

ECUADOR.

POLITICAL AFFAIRS.—INSURRECTION.—CLOSURE OF PORTS.—MEASURES TO PROTECT AMERICAN INTERESTS.—REQUESTS FOR ASYLUM AT AMERICAN LEGATION AND CONSULATE; ATTITUDE OF THE UNITED STATES.—SUCCESSION OF PROVISIONAL PRESIDENTS FREILE ZALDUMBIDE AND BAQUERIZO MORENO.—ELECTION AND INAUGURATION OF PRESIDENT PLAZA.

Introductory note. During an uprising against him, August 11, 1911, General Eloy Alfaro, President of Ecuador, took refuge in the Legation of Chile; from there he sent his resignation to Congress. (See For. Rel., 1911, pp. 186-187.) On August 31, 1911, in a letter to the Diplomatic Corps at Quito, he promised to depart at once for Panama, remain in exile "at least a year," and keep entirely aloof from Ecuador's affairs while absent. On this understanding the Government of Ecuador consented, September 13, 1911, to his departure.

His successor, Emilio Estrada, died December 21, 1911. On receipt of this news next day at Esmeraldas, a port near the Colombian border, the insurrectionists there organized a provisional government for the province of Esmeraldas, and also cabled General Flavio E. Alfaro, nephew of General Eloy, that they had elected him Supreme Chief of the Provisional Government of Ecuador. Both the Alfaros were at Balboa, Panama. Flavio sailed December 23, made landings at Tumaco, Limones and other points on December 26-28, and on the 29th at Esmeraldas, where he completed his military preparations for that region.

On the 30th Flavio's agents at Guayaquil notified him of the organization, on the 28th, of a rival provisional government of which the Supreme Chief was General Pedro J. Montero, who, ignoring Flavio, had sent for Eloy, under whom he had served during Eloy's presidency, and to whom he still deferred. Eloy Alfaro arrived January 2, 1912, and Flavio on the 5th, at Guayaquil. The two provisional governments were consolidated by the submission of Flavio, who on January 8 was made commanding general, Montero retaining his title of Supreme Chief; Eloy, the real leader, had no office, but, in a manifesto addressed to the people, gave himself the character of mediator, though without mentioning any question at issue.

Flavio left Guayaquil on January 11 to take the field and soon met the Esmeraldas troops, who had been defeated on January 9th at Huigras. Flavio was defeated at Yaguachi and at Naranjito, January 17-20, in the course of which engagements he was wounded, a circumstance that gave Montero a pretext for relieving him of the command, which he transferred to General Eloy, January 19. Flavio next day severed his connection with Montero's command. The Government forces under General Leonidas Plaza Gutiérrez and his second in command, General Julio Andrade, had defeated the rebels in every engagement, and on January 22 articles of capitulation were signed by Generals Plaza and Montero, and witnessed by the British and American Consuls General, whereby in exchange for

surrender General Plaza granted safe conduct ("amplias garantías") to all persons, civil and military, who had directly or indirectly taken part, for any reason, in the "political movement of December 28, 1911," excepting common criminals.

But the populace, both at Guayaquil and Quito, demanded the persons of the rebel leaders with such fury that the Government overruled General Plaza and ordered them to be tried for treason. On the 25th the trials accordingly began, the Minister of War, Navarro, presiding; Montero was the first to be tried and he was sentenced to sixteen years in jail: the maximum penalty. This was immediately made known to the people, thousands of whom, demanding the delivery to them of the prisoners, had for hours been crowded before the court-room; they entered, overpowered the guards, and lynched Montero in the most brutal way.

General Plaza now received orders to transfer the other prisoners to Quito for trial, but he demurred because he believed he could prevent a recurrence of violence in Guayaquil, whereas at Quito not one of the prisoners would escape the mob. Again ordered to send them to Quito, he obeyed, vehemently protesting. On the 28th all the prisoners were lynched, immediately after arrival in Quito.

File No. 822.002/13.]

Doctor Chávez Franco to the Secretary of State.

[Telegram.]

GUAYAQUIL, (undated); received January 2, 1912.

Popular government constituted. Supreme Chief of Republic, General Montero. Cabinet: Foreign Affairs, Dr. Carlos Franco; Interior, Dr. Tama; War, Martinez Aguirre; Public Instruction, Dr. Arzube Villamil; Treasury, Dr. Borja.

New government guarantees respect foreign interests, specially of American citizens, for which country we have special esteem and friendship. First act of Government united immediate payment railroad coupons.

MINISTER FOREIGN AFFAIRS,
CHÁVEZ FRANCO.

File No. 822.00/184.]

The American Minister to the Secretary of State.

[Paraphrase of telegram forwarded from Bogotá January 6, 1912, by the American Minister to Colombia.]

AMERICAN LEGATION,
Quito, January 2, 1912.

General Eloy Alfaro, at Panama,¹ is said to be conspiring against the Government of Ecuador, which requests the Government of the United States to take the necessary steps to prevent Alfaro's departure from Panama.

The forces of Montero² are reported as far north as Huigra; several thousand Government troops are between Aloa and Riobamba.

¹ Alfaro arrived at Guayaquil on January 2; see introductory note.

² Should have been Flavio Alfaro's forces; see introductory note.

Such ports as may fall into the hands of the revolutionists are closed to commerce, officially, but the Government is unable to enforce blockade. Telegraphic communication between Guayaquil and Quito is cut off and railroad traffic suspended.

YOUNG.

File No. 422.11G93/420.]

The Secretary of State to the American Consulate at Guayaquil.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 6, 1912.

Hand the following, textually and unofficially, to the authorities at Guayaquil:

I have been instructed by my Government to deliver to the Minister for Foreign Affairs a note in the following terms:

Destruction of valuable American properties in the course of the present unfortunate disturbances obliges the Government of the United States to give notice that American lives and property within the Republic must be fully and adequately protected. This Government, furthermore, must hold Ecuador strictly responsible for all wanton or illegal attacks upon American property or interests there situated, including the improper appropriation, conversion, or diversion of funds set aside by the Government of Ecuador under solemn contractual obligations assumed by it toward American investments.

KNOX.

File No. 822.00/193.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Quito, (undated); received January 12, 1912.

The January 6 instruction from the Department was complied with immediately.

YOUNG.

File No. 822.00/197.]

AMERICAN LEGATION,
Quito, January 13; received January 15, 1912.

Confirmation received of report of Government victory at Huigra. As counter-revolution may break out at any time at Guayaquil, I have advised the Consul General and the *Yorktown* to refuse to receive political refugees. In my opinion asylum should under no circumstances be given to either Eloy Alfaro or Montero. I am reliably informed that the former will seek refuge on the *Yorktown* if the revolution fail. I urge that instructions in the above sense be sent by the Department to the Consul-General and to the *Yorktown*, in view of bad telegraphic service from Quito.

YOUNG.

File No. 822.00/184.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

Your telegram of January 2, via Bogotá, regarding closure of ports to commerce. You will state to the Government of Ecuador that this Government must regard proclamations closing ports not in the possession of the regular Government as utterly nugatory unless, and only as long as, such ports are effectively blockaded. State further that this Government reserves on behalf of citizens of the United States, and their vessels and other property, all rights to which they may be found entitled under the law and the facts in any case that may arise. See Moore's Digest, Sec. 1271, particularly pages 808 et seq., for the general principles of international law applicable to such cases.

KNOX.

File No. 822.00/202.]

General Montero to the Secretary of State.

[Telegram.]

GUAYAQUIL, (undated) *received January 17, 1912.*

My Government will fulfill every obligation contracted by Ecuador, and fully respect foreign and especially American interests.

PEDRO J. MONTERO,
Jefe Supremo.

File No. 822.00/210.]

The Chargé d'Affaires of Ecuador to the Secretary of State.

[Not a translation.]

LEGATION OF ECUADOR,
Washington, January 18, 1912.

HONORABLE SECRETARY OF STATE: I believe it is my duty to lay before your excellency some facts relating to the present political situation in my country and to relieve the United States Government of any unusual anxiety regarding the life and property of American citizens in Ecuador.

Your excellency is aware that on the 22nd of December last Mr. Emilio Estrada, Constitutional President of Ecuador, died at Guayaquil, and that, following the provisions of the Constitution, he was succeeded in the Executive functions by Dr. Carlos Freile Zaldumbide, President of the Chamber of Senate. Mr. Freile Zaldumbide, in accordance with the Constitution, called for elections that should have taken place on the 28th, 29th, 30th and 31st of this month.

On the 28th of December General Pedro Montero, Commander of the Third Military Zone, revolted against the Constitutional Govern-

ment, at Guayaquil, and proclaimed himself Provisional Supreme Chief of Ecuador, pending the arrival of General Flavio Alfaro, in favor of whom, it is said, this political movement has been made.¹

The action of General Montero is entirely unjustified. Barely thirty days were to elapse when he and his partisans could have had constitutionally elected General Flavio Alfaro, or anybody else. No reasons were given for such an outrage, that is costing and will cost the credit of the country and enormous losses involved in war expenses, damage of crops, paralysis of labor, and the sequel of indemnities that the nation will have to face eventually. It has been simply an assault which nobody could ever have expected. General Montero only a few months before, in August last, had given evidence of his respect for the Constitution by refusing support to the dictatorial tendencies of his intimate friend and mate General Eloy Alfaro, former President, in his attempt to proclaim himself Supreme Chief, and by standing with the army of his command by the people. The present Government could not suspect General Montero of treason, therefore continued him in the command of the Third Military Zone.

General Flavio Alfaro, who in August last acknowledged and advised his followers to acknowledge the legitimate Government of President Estrada and then voluntarily exiled himself, and General Eloy Alfaro, former President, who resigned in August also after promising the Diplomatic Corps in Quito, who had shielded him from the vengeance of the populace, not to take any further part in the politics of the country, are both back in Guayaquil, and it is said that both are taking active part in the work of the mutineers.

To show how far General Eloy Alfaro is a prime mover in the action of General Montero, I beg to refer to the request that my Government sent through the American Minister in Quito shortly after Mr. Estrada's death, to prevent any breach of neutrality in the Canal Zone. It was reported that he was planning to ship war materials to help the overthrowing of the Government of Ecuador.

As to General Flavio Alfaro, his appointment as Provisional President by General Montero² is quite sufficient to prove that he is greatly responsible for the actual conditions in my country.

The Province of Esmeraldas, probably the city of Esmeraldas only, far away from the port of Guayaquil and only accessible by sea, and where there was a very small garrison, proclaimed itself for General Flavio Alfaro a few days before the coup of General Montero; which fact shows conclusively that some understanding existed between them.

General Montero holds Guayaquil, where he revolted, and most likely the city of Babahoyo, capital of the Province of Los Rios, has also been "proclaimed." Outside of Guayaquil, Riobamba, Cuenca and Quito, no regular troops were stationed in any town, so that it is an easy matter to "pronounce" or to subdue a few other towns and villages. In all, General Montero may now control Guayaquil, Babahoyo, and Esmeraldas. Guayaquil and Babahoyo are in direct communication by the river Guayas, but Esmeraldas is so distant

¹ This is a confusion of two rival movements; see introductory note.

² This is an error; the provisional president was Montero, who appointed Flavio to be "General-in-chief of the Army and Supreme Director of the War"; see introductory note.

from Guayaquil that it is practically impossible for the revolutioneers to run any kind of Government in said town.

