed but for the disrespect manifested towards this government by the close and offensive police surveillance of the legation premises maintained during most of the period of the stay of the refugees therein.

After the date of my annual message, and up to the time of the transfer of the refugees to the "Yorktown," the legation premises seem to have been surrounded by police in uniform and police agents or detectives in citizens' dress, who offensively scrutinized persons entering or leaving the legation, and on one or more occasions arrested members of the minister's family. Commander Evans, who, by directions, recently visited Egan at Santiago, in his telegram to the navy department, described the legation as a "veritable prison," and states that the police agents or detectives were, after his arrival, withdrawn during his stay.

It further appears from the note of Egan of November 20, 1891, that, on one occasion, at least, these police agents, whom he declares to be known to him,

INVADED THE LEGATION PREMISES pounding on its windows, and using insulting, threatening language towards the persons therein.

This breach of the right of the minister to freedom from police espionage and restraint seems to be flagrant. The Argentine minister, who was dean of the diplomatic corps having observed it, felt called upon to protest against it to the Chilean minister of foreign affairs. The Chilean authorities have, as will be observed from the correspondence, charged the refugees and inmates of the legation with insulting the police, but it seems to me incredible that men, whose lives were in jeopardy, and whose safety could only be secured by retirement and quietness, should have sought to provoke a collision which could only end in their destruction, or to aggravate their condition by intensifying the popular feeling that at one time so threatened the legation as to require Egan to appeal to the minister of foreign affairs.

But the most serious incident disclosed by the correspondence is that of the attack on the sailors of the "Baltimore," in the streets of Valparaiso, on the 16th of October last. In my annual message, speaking upon the information then in my possession, I said:

As far as I have yet been able to

learn no other explanation of the bloody work has been suggested than that it had its origin in the hostility to these as sailors of the United States, wearing the uniform of their government, and not in any individual act or personal animosity.

THE FISCAL'S CONCLUSIONS.

We have now received from the Chilean government an abstract of the conclusions of the procurator fiscal upon the testimony taken by the judge of crimes in the investigation made to extend over nearly three months. I very much regret to be compelled to say that the report does not enable me to modify the conclusion announced in my annual message. I am still of the opinion that our sailors were assaulted, beaten, stabbed and killed, not for anything they or any one had done, but for what the government of the United States had done, or was charged with having done, by its civil officers and naval commanders. If that be the true aspect of the case, the injury was to the government of the United States, not to these poor sailors, who were assaulted in a manner so brutal and cowardly.

LEGAL ASPECTS.

Before attempting to give an outline of the facts upon which this conclusion rests, I think it right to say a word or two upon the legal aspect of the case. The "Baltimore" was in the harbor of Valparaiso by virtue of the general invitation which nations are held to extend to the war vessels of other powers with which they have friendly relations. This invitation, I think, must be held ordinarily to embrace the privilege of such communication with the shore as is reasonably necessary and proper for the comfort and convenience of the officials and men of such vessels. Captain Schley testifies that when his vessel returned to Valparaiso September 14th, the city officers, as customary, extended the hospitalities of the city to his officers and crew. It is not claimed that every personal collision or injury in which the sailors or officers of such naval vessel visiting shore may be involved raises an international question, but I am clearly of the opinion that where such sailors or officers are assaulted by a resident populace animated by hostility to the government whose uniform these sailors and officers wear and in resentment of the acts done by their government, not by them, their Nation must take notice of the event as one involving an infraction of its rights and dignity, not in a secondary way, as where a citizen is injured and presents his claim through his own government, but in a primary way, precisely as if its own minister or the consular flag itself had been the object of the same character of assault. The officers and sailors of the "Baltimore" were in the harbor of Valparaiso under the orders of their government, not by their own choice. They were upon shore by the implied invitation of the government of Chile, and with the approval of their commanding officer, and it does not distinguish their cases from that of the consul that his stay is more permanent or that he holds the express invitation of the local government to justify his longer residence, nor does it