The Constitutional Government is in full control of the Provinces of Carchi, Imbabura, Pichincha, Leon, Tungurahua, Chimborazo, Bolívar, Cana, Azuay, Loja, and probably of Manabí and Oro also, and in all probabilities they will all remain loyal under their constitutional rights. The Government has not expressed even sympathy for any candidate in the elections; in fact it did not even have time to do anything else than call for general and free elections according to the Constitution.

It is well to point out that in this revolution only soldiers have taken part. Not even a minimum portion of the people has joined the mutineers and no grievances of any kind have been put forth. The people of Guayaquil, Babahoyo, and Esmeraldas, at the mercy of the soldiers, have been obliged to accept whatever has happened.

I understand that your excellency is anxious about the conditions regarding the railway between Durán and the interior, property of an American company. I have no official news as to anything that might lead to understand that the property is in danger of damage. As to the part of the line that is within the portion of the country under the control of the Constitutional Government, I can assure your excellency that not only it is not exposed to any damage but that it is amply protected, and that all transportation services and others will be promptly paid. In regard to the line located in the part of the country where the troops of General Montero are stationed, I do not think that any damage will be done willingly.

I have been informed extra-officially of the destruction of a bridge, and this may have been done by the revolutionists. However outrageous the move of General Montero and Generals Alfaro may be, I do not believe that they will injure in any way the property of any foreign citizen or corporation.

Whatever legitimate claim the Company might eventually have against the country for loss or interruption of business, incidental damages or others, the country will pay, as it has always paid. As a consequence of the last revolution of 1906, promoted also by General Eloy Alfaro, the Guayaquil & Quito Railway Company filed a claim amounting to \$85,000, and this was promptly paid. No action of your excellency's Government was necessary.

Ecuador has always made good any and all legitimate claims of foreigners, never having given cause [for] the intervention of any foreign power. The country well understands that it is directly responsible for the life and property of foreign citizens, and it has always been its policy to protect them and make good any and every justified claim.

The line between Durán and the interior affords the only practicable way of conveying troops. The Government will have to transport its troops on the line and will pay, in conformity with its contract with the company, the proper fares. It would greatly assist the action of the Government in repressing the revolution if General Montero and his soldiers were not permitted to use the line, its rolling material, etc.; but not even for that purpose would I ask your excellency's Government for any interference in the shape of a drastic action to put the property of the Guayaquil & Quito Railway Company under direct protection of a foreign force.

Personally I am a good and sincere friend of the United States and the Government that I represent has the same good feeling towards this country and its Government, and I know that any action on your excellency's part to intervene in this matter, other than in a moral way, might be looked upon, not only in Ecuador but in all South America, as contradictory to your excellency's policy of respecting and always having respected the autonomy of the sister Republics.

The Constitutional Government of Ecuador will, certainly, overpower the revolution. It is standing for no particular man or party, and it is only sustaining the constitutional rights against a military coup.

It is the policy of your excellency's Government to support in any case and at all events the constitutional rights of all countries, and I am positive that in this particular case all the sympathies of the United States are for the Constitutional Government of Ecuador, which has done nothing to justify, even in appearance, any revolt.

While I acknowledge the perfect right that your excellency has to be absolutely assured as to the protection that American citizens and their property should receive from any civilized country, I strongly appeal to your so well-known good feelings towards South America in general, begging you to instruct your representatives in Ecuador to avoid all drastic actions. These might be misunderstood and lead to a disagreeable state of affairs for the Constitutional Government. The revolutionists themselves might spread the false news that the Constitutional Government had sought for American intervention, and raise in the country an unjustified ill feeling against both the United States and the Constitutional Government, and cause an endless struggle the consequences of which can not be foreseen.

I am positive your excellency will approve of my frank exposition, and that the people and Government of Ecuador will have one more reason for appreciating the proceedings of the United States on behalf of closer and friendlier relations with one of the sister countries of the American continent.

Accept [etc.]

S. S. WITHER Y S.

File No. 822.00/215.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Quito, January 20, 1912.

Military Attaché Captain Cordier left for Guayaquil today in accordance with Department's instruction of January 17, 5 p. m. He will handle the situation admirably, I believe.

YOUNG.

File No. 822.00/223.]

January 23, 1912.

Guayaquil now occupied by Government troops. Consular corps there have made representations regarding disposition to be made

of prominent prisoners, among whom are Eloy Alfaro and Pedro Montero. I have instructed our Consul General to take no part in such action, leaving the question to the Government of Ecuador entirely.

YOUNG.

File No. 822.00/268.]

January 26, 1912.

For the information of the Department I forward the following telegram from our Military Attaché in Guayaquil:

January 24.—General Plaza has promised me to protect fully the Consulate General and American interests whenever necessary. Commander Bertolette died on his ship this morning. One seaman ashore from yellow fever. More cases suspected. Epidemic of malaria feared on the *Yorktown*. Very bad sanitary conditions at Guayaquil and will become worse. I strongly recommend withdrawal of the *Yorktown* and recall of *Maryland*. There is no necessity for a war vessel here. The Government is in complete control and internal peace assured. Damage to railroad comparatively slight.

CORDIER.

YOUNG.

File No. 822.00/224.]

The American Consul General at Guayaquil to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Guayaquil, January 26, 1912.

General Montero was sentenced by court martial on January 25 to sixteen years in prison. All other principals were taken to Quito. The mob disapproved the sentence of Montero to mere imprisonment, overpowered the guards, dragged Montero into the street and burned him to death some three blocks from the jail.

DIETRICH.

File No. 822.00/224.]

The Secretary of State to the American Legation.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 26, 1912.

The Minister of Panama has called at the Department to urge intercession by this Government in behalf of Eloy Alfaro. Dietrich reports that Alfaro and Páez are being taken to Quito for trial. While this Government fully realizes that it would be inappropriate to make formal representations, it feels nevertheless that a recur-

rence of such a brutal lynching as occurred at Guayaquil might be unfortunate for the good name of Ecuador.

KNOX.

File No. 822.00/197.]

The Secretary of State to the American Minister.

No. 38.] DEPARTMENT OF STATE,
Washington, January 30, 1912.

SIR: The Department refers to your telegram of the 13th instant reporting the probable outbreak at Guayaquil of a counter-revolution and in which you state that you had already advised the Consul General at that place and the commander of the *Yorktown* to receive no political refugees, and suggest that the Consul General and the Commander of the *Yorktown*, in view of the difficulties of communication between Quito and Guayaquil, be furnished by the Department with instructions in the above sense.

No attempt will be made to discuss the question of asylum in ships of war, which you will find fully treated in Moore's Digest, volume 2, pages 845 et seq. It is understood that this subject is covered by the standing instructions furnished by the Navy Department to all American naval officers.

As to the question of an instruction to the Consul General at Guayaquil, the Department is of the opinion that the instructions that were issued to him at the time of the local riots against the Peruvian citizens at Guayaquil during the spring of 1910 covered the case fully and adequately, and made any further direction unnecessary.

You are correct in assuming that what is technically known as "the right of asylum" in a strict sense is not claimed by this Government. However, there is an evident distinction between this case and that where temporary refuge is given within the residence of a consular or diplomatic representative in order to preserve innocent human life. The general practice of the Department on the subject of temporary refuge is embodied in an instruction to the Consul General at Guayaquil which you will find in the files of the Legation.¹

In the case of temporary refuge, the Department finds it expedient to give a certain latitude to the judgment of the official who is called upon to determine, within his discretion, the course recommended by broad considerations of humanity in each individual case. It is accordingly the general rule of the Department to place all emphasis upon the responsibility of the consular or diplomatic officer in the matter and to permit him, within these limitations, at his discretion to afford temporary refuge where such is necessary to preserve innocent human life.

I am [etc.]

P. C. KNOX.

¹ The instruction referred to is as follows: "Department of State, Washington, April 5, 1910. Consul General, Guayaquil, Ecuador: You may in your discretion afford temporary refuge where such is necessary in order to preserve innocent human life. Knox."

File No. 822.00/210.]

*The Secretary of State to the Chargé d'Affaires of Ecuador.*DEPARTMENT OF STATE,
Washington, January 30, 1912.

SIR: I desire to acknowledge the receipt of your courteous note of the 18th instant, in which you give an account of the events which led up to the revolutionary movement that recently developed in Ecuador, and make comment on the political situation existing in your country, according to the information in your possession at the time of your writing. You point out that with the exception of a few outlying districts, the port of Guayaquil, and the city of Esmeraldas, the Government of Señor Carlos Freile Zaldumbide was recognized as the legitimate, constituted authority by the inhabitants of the entire Republic, who condemned the movement inaugurated by the proclamation of General Montero, in December last, at Guayaquil. You add that Ecuador understands its responsibility in guaranteeing protection of life and property and will satisfy any legitimate claim for damages growing out of the political disturbances upon Ecuadorian territory.

You state that any drastic action taken by the American forces at Guayaquil in order to afford protection to the interests of American citizens established in Ecuador would have had a most unfortunate political effect in your country and throughout South America.

In this acknowledgment of your communication I desire to assure you that the American Government would have sincerely regretted any necessity for such action in Ecuador as you refer to, but undoubtedly would have been delinquent in its clear duty if it had failed to make all adequate preparation for an emergency which might have arisen from the turbulent conditions then existing in Ecuador.

The expression of the friendly feeling of yourself and your Government, conveyed in your note, are cordially reciprocated; and it must be apparent that the Government of the United States has consistently pursued a course in its relations with Ecuador which has been dictated by its high esteem of the friendship it has always desired to cultivate with that country.

The assurances which you have given that the claims of the Guayaquil and Quito Railway Company, arising out of the past conflict, will be promptly and fully paid, have been received by me with satisfaction.

The Department has been gratified at the receipt of reports indicating that the revolutionary movement in Ecuador is at an end, and ventures to voice the hope that normal conditions will be completely and permanently restored in that Republic, in order that a new era of political and economic advance may be inaugurated which will assure to the country a development to which it has a right to aspire and enable the Republic to fulfill its obligations toward all legitimate enterprises within its borders—an object in the accomplishment of which all patriotic effort should unite in order to procure for the Ecuadorian nation the full benefits that should naturally flow from a continued maintenance of constitutional order.

Accept [etc.]

P. C. KNOX.

File No. 822.00/239.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Quito, January 30, 1912.

Eloy, Flavio and Medardo Alfaro and Ulpiano Paez¹ were brought here the 28th, and had scarcely reached the penitentiary when a mob of civilians and soldiers perpetrated upon them the most monstrous and barbarous atrocities. While still living, their eyes were gouged out, * * * and they were dragged naked through the streets by ropes, while women carried the bloody garments, shouting; they were finally shot to death and their bodies burned.

BINGHAM.

File No. 822.00/266.]

[Extract.]

No. 53.]

AMERICAN LEGATION,
Quito, February 2, 1912.

SIR: I have the honor to send the following report of the recent armed disturbances in Ecuador.

President Estrada left the capital for Guayaquil on November 27 in the hope that the change to the coast would improve his health. While many alarming rumors had been current about the President's health, no one knew that the President's state was as critical as later developed. It was therefore with considerable surprise that on the morning of December 22 news was received at the Legation that President Estrada had died suddenly the night before.

The death of the President was a great disappointment to this Legation, because after a great deal of work on the part of all the members of the staff, the Ecuadorian Government had resumed daily deposits, and 184,000 sucres were already on deposit in London, while arrangements had been made to secure locally the difference necessary to meet the January coupon, and negotiations were well under way to arrange a loan for the three coupons overdue. At one blow the entire work of this Legation since August was rendered null.

Immediately after the death of the President, General Leonidas Plaza G. was announced as the Government candidate, and his nomination was apparently received with great enthusiasm throughout the whole Republic.

It is here necessary to review the fact that General Plaza, during his previous incumbency of the presidency, during the years 1901 to 1905, had been noted for his strong anticlerical views and the stern manner in which he curbed the privileges of the Church. He was therefore very unpopular with the Conservative party, which is by far the most numerous in Ecuador, although as it does not as a rule take a very active part in politics and does not control many news-

¹ Also General Manuel Serrano and Colonel Luciano Coral.

papers, its opposition to General Plaza did not become at once apparent.

One other factor of great importance entered into the situation. It will be remembered that the last Congress annulled the charter of the *Compañía Nacional Comercial*, a monopoly in which the great moneyed interests of Guayaquil were heavily interested. General Plaza, during his short incumbency as Minister of Hacienda, had shown himself the enemy of this monopoly and was therefore openly opposed in his candidacy for the presidency by the business interests of Guayaquil. These interests, while usually taking no part in politics, of course immediately begin to do so when a condition of affairs arises which interferes with their business.

The men behind the *Compañía Nacional Comercial* therefore desired some man for President, it did not matter who, whom they could control and who would not interfere with their privileges. General Plaza they could not control, and therefore they were opposed to him.

I believe that the opposition of these two elements, the Conservative party and the moneyed interests behind the *Compañía Nacional Comercial*, was responsible for the recent revolution.

It must be remembered that the Executive Power in this country rests entirely on armed force, that is, the Army. It was therefore the attempt of the forces opposing General Plaza to subvert a portion of the Army. This they found ready to their hands in the person of the opportunist commander of the Third Military Zone, General Pedro J. Montero, and the garrison of Guayaquil. General Pedro J. Montero is an old friend of General Eloy Alfaro and could therefore count on the support of the Alfarista party and other elements disaffected with the present Government.

[Military news.]

On the morning of December 30 news was received at the Legation of the destruction of the wooden trestle railroad bridge near Alausi. This was immediately made the subject of a note of protest to the Foreign Office.¹ The Government replied that the destruction of the bridge was the work of the revolutionists and requested that the railroad company immediately repair the bridge at the expense of the Government.

On the morning of January 7 the U. S. S. *Yorktown* reported her arrival in Guayaquil.

[Military news.]

Had the revolutionists so desired they could still have made the Government pay heavily for the taking of Guayaquil. This would however very probably have involved the destruction of the city, and the foreign business interests appealed to General Eloy Alfaro to surrender in order to save lives and property. Emissaries were therefore sent to Durán to confer with General Plaza, and, as I understand (I have as yet no definite information on this subject), the revolutionists agreed to surrender Guayaquil provided that they, the leaders, were permitted to leave the country. This agreement was signed by General Plaza and witnessed by the British and American Consuls.

¹ Not printed.

The Government repudiated the action of General Plaza and ordered the leaders of the revolution to be tried for treason. General Plaza protested but was overruled.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.00/252.]

The American Minister to the Secretary of State.

[Telegram.]

SANTA ELENA, ECUADOR,
Not dated; received February 13, 1912.

Request *Maryland* be held Santa Elena until my arrival Washington, but no objection to temporary trip Panama for supplies provided *Yorktown* remains Ecuadorian waters during absence *Maryland*. Strongly urge and recommend Captain Cordier, who is in touch with political situation, remain with warship.

YOUNG.

File No. 822.00/269.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, February 28, 1912.

Cordier reports all quiet on the coast. *Yorktown* may safely be withdrawn if she remains within reach. Political conditions calm for the moment, but impossible to foresee outcome.

BINGHAM.

File No. 822.00/276.]

[Extract.]

No. 64.]

AMERICAN LEGATION,
Quito, February 28, 1912.

Sir: I have the honor to advise the Department that the political situation, due to the election of a new President, has reached such a point of tension that it is very probable that further armed disturbances may occur. * * * The Conservatives are supporting Dr. Tobar¹ and the Church is exerting its influence in his favor. The members of the present Provisional Cabinet are also assisting him, whether from Conservative sympathies or personal antagonism to General Plaza. On the other hand the Army is strongly in favor of General Plaza, its commander in the successful campaign which has just closed, and may not permit a free election, thus introducing the danger of civil disturbances referred to above. * * *

I have [etc.]

RUTHERFORD BINGHAM.

¹ Carlos Rodolfo Tobar, Minister for Foreign Affairs.

File No. 822.00/287.]

No. 69.]

AMERICAN LEGATION,
Quito, March 8, 1912.

SIR: I have the honor to inform the Department that on the morning of the fifth instant there was a good deal of excitement in Quito on account of the proposal of the Government to change the commanding officers of certain of the battalions stationed in this city. During the afternoon it became evident that the Vice President, Dr. Carlos Freile Zaldumbide, had definitely decided to use the influence of the Government to oppose General Plaza. General Navarro, Minister of War, and Señor Intriago, Minister of Hacienda, who were supporters of General Plaza, resigned.

Having decided to support the candidacy of Dr. Tobar, the Government of Señor Freile Zaldumbide felt the need of strengthening its position with the Army. An agreement was reached by which General Julio Andrade consented to support the Government and oppose General Plaza.

Late in the afternoon General Andrade was appointed Minister of Public Instruction, and the tension became acute. It is stated that the Government had planned to seize the person of General Plaza that same night. To that end several hundred citizens were armed and held in readiness. In the evening the Vice President, accompanied by his Cabinet, went to the barracks of the police battalion, which they believed to be loyal. It happened, however, that the second in command of this battalion, the Subintendente of Police, was secretly supporting General Plaza. He informed the General of the proposed plot.

General Plaza immediately sent word to the troops on whom he could rely, and before the Government could carry out its intention his troops had seized the city.

This move took the Government entirely by surprise. Its supporters offered practically no resistance, and although shooting continued in the streets all night, most of it was in the air and there were very few casualties. General Andrade was shot and killed just as he was leaving the police barracks with the intention of rallying his men.

General Plaza arrested the Vice President and Cabinet. They were, however, released and escorted to their homes as soon as danger to their persons had ceased. The Government resigned immediately, and although General Plaza was practically dictator he preferred to go through the legal form of an election before actually assuming office. Therefore, following the letter of the Constitution, Señor Dr. Francisco Andrade Marin, President of the Chamber of Deputies and an ardent supporter of General Plaza, assumed the functions of the Executive ad interim, and reappointed General Navarro and Señor Intriago as Minister of War and Hacienda respectively.

The political situation is greatly simplified and the prospects for a prolonged period of peace are better than at any time since the overthrow of President Alfaro the eleventh of last August.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.002/18.]

No. 73.]

AMERICAN LEGATION,
Quito, March 15, 1912.

Sir: I have the honor to inform the Department that the newly appointed Cabinet of Dr. Francisco Andrade Marin, President of the Chamber of Deputies, in charge of the Executive Power, is as follows: Minister of Foreign Relations, Señor Antonio Arcos; Minister of War, General Juan Francisco Navarro; Minister of Hacienda, J. F. Intriago; Minister of the Interior, Dr. José Maria Ayora; Minister of Public Instruction, Dr. León B. Becerra.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.002/16.]

*The Chargé d'Affaires of Ecuador to the Acting Secretary of State.*LEGATION OF ECUADOR,
New York, March 15, 1912.

SIR: I have the honor to inform you that I have received last night a cable from my Government by which I have been advised that Dr. Carlos R. Tobar, Secretary of Foreign Relations, has resigned, in view that his candidacy for President of the Republic has been issued lately, and therefore Dr. Antonio Arcos has been appointed to this portfolio of which nomination I beg to inform the State Department.

Accept [etc.]

S. S. WITHER Y S.

File No. 822.00/292.]

The American Chargé d'Affaires to the Secretary of State.

No. 75.]

AMERICAN LEGATION,
Quito, March 18, 1912.

SIR: I have the honor to inform the Department that there is much uncertainty in the present political condition in Ecuador. The events of the last few months have removed all the Liberal leaders with the exception of General Plaza. In the ordinary course of events this gentleman would be elected as there is now no candidate opposing him for the presidency of the Republic. General Plaza has very many enemies in the Conservative party, who are opposed to him on account of his Liberal attitude in regard to the Church during his last administration, and in his own party those who are against him for personal reasons. Some even accuse him of being responsible for the death of General Julio Andrade. Many threats of personal violence to General Plaza have been made and, considering the lawless condition of the country, it is not impossible that some such attempt may be made.

Should General Plaza be killed, the condition of affairs would be most grave. There would surely be much violence between the different factions who, being unable to agree on a leader, would fight among themselves, and the Conservative or Clerical party would

seize the opportunity to attack the Liberals. A state of affairs closely resembling anarchy would result.

As a proof that much anxiety is felt by all classes, I have the honor to inform the Department that several individuals have requested asylum in this Legation in case of further disturbance in Quito. To everyone who has asked for asylum I have replied that the Department of State deprecates the granting of asylum except where it is absolutely necessary from the point of view of humanity, to save life; that I could not discuss a hypothetical question of future danger but must decide each case on its merits as it arose; and I strongly urged the individuals in question to adopt every other means of securing their safety in case of trouble instead of coming to this Legation, as I desired to hold absolutely aloof from all internal questions.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.00/280.]

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION, QUITO,
Washington, March 22, 1912.

SIR: I have the honor to enclose herewith a report, with enclosures, from Captain Constant Cordier, U. S. A., Military Attaché of this Legation. * * *

EVAN E. YOUNG.

[Inclosure.—Extract.]

The Military Attaché of the American Legation to the American Minister.

AMERICAN LEGATION; ON BOARD U. S. S. "MARYLAND,"
Santa Elena, Ecuador, February 11, 1912.

SIR: In compliance with your letter of instructions dated January 19, 1912,¹ and in accordance with the cablegram from the Honorable the Secretary of State, dated January 17, 5 p. m., I departed from Quito on January 20th, taking the first south bound train for Guayaquil. [Here an account of several vexatious delays.] The train reached the Durán terminus at 9:40 p. m. [the 22d]. I had made arrangements by wire to use the railway tug, and was about to embark when General Plaza, then at Durán with some 2,000 Government troops, sent word that he desired to see me. I called at his quarters and met him and General Julio Andrade, his chief of staff. They were both most effusive in their greetings. After a few pleasantries General Plaza said that he hoped to have a talk with me on the following day. I then took the tug to the U. S. S. *Yorktown*, which was anchored in the Guayas river a little above the railway company's Guayaquil dock, going aboard at 10:30 p. m.

Lieutenant Edison Ernest Scranton, U. S. Navy, temporarily in command of the *Yorktown*, informed me of the state of affairs in Guayaquil and of the part taken by the ship in the local disturbances. Also of the attitude of the railway officials, of the wish expressed by the president of the railroad, Mr. E. H. Norton, for a landing party to protect property, and of the participation of our Consul General in the peace negotiations, then being carried on. We went over the entire situation and I explained to him your views and the

¹ See sub-inclosure 1.

action recommended, at the same time delivering your letter addressed to the "Commander United States Naval Forces in Ecuadorian Waters", copy of which is attached hereto, marked "B".¹ I found Lieutenant Scranton to be thoroughly familiar with and alive to the situation, and he cheerfully expressed a desire to carry out your wishes and instructions, and to confer and cooperate with me in all matters affecting the late political crisis. Lieutenant Scranton deserves a great deal of credit for the manner in which he comprehendingly met every emergency.

The part taken by the *Yorktown* between January 7 and 27, 1912, in the late revolution is shown in the letter of Lieutenant E. E. Scranton, U. S. Navy, hereto attached and marked "C",² and also in the reports of operations of Commander Bertolette and Lieutenant Scranton, copies of which are marked "D"¹ and "E".¹ * * *

On January 19 General Plaza sent a demand to General Montero to surrender. Identical notes were addressed to the Dean of the Consular Corps at Guayaquil and to General Montero, and were brought on board the *Yorktown* at about 7:00 p. m. by an aide-de-camp of General Plaza, together with a note from the latter to the Commander of the *Yorktown* requesting him to forward the demand for surrender. The letters were sent ashore that night to the American Consul General, who transmitted them to the respective addresses.

On the same day, at about 2:30 in the afternoon, a Peace Commission consisting of the American Consul General, the British Consul, and five citizens of Guayaquil, had gone to Durán with the object of continuing on to Yaguachi for a conference with General Plaza, but was obliged to return to Guayaquil at 4:30 p. m. without accomplishing anything. * * *

Upon the request of the American Consul General the *Yorktown's* launch was placed at the service of the self-appointed commission consisting of the American Consul General, the British Consul and other members, who made a trip from Guayaquil to Durán for the purpose of conferring with General Plaza, on January 20.

The terms proposed by General Plaza, practically an unconditional surrender, had been revised and amended by General Montero. These peace terms were changed by General Plaza, and the commission then returned with the papers to Guayaquil.

On January 21 the peace commission made a second trip to Durán in the *Yorktown's* launch, with peace overtures from General Montero. General Plaza made further changes in these proposals and handed the papers to the commission, which returned to Guayaquil. * * *

General Montero's local government was being weakened daily by the retirement of his more prominent political supporters. On January 18 three of his five cabinet ministers resigned their portfolios, and within two days following several of his military commanders resigned, including General Flavio Alfaro, as Commanding General. General Eloy Alfaro was then appointed (January 19) Director of War, which practically gave him command of the rebel army.

Realizing that the de jure Government was ultimately bound to triumph, and fully appreciating the necessity for our non-interference in the political disturbances of Ecuador at this moment, I requested Lieutenant Scranton not to land any armed men nor other party, either on the Durán side of the river or at Guayaquil, and informed him that I would assume all responsibility, as your aide and the Department's representative, for any failure to protect American interests or the Consulate, which could be clearly seen from the *Yorktown*; intending, in accordance with your instructions, if the necessity arose, to land with an officer and a few unarmed men and to request our Consul General to come on board the *Yorktown* with his office records should the bombardment or the setting on fire of the city be imminent. Provisions were also made for receiving on board the American residents, for the protection of life. Lieutenant Scranton most willingly made arrangements for carrying out these requests. * * *

The peace terms that had been attested by General Montero were signed by General Plaza and handed back to the peace commission, which returned to Guayaquil about mid-day [January 22]. According to agreement, the peace commission was to have met General Montero at about 2:00 o'clock that afternoon for the purpose of informing him that the peace terms had been

¹ See sub-inclosure 2.

² Not printed.

signed by General Plaza. A copy of the peace terms bearing the signature of the two generals was also to have been handed to General Montero. The latter, however, did not appear, but sought a hiding place where he thought he would be safe from any possible mob violence which might follow his surrender.

General Flavio E. Alfaro, who has been serving as generalissimo of the revolutionary forces in Guayaquil, learning of the disappearance of General Montero, gave the order to his troops to carry out the provisions of the peace terms. While the revolutionary soldiers were in the act of giving up their arms heavy firing commenced in the streets of Guayaquil. * * * Several shots passed over the *Yorktown*, which lay about 500 yards away, and through the isolation ward on board, one bullet-hole being found in the awning stretched over the poop-deck. * * * The firing then became desultory. * * * No foreigner was injured as far as can be ascertained.

A great crowd of about 5,000 people, with many flags and banners, then [January 23] surged through the streets, breaking up into smaller groups. Speeches were made, flags waved and cheer given for the Government and General Plaza.

An officer was sent ashore by Lieutenant Scranton to investigate conditions, and found nothing to warrant any action on the part of the ship.

At about 4.45 p. m. the Government forces began to arrive from Durán on small steamers and other river craft. * * * Generals Plaza and Andrade were on one of the first steamers that reached the Guayaquil side. Here they were met by large crowds of civilians, some with arms and some without, carrying flags and shouting for the Constitutional Government. A great parade was formed and the triumphal march through the streets commenced. * * *

Lieutenant Scranton and I then called upon General Plaza, who was in command of Guayaquil. The General met us as we entered the Governor's palace and ushered us into the large room used by him as headquarters. I expressed the Legation's good wishes and congratulated the General upon the restoration of peace. I asked him if he would be prepared fully to protect American interests in event of further disturbances. He assured both Lieutenant Scranton and myself that he was in a position to guarantee ample protection to all foreign interests, and that he would take every measure possible to protect American life and property in case of trouble, which he assured us was not likely to occur. I requested the General to see that American life and property was not menaced; to prevent any anti-American demonstration, if practicable, and to guard the Consulate, if necessary, against annoyances or attacks of any kind; which he said he would do with pleasure, adding that there should be no fear of any trouble for Americans. * * * He said that he was very much pleased to learn that no armed landing party had been sent ashore during the stay of the *Yorktown*, as the landing of armed men had not been necessary and might have caused some ill feeling on the part of the people.

General Plaza was informed that the *Yorktown* would be only too glad to salute the port and country, inasmuch as the constituted Government had regained control of Guayaquil; but owing to the illness of Commander Bertollette, then on board, it was thought advisable to postpone the firing of the salute for a few days. General Plaza readily assented to this and said that he sincerely hoped that the Commander would speedily recover. He spoke highly of the officers and men and of what he regarded as the perfectly proper non-interference on the part of the *Yorktown*, whose action had been entirely within the bounds of international propriety. * * *

The coming of the *Yorktown* and the presence of our warships in Ecuadorian waters have had the desired moral effect, have minimized the damage to the railroad property, increased the respect for the established rights of foreigners and, possibly, prevented high-handed treatment and abuse of American residents in Ecuador. * * *

The first death from yellow fever among the crew of the *Yorktown* occurred at 9.30 a. m. January 23, when seaman C. W. Wood died in the ward improvised by Doctor Parker in his office at the Consulate.

Commander Bertollette, whose condition became worse on January 23, died on board the *Yorktown* at 2.14 a. m. the following day, from yellow fever. His death, which was deeply regretted, threw a pall over every one on the ship. It was deplorable that an officer and an enlisted man had to succumb to such a dreadful disease for, apparently, no other reason than the questionable necessity of protecting a little property. Both were sacrificed in the strict line of duty.

* * * There were in all eight yellow fever patients, two deaths, and a number of suspected cases between January 17 and 26. Few really expected to escape, and a sigh of relief went up when orders were received, on January 25, for the *Yorktown* to proceed to Santa Elena Bay. * * *

Everything is now quiet along the coast, and I hardly look for political disturbances of any consequence. * * *

The collier *Prometheus* arrived at Santa Elena on January 30, and the armored cruiser *Maryland* on February 1, 1912.

I have transferred to the U. S. S. *Maryland*, the ship of the senior officer present, and will continue to carry out your instructions.

Very respectfully,

C. CORDIER.

[Subinclosure 1.]

The American Minister to the Military Attaché of the Legation.

AMERICAN LEGATION,
Quito, January 19, 1912.

MY DEAR CAPTAIN: In accordance with telegraphic instructions from the Honorable the Secretary of State, extract of which is inserted herein, you will proceed, as soon as possible, to Guayaquil, Ecuador, where, upon arrival, you will embark on board the U. S. S. *Yorktown*, and carry out the following:

Extract from cablegram from the Department of State, of January 17, 1912—

Commander Bertolette has yellow fever. At the suggestion of Navy Department, War Department having already concurred, you will instruct Captain Cordier to proceed at once to Guayaquil to confer and cooperate with C. O. *Yorktown*.

KNOX.

In addition to the foregoing you are requested to carry out my verbal instructions of this date, which fully empower you to represent this Legation in all matters while on this mission.

Should other U. S. Government vessels enter Ecuadorian waters you may transfer aboard, if in your judgment it is deemed advisable or necessary; meanwhile I would suggest your remaining on board the *Yorktown*.

Wishing you every success on your important and trying mission, I remain,

Very cordially, yours,

EVAN E. YOUNG.

[Subinclosure 2.]

The American Minister to the Commander of the United States Naval Forces in Ecuadorian waters.

AMERICAN LEGATION,
Quito, January 19, 1912.

SIR: I have the honor to inform you that Captain Constant Cordier, U. S. Army, Military Attaché to this Legation, has been ordered to Guayaquil on instructions from the Honorable the Secretary of State.

Captain Cordier is fully empowered to represent this Legation in all matters; and, as my aide, to represent me officially and personally. You are, therefore, requested to give full credence to any representation made by Captain Cordier, and to aid and assist him in every way possible, as the representative of this Legation.

I have [etc.]

EVAN E. YOUNG.

File No. 822.00/299.]

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 80.]

AMERICAN LEGATION,
Quito, April 8, 1912.

SIR: I have the honor to report that the elections, which took place March 28 to 31 inclusive, resulted in the election as President of the

Republic of General Leonidas Plaza Gutiérrez. The figures published by the newspapers give 47,500 votes for General Plaza to less than 500 scattering for other candidates.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.00/292.]

The Acting Secretary of State to the American Chargé d'Affaires.

No. 44.]

DEPARTMENT OF STATE,
Washington, May 6, 1912.

SIR: The Department has received your No. 75, of March 18, 1912, in regard to the disturbed political conditions existing in Ecuador, in which you report that several persons have requested asylum in the Legation in case of further trouble in Quito, and give the substance of your replies to those who have asked for asylum, in which you advised them to use other means of securing their safety preferably to coming to the Legation.

The Department approves your action, but in this connection desires to refer you to its No. 38, of January 30, 1912, in which the distinction between asylum and temporary refuge is discussed.

I am [etc.]

RUTHERFURD BINGHAM.

File No. 822.032/9.]

The American Chargé d'Affaires to the Secretary of State.

No. 130.]

AMERICAN LEGATION,
Quinto, August 12, 1912.

SIR: I have the honor to report that on Saturday, August 10, the Ecuadorian Congress assembled in regular session for the year 1912. Dr. Alfredo Baquerizo Moreno was elected President of the Senate and according to the Constitution will be acting President until September first, 1912, when General Plaza will assume the office.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.001 P69/1.]

No. 136.]

September 4, 1912.

SIR: I have the honor to report that on the afternoon of August 31, General Leonidas Plaza Gutiérrez was inaugurated as President of the Republic of Ecuador for the next constitutional period 1912 to 1916.

The ceremony of the inauguration took place in the National Palace, in the presence of both Houses of Congress, the Diplomatic Corps and numerous spectators.

The day of the inauguration passed quietly, without any disturbances whatsoever.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.001 P69/3.]

The Chargé d'Affaires of Ecuador to the Secretary of State.

No. 197.]

LEGATION OF ECUADOR,
New York, December 4, 1912.

SIR: I have the honor of handing to you the "Letras Autógrafas" of Gen. Leonidas Plaza G., President of Ecuador, addressed to His Excellency William H. Taft, President of the United States of America, informing him upon his inauguration as Constitutional President of Ecuador, on the 30th of August of the present year.

I avail [etc.]

S. S. WITHER Y S.

[Inclosure.—Translation.]

*The President of Ecuador to the President.*NATIONAL PALACE,
Quito, September 20, 1912.

GREAT AND GOOD FRIEND: I have the honor to inform Your Excellency that, elected by my fellow-citizens to the Presidency of the Republic, I assumed charge of this high office on August 31 of the current year, after having taken the constitutional oath on the same day before the Congress.

Upon informing Your Excellency thereof I beg to say that in the exercise of my functions I shall take especial care to draw even closer than ever, if that be possible, the bonds of friendship that happily unite our respective countries.

I earnestly desire for your noble Nation increasing prosperity, and offer my best wishes for Your Excellency's personal welfare.

I have the honor to be Your Excellency's
Good and True Friend,

LEONIDAS PLAZA G.

File No. 822.001 P69/3.]

The Secretary of State to the Chargé d'Affaires of Ecuador.

No. 11.]

DEPARTMENT OF STATE,
Washington, December 12, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant with which you enclose a letter addressed to the President by His Excellency General Leonidas Plaza G., President of Ecuador, announcing his inauguration as Constitutional President of that Republic on August 30th¹ last.

I have the honor to say in reply that His Excellency's letter has been laid before the President and that his reply will shortly be delivered through the American Legation at Quito.

Accept [etc.]

P. C. KNOX.

¹ Should be 31st.

CLAIMS OF THE GUAYAQUIL & QUITO RAILWAY COMPANY
AGAINST ECUADOR—ATTITUDE OF THE UNITED STATES—
PROPOSAL OF ECUADOR TO ARBITRATE.

File No. 422.11 G93/428.]

The Acting Secretary of State to the American Legation.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 19, 1912.

Report what steps Ecuadorian Government has taken to fulfill its obligations toward the Guayaquil & Quito Railway Company.

WILSON.

File No. 422.11 G93/430.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guayaquil, February 21, 1912.

The Ecuadorian Government has made no effort to fulfill its obligations to the American railway company since the revolution.

BINGHAM.

File No. 422.11 G93/452.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 17, 1912.

Messrs. Norton and Farr, officials of the railroad, in conference at the Department today, emphasize critical financial situation of the company which imperatively demands immediate relief.

A coal ship, it appears, has been ordered for the 25th instant, and unless 100,000 sucres are forthcoming within a week the order must be canceled and railroad operations suspended as soon as present Ecuador supply of coal is exhausted.

Since the Government of Ecuador is directly responsible for the railroad's present financial crisis, having failed to meet its just financial obligations to the railway, and as the railway has no other source of financial relief, you will immediately bring the foregoing to the attention of the competent officials of the Government of Ecuador, and say that you have been instructed to request a statement without delay as to what immediate action that Government is prepared to take.

WILSON.

File No. 422.11 G93/454.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, April 21, 1912.

General Plaza believes the railway's revolution bills are an imposition even if technically correct, but says that if their adjustment is made on a basis of average earnings of last six months of last year, plus fifty per cent, plus 65,000 sucres damages, he will use his utmost efforts to induce the Government to pay 100,000 sucres before April 25, and 50,000 more during May, and to approve all other accounts passed by Minister of Interior.

BINGHAM.

File No. 422.11 G93/455.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 23, 1912.

Railway official statement shows there is now due railway company from the Government of Ecuador, on bills heretofore approved by the competent authorities of that Government, approximately 375,000 sucres, exclusive of approved bills of the company for services rendered and damages sustained during the recent revolution. As General Plaza apparently acknowledges that revolutionary bills are technically correct, the Department does not understand why payment of the 100,000 sucres so urgently needed should be made conditional upon compromise of bills of revolutionary period.

The railway officials are very anxious to work in harmony with the Government of Ecuador, and the Department believes they would be inclined to consider favorably an arrangement, if immediately accepted, on the following basis:

The Government of Ecuador, having paid 100,000 sucres, to pay hereafter 50,000 sucres monthly in addition to its current account until such time as the Government of Ecuador shall have been placed by virtue of a loan in a position to extinguish all its indebtedness to the railway company; or, in the event of the loan not being negotiated, until such time as the total indebtedness of the Government to the railway company shall have been extinguished; and unqualifiedly to approve and accept all other accounts previously passed by the Director of Public Works; and to pay interest at the rate of six per cent on the unpaid balance of the railway accounts until such accounts shall have been fully discharged. The railway company on its part, on consideration of strict compliance with the foregoing, to adjust revolutionary bills on basis of average earnings last six months of last year, plus 50 per cent, plus 65,000 sucres damages.

Communicate the foregoing to the Government of Ecuador and press for immediate payment of 100,000 sucres, pointing out that, exclusive of revolutionary bills, more than three times this amount is due.

KNOX.

File No. 422.11 G93/457.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, April 25, 1912.

General Plaza states that the Government has 50,000 sucres cash on account of coal ship, and offers draft at 90 days sight to cover the other 50,000, which can be negotiated in Ecuador with discount of not more than 5 per cent. He now says payment of additional 50,000 sucres in May is impossible.

Arbitration of all bills prior to December 28, 1911, including all interest questions, is demanded by the Government.

Plaza also states that 100,000 shall be applied to revolutionary bills as compromised. He added that the utmost the Government can pay monthly until December is 10,000 sucres, to be applied to cancel the same account.

BINGHAM.

File No. 422.11 G93/458.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 3, 1912.

The greatest concessions that the railway company can make are embodied in Department's telegram of April 23. General Plaza's reply, which the Department must assume to represent the Government of Ecuador correctly, has been communicated to the railway officials here, who inform the Department that they are unable to accept the proposal as transmitted in your April 25. This proposal appears to be entirely at variance with General Plaza's previous statement, communicated in your April 21, which was essentially accepted by the railway company. The Government of the United States is therefore constrained to believe that a due regard for good faith in business dealings requires the Government of Ecuador immediately to meet its just obligations to the Guayaquil & Quito Railway Company.

The Government of the United States is compelled to inform the Government of Ecuador that, in view of the long-continued and fruitless efforts that have been made to secure for this American company due consideration, it cannot permit the destruction of this important and legitimate American enterprise, and that its duty to its citizens and their property requires that it secure for the railway company the full and adequate enjoyment of all its just rights and privileges.

The Government of the United States, in thus clearly making known its self-evident duty regarding the treatment of this American company, is mindful of the long-standing friendly relations which have existed between the two countries and would view with

deep regret the continued failure on the part of the Government of Ecuador to provide the funds which it is apparent it has at its command, thus leaving to this Government no alternative but to take, on its own part, such action as to it may seem appropriate in order to assure this company that complete and ample protection to which it is so clearly entitled.

You will communicate this telegram textually to the Government of Ecuador, leave a copy with the Minister for Foreign Affairs, and request an immediate reply.

HUNTINGTON WILSON.

File No. 422.11 G93/459.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 4, 1912.

The Government of Ecuador now has 86,000 sucres toward payment of coal ship, and the other 14,000 can be obtained in about one month from the New York Consulate.

The Minister for Foreign Affairs says that his Government is so fully convinced of the rights and justice of its claims in the railway dispute that it stands ready to submit all questions to arbitration, and desires a full and impartial investigation of pending claims.

It cannot be denied that the Government of Ecuador has many just grounds for complaint against the railway which should be submitted to arbitration. I am convinced that Ecuador is sincerely desirous of meeting its financial obligations toward the railway.

BINGHAM.

File No. 422.11 G93/461.]

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 5, 1912.

General Plaza stated this morning that the mortgages would not be paid unless the railway compromised the revolutionary bills, average last six months last year plus fifty per cent, plus 65,000 sucres damages; questions relating to interest, and approval of bills previously passed by Minister of Interior, to be referred to arbitration.

BINGHAM.

File No. 422.11 G93/483.]

[Extract.]

No. 94.]

AMERICAN LEGATION,
Quito, Ecuador, May 7, 1912.

SIR: I have the honor to inform the Department that its telegraphic instruction of April 23 was transmitted to the Ecuadorean Foreign Office by this Legation in its note No. 60, dated April 25, 1912, copy of which is enclosed herewith.

No reply had been received from the Ecuadorean Foreign Office to the representations of this Legation in regard to the payment of 100,000 sucres to the Guayaquil and Quito Railroad Company, when the Department's instruction of May 3 was received.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

AMERICAN LEGATION,

Quito, April 25, 1912.

No. 60.]

MR. MINISTER: I have the honor to inform your excellency, that statements submitted by officials of the Guayaquil and Quito Railroad Co. to the Department of State in Washington show that there is now due and owing to the railroad company by the Government of Ecuador on bills heretofore approved by appropriate Ecuadorean officials, about 375,000 sucres, entirely exclusive of approved bills of the company for services rendered and damages sustained during the recent revolution.

In order, however, to facilitate an arrangement, I am informed that the railroad officials, who are extremely anxious to work in the most harmonious relations with the Government of Ecuador, would be inclined to consider favorably a compromise, if immediately accepted, on the following bases:

"The Government of Ecuador after having paid one hundred thousand sucres (S/100,000), to pay hereafter fifty thousand sucres (S/50,000) monthly, in addition to its current account until such time as the Government of Ecuador shall have been placed by virtue of a loan in a position to extinguish all its indebtedness to the railroad company, or in the event of the loan not being negotiated, until such time as the total indebtedness of the Government to the railroad company shall have been extinguished; and to unqualifiedly approve and accept all other accounts previously passed by the Director of Public Works, and to pay interest at the rate of six per cent (6%) on the unpaid balance of the railroad accounts until such accounts shall have been fully discharged.

"The railway company on its part, in consideration of the strict compliance with the foregoing, agrees to adjust the revolutionary bills on a basis of average earnings last six months last year plus fifty per cent (50%) plus sixty-five thousand sucres (S/65,000) damages."

I desire once again, to invite the attention of your excellency to the critical financial condition that at present confronts the railroad and to urge that your excellency's Government make immediate payment of the one hundred thousand sucres (S/100,000) for the coal ship. Your excellency will note that more than three times this amount is owed by the Government of Ecuador to the railway company exclusive of the revolutionary bills.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 422.11 G93/466A.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, May 11, 1912.

The Chargé d'Affaires of Ecuador, Mr. Wither, yesterday handed to the Department telegraphic instructions received by the Legation

from the Minister for Foreign Affairs of Ecuador. The instructions are as follows:

Intervention rejected by the Chancellery. In proof of conciliatory spirit, the Government is ready to pay 100,000 sucres if a legal representative of the railway with full powers previously fixes the amount of the claim. The contracts speak of arbitration; never of intervention. Necessary to make formal protest. Ecuador claims what is owing to her.

The Department's telegram of May 3 makes the position of this Government sufficiently clear, and the Chargé d'Affaires was so informed.

You will emphasize the foregoing to the Ecuadorian Government and state forcefully that the matter will admit of no further delay, and that discussion of opposing claims against American company can be considered only at the proper time and after payment by Ecuador of the 100,000 sucres, which is only a small portion of the amount, regarding which there can be no dispute, owed to the railway company by the Government of Ecuador.

WILSON.

File No. 422.11 G93/471.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May, 14, 1912.

The Ecuadorian Government, in a note received today from the Foreign Office, offers to pay a lump sum of 280,000 sucres to cancel revolutionary bills: 86,000 cash; 14,000 draft at 90 on the Consul General, New York; and 50,000 monthly until extinguished; deducting therefrom value of combustibles supplied by the Government, and items objected to in account for damages. If railway company refuses, Government of Ecuador reserves right to appeal to arbitration. Also insists on review of the bills previous to revolution.

Ecuador offers to pay 100,000 sucres without further delay and refer to arbitration all points under discussion.

BINGHAM.

File No. 422.11 G93/471A.]

The Acting Secretary of State to the American Legation.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 15, 1912.

The Department is sending to the Ecuadorian Legation here a memorandum¹ concerning the present indebtedness of the Government of Ecuador to the Guayaquil & Quito Railway Company, suggesting that the amounts be telegraphed at once to the Government

¹ Not printed.

of Ecuador in order that the 100,000 dollars [sic] which that Government states it has on hand for the purpose may be immediately paid, obviating any further delay, which can only aggravate the present most unfortunate situation.

WILSON.

File No. 422.11 G93/471.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 16, 1912.

Telegraph at once translation of essential portion of note from Foreign Office referred to in your May 14.

WILSON.

File No. 422.11 G93/476.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 18, 1912.

Essential portions of note referred to in your May 16, my May 14:

I had the honor of pointing out to you, in my note No. 275 of the 6th instant (1), that the official intervention of your Government in these affairs seemed to me in every sense unnecessary, since, in the extreme case of not being able to arrive at a friendly settlement between the parties, there remained the arbitration stipulated in the contracts as an unavoidable and sure means of ending the controversy. Then I added that out of special deference to the Chargé d'Affaires of the United States, my Government felt bound to set to work to procure the means of giving to the company the help requested, while denying in principle, the strict obligation to do so.

Consistently with that idea I declare to you, respecting the definite settlement of the company's claim, that the documents it has submitted as the basis for its claim to the payment of *evidently excessive amounts* for services rendered and damages sustained during the late revolution, have not yet been accepted by my Government, and much less has the latter recognized a debt to the company of nearly 375,900 sucres in promissory notes viséed by employees of my Government having authorization therefor.

The examination of the aforesaid documents belongs solely to the Minister of Public Works, in whose Department the following obstacles have been encountered: that the company claims the indisputable approval and acceptance of all the accounts presented in previous years by the Director of Public Works; and that *among the employees mentioned, there is not one in Quito who has the Company's authority* to accept, in private conferences and in a definite manner, the just observations which there is room to make respecting the whole of the account, the extent of which in itself calls for serious examination.

With the earnest desire to end the whole controversy by means of a private agreement with the Company, and in order to avoid the presentation of fresh difficulties when the time comes to carry out the determined conditions of a later liquidation, my Government resolves today to offer officially to the Company the sum of 280,000 sucres for services rendered and damages sustained by the railway during the late revolution, as the net balance, and after deducting the value of the combustibles supplied by the Government and the amount of the items justly objected to in the account for the damages caused to the railway.

There are included in this amount of 280,000 sucres the equitable average of the receipts of the railway during a period of time immediately preceding the revolution, the 50% and the value of the damages. If the company accepts the offer, it may draw immediately for 86,000 sucres and receive a draft at ninety days sight for 14,000 sucres, the balance of the 280,000 sucres to be paid at the rate of 50,000 sucres monthly, until the total amount is cancelled. But if the company does not accept the proposal, my Government reserves the right to await the result of the arbitration respecting each and all of the company's charges and their total, that is to say: respecting the whole sum of 375,900 sucres which according to your statements the Company claims.

Notwithstanding this, and with the aforesaid reservation, my Government, with a view to make good the offer contained in my note of the 6th instant, will give to the company the 100,000 sucres, as the aid requested by it, and in the form above stated.

With reference to the previous bills, the greater part of which belong to the administration of President General Eloy Alfaro, which are at present deferred and which the company claims should be accepted in an *indisputable* manner, my Government, for that very reason, has resolved to examine them carefully, after which, in a short while, the company will be advised of the result; I, meanwhile, am bound to declare to you today that said accounts are not lacking in really incorrect items.

BINGHAM.

File No. 422.11 G93/476.]

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 22, 1912.

Inform the Government of Ecuador that the offer contained in the note of the Foreign Office to compromise revolutionary bills and claims for 280,000 sucres is entirely unacceptable and must be rejected.

You will thereupon refer to the alternative proposal of immediate payment of 100,000 sucres, with subsequent arbitration of all outstanding claims and questions between the railway company and the Government of Ecuador, and formally transmit the acceptance by the railway company of this proposal.

You will then make it clear that this Government awaits your report of the immediate payment of the 100,000 sucres in the form stated in the note of the Foreign Office, and add that the railway company desires to proceed immediately to the constitution of an arbitral tribunal.

KNOX.

File No. 422.11 G93/477.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 24, 1912.

The Government of Ecuador has made a formal request for the appointment by the United States of an arbitrator.

BINGHAM.

File No. 422.11 G93/477.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 27, 1912.

Has payment of the 100,000 sucres been made to the railway company?

WILSON.

File No. 422.11 G93/480.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 29, 1912.

Railway company controller now has draft of Minister of Hacienda for 57,230 sucres. The Minister has instructed Amsinck to pay railway company through Consul General, New York, 28,770 sucres. Controller has draft on said Consul General 14,000 sucres. Total, 100,000.

BINGHAM.

File No. 422.11 G93/539a.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 23, 1912.

You will inform the Government of Ecuador that the President is now prepared, as requested, to designate an arbitrator, and that this Government desires to know whether Ecuador has named its arbitrator; and whether action has been taken by Ecuador as to protocol relative to jurisdiction of the tribunal, and as to other pertinent matters submitted by the railway company to Ecuador some time ago, as the Department understands.

WILSON.

File No. 422.11 G93/543.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, October 28, 1912.

The Foreign Office formally states that arbitrator will be appointed as soon as the name of the American arbitrator is made known. The railway protocol will be submitted to the tribunal.

BINGHAM.

File No. 422.11 G93/543.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 9, 1912.

It appears from your October 28 and other correspondence¹ that Ecuador's expression of purpose to submit the railway protocol to the discussion of the tribunal shows an intention to provoke a reconsideration of matters already the subject of arbitral decision. You will textually communicate the following to the Government of Ecuador, also stating that the President will in the course of a few days appoint his representative on the tribunal:

Matters involving the existence and validity of fundamental contractual agreements between the railway company and the Government of Ecuador cannot now be regarded by the Government of the United States as open for discussion. In a former controversy between the Government of Ecuador and the company these matters were discussed and were at that time passed upon and fixed by the arbitral tribunal of 1907-08 in an act equivalent to an arbitral award. Until the present time that act has not been questioned by the Government of Ecuador, but on the contrary has been fully recognized. Therefore the said matters must now be regarded as *res judicata* and not proper subjects for further controversy. Thus the matters of present dispute have solely to do with transactions between the Government and the railway since September 30, 1908, and the Government of Ecuador will perceive that the proposed arbitration can relate only to such transactions, and that the status as to the fundamental agreement must be accepted as the fundamental basis upon which to ground the determination of the controversy.

WILSON.

File No. 422.11 G93/545a.]

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 14, 1912.

You will textually communicate the following to the Government of Ecuador, and express the hope that the arbitrator representing that Government will be named without delay:

In accordance with Article 27 of the contract of June 14, 1897, and in accordance with the formal request of the Government of Ecuador, the President of the United States, on November 11, 1912, designated Henry L. Janes, of the Diplomatic Service of the United States, as Arbitrator on the arbitral tribunal to be established for the settlement of the differences arising between the Government of Ecuador and the Guayaquil & Quito Railway Company since the date of the last arbitration in 1908.

KNOX.

¹ Not printed.

File No. 422.11 G93/556.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, December 18, 1912.

The President of the Senate, Doctor Alfredo Baquerizo Moreno, has been appointed to represent Ecuador on the arbitral tribunal.

BINGHAM.

SANITATION OF GUAYAQUIL; PROPOSAL BY ECUADOR OF A CONVENTION WITH THE UNITED STATES; VISIT TO GUAYAQUIL OF A UNITED STATES INSPECTION COMMISSION.

File No. 822.124/189.

The American Chargé d'Affaires to the Secretary of State.

No. 56.]

AMERICAN LEGATION,
Quito, February 6, 1912.

SIR: The first occasion on which the present Government of Ecuador seriously discussed the sanitation of Guayaquil with this Legation, was about two weeks ago when I had been to see the Minister for Foreign Affairs about another matter.

At this interview Dr. Tobar complained very strongly about the action of the Pacific Steam Navigation Company, an English line, in transporting revolutionary soldiers from Esmeraldas and Manabí to Guayaquil during the recent revolution. He went on to say that he desired very much to see an American line of steamers between Guayaquil and Panamá, and that the Ecuadorian Government would assist in every way possible the establishment of such a line.

I replied that I was much interested in his excellency's idea, and that possibly after the opening of the Panamá Canal, some arrangement could be made by which American steamships would extend their voyages down the west coast of South America, but I pointed out that one great objection to the establishment of an American steamship line between Panamá and Guayaquil was the extremely unsanitary condition of the latter city.

Another factor which has impressed the present Government with the necessity of taking some action in regard to sanitating Guayaquil, has been the large number of deaths in the Constitutional Army from yellow fever during the recent campaign.

The Coignet project for the construction of permanent public works having been approved by the Ecuadorian Congress, I suggested to Dr. Tobar that in order not [to] conflict with this contract a great deal could be done toward the sanitation of Guayaquil by the enforcement of suitable sanitary regulations in that city, and that Colonel Gorgas was the logical man to take charge of this work.

The result of these conversations was the receipt of note No. 167 dated February 5, 1912, from the Ecuadorian Foreign Office, copy

and translation of which is enclosed herewith. From this note I prepared a memorandum which Dr. Tobar signed, the original of which is enclosed for the information of the Department.

I have [etc.]

RUTHERFORD BINGHAM.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 167.]

MINISTRY FOR FOREIGN RELATIONS,
Quito, February 5, 1912.

MR. MINISTER: The bad sanitary state of Guayaquil, made the more noticeable by the inroads of yellow fever among the troops from the interior, crowded together on account of the recent unfortunate civil war, has forced upon the attention of the Government the imperative necessity of sanitating the principal port of the Republic. The above-mentioned "fever of the Antilles" has disappeared now even from the Antilles, thanks to the scientific methods used by American doctors and engineers, who discovered and destroyed the stegomya fasciata, the vehicle of transmission of the terrible disease; eliminated from Rio Janeiro, Panamá and other places previously the victims of this deadly disease, to-day our beautiful port alone continues to suffer.

In confidential conferences with your excellency and with the Secretary of Legation, we have talked about the manner in which it would be possible to save Guayaquil from the scourge, and to put into practice the ideas exchanged between us, I request your excellency to obtain from your illustrious Government instructions to negotiate a convention with the Government of Ecuador in order to assure the above-mentioned patriotic and philanthropic end to the highest degree. I also request your excellency, in order to gain time, to cable this to the illustrious Chief of your Chancellery.

I renew [etc.]

C. R. TOBAR.

[Inclosure 2.]

Memorandum of the Minister for Foreign Affairs.

Referring to my note No. 167. The Government of Ecuador desires to negotiate a convention giving the U. S. the right to make whatever municipal and sanitary regulations may be necessary for stamping out yellow fever and bubonic plague in the port of Guayaquil. It is understood that this convention does not refer to and does not consider any permanent public works, the construction of which may be postponed to a later date and provided for in a manner most agreeable to the Government of Ecuador.

QUITO, February 5, 1912.

C. R. TOBAR.

File No. 822.124/190.

The American Chargé d'Affaires to the Secretary of State.

AMERICAN LEGATION,
Quito, February 10, 1912.

No. 57.]

SIR: Referring to my despatch No. 56 dated February 6, 1912, I have the honor to enclose herewith copy of note No. 174 from the Ecuadorian Foreign Office, dated February 8, 1912, together with translation, transmitting to this Legation a memorandum, copies and translation enclosed, of proposed bases for a convention or protocol for the sanitation of Guayaquil.

I have [etc.]

RUTHERFORD BINGHAM.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 174.]

MINISTRY FOR FOREIGN RELATIONS,
Quito, February 8, 1912.

EXCELLENCY: In accordance with the understanding in the conferences which I have held with your excellency touching the necessity of procuring as soon as possible the sanitation of the city of Guayaquil in respect to the yellow fever and the bubonic plague, it gives me pleasure to send to your excellency the bases for a convention between my Government and that which your excellency so worthily represents, in order to satisfactorily arrange for this pressing necessity.

I renew [etc.]

C. R. TOBAR.

[Subinclosure.—Translation.]

Proposed bases for a convention or protocol for the sanitation of Guayaquil.

The Governments of Ecuador and of the United States of America, animated by the desire that there be extinguished as soon as possible in the city of Guayaquil the two principal diseases that at present make that place dangerous, isolating it in a certain manner from universal commerce and preventing the flow to it of immigrants and travelers to increase its wealth, have agreed to celebrate a treaty, for which purpose they have named their plenipotentiaries, to wit: H. E. the President of the Senate, in charge of the Executive Power of Ecuador, Doctor Carlos R. Tobar, Minister of Foreign Relations; and H. E. the President of the United States of North America, Mr. -----; who, after having exchanged their respective full powers which were found to be in proper form, have agreed to the following articles:

ARTICLE 1. The Government of the United States of North America agrees to take charge of all the works looking to the extinction in the city of Guayaquil of the two diseases *yellow fever and bubonic plague*, under the direction of Colonel William C. Gorgas, with which object the Ecuadorian Government authorizes it:

(a) To bring to Ecuador a corps of doctors, assistants, foremen of gangs, etc., who will take charge of all cases, without exception, of yellow fever and bubonic plague, of the prophylaxis, and of everything concerning the extinction of said diseases;

(b) To formulate, with reference to the two mentioned diseases, the regulations and ordinances concerning sanitation that must be obeyed by the inhabitants of Guayaquil and even by the authorities; which regulations and ordinances will be approved by the Executive Power of Ecuador;

(c) To exact proper compliance with the mentioned regulations and ordinances; and

(d) To construct two hospitals, one destined for cases of yellow fever and the other for bubonic plague; and to make the other expenditures necessary, as disinfectants, drugs, instruments, wire netting, tools, fixtures, materials, etc., appropriate for combating the diseases referred to.

In case of the disability of Colonel Gorgas, the Government of the United States will designate an equally competent person to replace him.

ARTICLE 2. The period of time that the Government of the United States shall have for the sanitation of Guayaquil within the terms of the previous article is three years.

ARTICLE 3. For the expenditures that the before mentioned works and constructions demand, the Government of Ecuador will put at the disposal of that of the United States the sum of five hundred thousand dollars; three hundred thousand dollars the first year and one hundred thousand dollars each of the two following years.

ARTICLE 4. This convention does not include the execution of any work concerning the increase of the water supply, the sewerage or the paving of the city of Guayaquil, but, as has been expressed in the previous articles, the extinction of yellow fever and the bubonic plague. The sanitation of the city with reference to other diseases that are not those mentioned will remain in charge of the Government of Ecuador.

ARTICLE 5. The present treaty will be ratified by the Governments of the two contracting powers in the form that their respective laws provide, and the exchange of ratifications will be effected in Quito or in Washington within the shortest possible time.

File No. 822.124/188.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 13, 1912.

Send a copy of the draft convention to Dr. Parker at Guayaquil, adding that at the request of Surgeon General Blue a telegraphic report should be sent of the main conclusions of the examination, to be followed by full mail report as soon as possible, to the Bureau of Public Health and Marine Hospital Service.

WILSON.

File No. 822.124/191.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, March 23, 1912.

Dr. Parker arrived Quito March 20 and reports as follows:

The essential measure for sanitation of Guayaquil include:

Six million gallons of water supply daily from a source sixty miles distant;
destruction of storage tanks in dwellings.

Changes of construction of houses now building.

Driving out rats with light, air and cement.

Installation of drainage and sewerage systems.

Present water supply diverted to the infected towns of Durán, Milagro, Yaguachi, Bucay, and Naranjito. Independent treatment of Babahoyo.

Surveys, plans and specifications for the complete work to be made at once, accompanied by immediate campaign against the mosquito carrying the yellow fever, which can be financed out of the present monthly allowance of 20,000 sucres.

Control of sanitary police, with power to enforce the present sanitary laws through the local authorities.

Discontinuance of Coignet contract, which is inadequate.

PARKER.

The Coignet contract will expire on April 6 next.

BINGHAM.

File 822.124/194.

[Extract.]

No. 77.]

AMERICAN LEGATION,
Quito, March 23, 1912.

SIR: I have the honor, referring to the Department's telegram of March 12 [13], to report that Dr. Parker did not reach Quito until the morning of March 20. I immediately showed Dr. Parker the

papers relating to the proposed convention for the sanitation of Guayaquil. His report was embodied in my telegram March 23.

General Plaza received Dr. Parker most cordially. They discussed the question of sanitation in all its phases and Dr. Parker gave the General a complete idea of what was necessary for the effective sanitation of Guayaquil.

General Plaza expressed himself most favorably toward the sanitation and sent his aide de camp, Captain Torres, to the Acting President, Dr. Andrade Marín, to request him to receive Dr. Parker and to take up seriously the matter of sanitation. Dr. Parker saw the Acting President immediately after leaving General Plaza. After a brief discussion, the Acting President requested Dr. Parker to prepare a memorandum, stating that he desired to take this up with him in the presence of the Cabinet Ministers.

In consultation therefore with Dr. Parker I prepared the enclosed memorandum, the contents of which I discussed with the Minister for Foreign Relations before meeting the Acting President and his Cabinet for the conference above referred to. The Minister for Foreign Affairs, Dr. Arcos, expressed himself as pleased with the contents of the memorandum.

In this connection I may state that I am reliably informed that the Coignet contract was to expire by February 6, 1912; the contract however contained a clause increasing the time during which it was to be effective by the time revolutions were in progress, plus one month. Assuming that the Alfaro revolution lasted one month, the Coignet contract should expire April 6, 1912. The Ecuadorian Government further has the option of granting Coignet more time, to secure the money needed, up to June 30, 1912.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Acting President of Ecuador.

[Memorandum.]

AMERICAN LEGATION,
Quito, March 23, 1912.

In view of the existence of the epidemic diseases yellow fever and plague in the City of Guayaquil and vicinity, with the consequent great loss of life and damage to the commerce of the whole Republic of Ecuador, as well as foreign countries, particularly to the Panama Canal Zone, through which most of the commerce of Ecuador passes, and in view of the fact that the Panama Canal will shortly be completed and Guayaquil placed in direct communication with the principal ports of commerce of the world, it is essential that Guayaquil be free from the above mentioned epidemic diseases in order that the Republic of Ecuador may enjoy the privileges of commerce, unobstructed by quarantine, with the outside world.

On account of the present quarantines against Ecuador the Republic suffers an annual loss not accurately determined but certainly more than 1,000,000.00 sueres, a sum more than sufficient to pay the interest on the capital required for the necessary sanitation of the city, while the loss of life due to these diseases approaches 1000 annually, the great majority of whom are natives of the Republic.

It must be clearly understood that the Government of the United States has no interest in any individual or corporation by whom the sanitary work may be performed, its only interest being to insure the work being carried out

in an efficient manner. In this connection it may be well to state that private contractors have never devised or carried out any great sanitary work without direct Government supervision, and there is no reason to believe that Guayaquil will prove an exception.

As the plans for the sanitation of Guayaquil must include in addition to the sanitary police and municipal regulations already discussed with the Government of Ecuador, the construction of certain public improvements, such as water supply, sewage disposal and drainage, it is suggested that the terms of the convention submitted by the Government of Ecuador to this Legation be enlarged to include the appointment of a commission, the personnel of which shall be agreed upon by the two Governments. This commission shall formulate a complete set of plans for the execution of the proposed sanitary work. The permanent public improvements shall be by contract, the terms of which shall be approved by the Government of Ecuador and by the commission, the work to be performed to the satisfaction of the commission, which will appoint inspectors to see that it conforms to specifications.

It is necessary that a preliminary survey by competent engineers be made before any complete set of plans can be devised. For physical reasons this survey must be conducted during the dry season, and in order to prevent the delay of a whole year this preliminary survey should be commenced not later than the first of June, 1912.

At present the Government of Ecuador appropriates a monthly sum for the eradication of yellow fever and plague. In order that this work may not be interfered with, it would be advisable that while the preliminary survey is in progress, this sum be placed at the disposal of the commission for the continuance of this work under its direction; that upon the eradication of yellow fever, quarantine against that disease be removed and ships permitted to anchor in front of the city for the purpose of discharging and loading cargoes, instead of two miles below the city as at present time.

File No. 822.124/201.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 97.]

AMERICAN LEGATION,
Quito, May 14, 1912.

SIR: I have the honor, referring to my despatch No. 77 of March 23, 1912, to report that on April 6 the enclosed memorandum in regard to the sanitation of Guayaquil was received from the Ecuadorean Foreign Office.

It has been suggested to me verbally by the Minister for Foreign Affairs that immediately upon the expiration of the Coignet contract the proper staff of medical officers and engineers be sent to Guayaquil by the Panama Canal Commission to conduct the survey.

I have [etc.]

RUTHERFORD BINGHAM.

[Inclosure.]

The Foreign Office of Ecuador to the American Legation.

[Memorandum.—Translation.]

In view of the memorandum presented by the Chargé d'Affaires of the United States on March 23rd of the present year, respecting the sanitation of the port of Guayaquil and its environs, the Government of Ecuador, recognizing the importance of the suggestions made, considers that the sanitary condition of Guayaquil implies very grave and permanent danger to the Panama Canal, and to the economic results that may accrue therefrom, as it also constitutes very serious injury to the commercial interests of the Republic of Ecuador,

the loss of life among the natives of which is computed according to the estimates of the *Chargé d'Affaires* himself at a thousand per annum, while the quarantines imposed against Ecuador mean an annual loss of one million sucres on an average (although respecting this, there are no reliable statistics)—a sum more than sufficient to cover the interest on the amount that might be expended on sanitary works in Guayaquil and environs;

Regarding as true the remark that no sanitary works have been carried out without the direct supervision of the respective Governments; and

Considering it necessary that the sanitation of Guayaquil and its environs must be so far efficient as not to run counter to the sanitary convenience of the Canal—

It would be desirable that the Panama Canal Commission take charge of the work of the sanitation of Guayaquil and its environs at cost price, without handing it over to companies of speculators, whose intervention would increase or augment the price in proportion to the profits, apart from the possible and prejudicial economy in the quality and quantity of the materials employed, which would result in serious detriment to the efficiency of the sanitation.

Said work should consist of the provision of potable water in sufficient quantity, as, for example, a minimum of seventy million liters daily; complete drains with the necessary mains; receptacles and piping in the streets of the city; the paving of the latter and of the side-walks, etc.

For the specifications of the sanitary works, a mixed commission could be appointed, with members in equal numbers, one-half taken from the Sanitary Commission and the other half appointed by the Government of Ecuador.

The employees of the sanitation works and their number could be designated by said mixed commission, which would determine the quality and quantity of the materials employed, and undertake to contract the debts and credits for the purchase of the materials used in the work.

Should the Coignet contract of October 5th, 1911, published in the "*Registro Oficial*", No. 32, expire, the revenues set apart by said law for the work of sanitation could be handed over to the Panama Canal Commission on its direct responsibility, and said Commission should give account of the correct and honest disbursement of the funds, which, by virtue of said law, might be handed over to it. Said Canal Commission should hand in its accounts together with invoices and bills of the suppliers or manufacturers of materials, etc.

The amounts collected or to be collected under the law of October 5th, 1911, by which funds are set aside for the Sanitation of Guayaquil, shall be handed over as aforesaid, to the Panama Canal Commission, which shall give a receipt or receipts for same; and said Commission by virtue of that fact, would be held responsible for the loss, undue expenditure or embezzlement of said amounts.

If because of some unforeseen event not within the control of the Government of Ecuador the said funds should not be delivered to the Canal Commission, or if the Canal Commission should desire to hasten the work of sanitation out of proportion to the receipt of said funds, the Government of the United States might receive from the Government of Ecuador bonds at par, bearing interest at 5% with 1% of amortization, said bonds to be cancelled by the said funds.

The agreement herein contemplated should cover all the time necessary for paying off the obligations arising from the work of sanitation of Guayaquil and its environs, and for saving the Canal Commission from all financial responsibility.

The employees and agents of the proposed mixed commission should be removable by the Government of Ecuador, if they or any of them should justifiably become objectionable to that Government.

Whatever the total cost of the sanitation of Guayaquil and its environs (comprising, as already said, a sufficient provision of potable water, distributing system, reservoirs, main conduits, street paving, sidewalks, etc.) the Government of Ecuador cannot devote to the enterprise a greater amount than that specified in the law of October 5, 1911, embodying the Coignet contract.

In order to hasten the work the Panama Canal Commission might at once send its engineers to inspect the premises and draw up the plans; said engineers would be paid by the Canal Commission, the Government of Ecuador paying half of the amount thus expended at the time of the beginning of the work of sanitation.

The financial control of the work would be wholly in the hands of the mixed commission, and all accounts passed upon by courts of Cuentas Ecuatorianas in conformity with the laws of the Republic of Ecuador.

All the foregoing stipulations are without prejudice to the rights acquired by the contractor Edmundo Coignet by virtue of the said law of October 5, 1911, provided that the claims of said contractor in no case injure the interests of the Republic of Ecuador, whose responsibility in this respect should be completely guarded.

Foreign Office,

Quito, May 6, 1912.

File No. 822.124/212.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,

Quito, June 29, 1912.

The Coignet contract expires tomorrow and the Government of Ecuador desires to begin negotiations with the United States in regard to the sanitation of Guayaquil. The Minister for Foreign Affairs would like a reply to his memorandum of May 6.

BINGHAM.

File No. 822.124/212.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, July 5, 1912.

The Guayaquil matter is awaiting the reply of the War Department.

WILSON.

File No. 822.124/201.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,

Washington, July 25, 1912.

Regarding your despatch No. 97, the War Department finds that it is not expedient for the Canal Commission to undertake the whole work of sanitation of Guayaquil, but if that is the desire of Ecuador, and assuming that the Commission will be furnished with the Coignet surveys and that these are sufficient to insure accurate engineering estimates, the War Department will designate a board of five consisting of Gorgas, an engineer, a sanitary expert, an accountant and a clerk. Investigation by such a board would cost, according to Gorgas, about \$5600; Goethals adds \$2500 for preparation of costs of engineering works including sewers, water supply and pavements.

The War Department cannot entertain any proposal that it pay any part of such expenses; furthermore, Congressional authorization of payment thereof by the Government of Ecuador must be had.

Communicate the substance of the foregoing to the Government of Ecuador and, if that Government assent thereto, you will obtain its acceptance in such form as to assure the payments.

KNOX.

File No. 822.124/228.

The American Chargé d'Affaires to the Secretary of State.

No. 125.]

AMERICAN LEGATION,
Quito, July 27, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of July 25 and enclose herewith copy of my note No. 81 in which the instructions therein contained were communicated to the Ecuadorian Foreign Office.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 81.]

AMERICAN LEGATION.
Quito, July 27, 1912.

MR. MINISTER: I have the honor, referring to your excellency's memorandum dated May 6, 1912, in regard to the sanitation of Guayaquil, to inform your excellency that this memorandum has been referred by the Department of State to the War Department. The Panama Canal Commission is under the direction of the latter Department.

The War Department reports that it finds it inexpedient that the entire work of the sanitation of Guayaquil be undertaken by the Panama Canal Commission, but should the Government of Ecuador so desire, and assuming that the Commission will be furnished with the surveys made by Coignet and that these surveys are sufficiently detailed to ensure accurate estimates for engineering work, the War Department is willing to designate a board of five members, consisting of Colonel Gorgas, an engineer, a sanitary expert, an accountant, and a clerk, to proceed to Guayaquil for a thorough preliminary examination. This investigation, according to Colonel Gorgas will necessitate the expenditure of about fifty-six hundred dollars gold (\$5600.00), as follows: transportation, \$600.00; sustenance, \$1,500.00; salaries, \$2,500.00; incidentals, \$1,000.00; total, \$5,600.00.

Colonel Goethals, the Chairman of the Isthmian Canal Commission, however states that twenty-five hundred dollars (\$2500.00) additional will be needed to prepare estimates of cost of engineering work, to include sewers, water supply and pavements. This makes a total altogether of eighty-one hundred dollars gold (\$8100.00).

The War Department can not entertain the proposition that it defray any part of the expenses of the Board above mentioned, as Congressional authorization would be necessary.

Should, however the Government of Ecuador desire to have the Board make an examination of Guayaquil, with a view to the sanitation of that city, and if it will place the funds necessary, at the disposal of the Board it will give me pleasure to communicate this decision to my Government, in which case it will be possible for the Board to make its inspection and report without delay.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 822,124/220.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, July 28, 1912.

In reply to Department's telegram of July 25 I send the following translation of the note No. 357 from the Government of Ecuador, dated July 28, 1912:

In reply to your note 81 dated the 27th, I have the honor to say:

First. My Government desires that the complete work of the sanitation of the city of Guayaquil and its suburbs shall be carried out by the Government of the United States, without the intervention of any companies, contractors or private speculators whatsoever.

Second. As the plans of Señor Coignet are limited to one part only of the city of Guayaquil, my Government considers them insufficient for the complete sanitation of Guayaquil. In consequence it will deposit in a bank in Guayaquil, to the order of the War Department of the United States, the amount of money which the said Department deems necessary for the immediate inspection and study of all the engineering works necessary, including sewers, water supply and pavements.

Third. My Government deems it urgent to sign the proper convention with the Government of the United States of America in accordance with my memorandum of May 6, 1912, so that it may be approved by the next Ecuadorian Congress (August 10, 1912 to October 10, 1912).

(Signed) A. E. ARCOS.

The Minister for Foreign Affairs says that nearly 1,000,000 sucres have already been accumulated for purposes of sanitation and 8100 dollars gold (amount estimated by Colonel Goethals) will be immediately available upon receipt of information that the Government of the United States is ready to negotiate a convention along the lines of the memorandum accompanying my 97.

BINGHAM.

File No. 822.124/220.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 30, 1912.

Say to the Minister for Foreign Affairs that there are objections to the proposed convention, set forth in your July 28; and that before entering into any convention it is highly desirable to make the preliminary investigation, the result of which would probably compensate Ecuador fully for the outlay. Ascertain whether in the absence of negotiation of a convention the \$8100 will be available.

KNOX.

File No. 822.124/233.

*The American Chargé d'Affaires to the Secretary of State.*AMERICAN LEGATION,
Quito, August 6, 1912.

No. 128.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instruction of July 30 and to enclose herewith a

copy of my note No. 85 to the Ecuadorian Foreign Office, which embodied the instruction above noted. The matter has been referred to the Junta de Sanidad of Guayaquil, which under the law must give its consent to the disbursement of funds for purposes of sanitation.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 85.]

AMERICAN LEGATION,
Quito, July 31, 1912.

MR. MINISTER: I have the honor, referring to your excellency's note No. 357, dated July 28, 1912, to state that I have been instructed by my Government to inform your excellency that there are certain objections to the proposed convention of which your excellency treats in your memorandum of May 6, 1912.

My Government, before entering into any convention, believes that it would be most desirable to know the result of the preliminary examination by the board of experts referred to in my note No. 81 of the 27th instant.

I have therefore the honor to enquire whether the Government of Ecuador desires to expend the eighty-one hundred dollars gold (\$8,100.00) necessary for the expenses of this board, before considering further the question of the convention.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 822.124/236.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, September 5, 1912.

The Ecuadorean Government informs me to-day in a formal note that it has placed \$8100 gold to the credit of this Legation in the Bank of Ecuador at Guayaquil. It is important that Gorgas come at the earliest date possible. I request instructions.

BINGHAM.

File No. 822.124/244.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 5, 1912.

It has seemed necessary to seek Congressional authorization because of the constitutional requirement therefor (art. 1, sec. 9, clause 8) in order to permit American officials to go to Ecuador in pursuance of Department's July 25. Ecuador did not make the fund available to cover the expenses of a commission until after Congress had adjourned, and the Department did not deem it advisable to request

Congressional action before Ecuador had deposited the funds. But the Department is trying to find a way to avoid awaiting the next session of Congress. You will do all you can to impress upon the Government of Ecuador the reasons for the delay and the continued interest of this Government in the matter.

WILSON.

File No. 822.124/260a.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 2, 1912.

Colonel Gorgas and party will leave for Guayaquil December 4.

KNOX.

File No. 822.124/260b.

[Telegram.—Paraphrase.]

December 5, 1912.

As soon as Colonel Gorgas arrives you will cooperate with him in every possible proper way. The Chargé d'Affaires of Ecuador here informs the Department that his Government desires bids from American firms upon the bases of sanitation to be reported by Colonel Gorgas. The Department learns that a reputable American firm will at the proper time present a comprehensive proposal.

KNOX.

File No. 822.124/265.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 169.]

AMERICAN LEGATION,
Quito, December 13, 1912.

SIR: I have the honor to report that Colonel W. C. Gorgas, accompanied by Major R. E. Noble, Inspector General of Sanitation at Panama, Mr. G. A. Le Prince, Chief Inspector of Sanitation, and Mr. J. A. McGuigan, Secretary, arrived in Guayaquil December 8. The next morning Colonel Gorgas and party paid their respects to the Governor, and then went to the "Banco Comercial y Agrícola," where \$8,100 gold was placed to the order of Colonel Gorgas. The engineers of the Junta de Canalización were then presented to Colonel Gorgas and placed all the data in their possession at the disposal of the Commission. The Commission has been received with the greatest cordiality.

I have [etc.]

RUTHERFORD BINGHAM.

File No. 822.124/271.

[Extract.]

No. 172.]

December 20, 1912.

SIR: I have the honor to report that Colonel Gorgas, accompanied by Major Noble and Mr. McGuigan, Secretary of the Commission, arrived at Quito December 15 for the purpose of paying their respects to President Plaza and other members of the Government. The Minister for Foreign Affairs gave a luncheon in honor of the Commission, which left for Guayaquil December 18.

So far the visit of the Sanitary Commission to Ecuador has been a most pleasant one in every respect.

I am informed that the Commission will return to Panama on the steamer sailing from Guayaquil December 21.

I have [etc.]

RUTHERFURD BINGHAM.

ATTACKS ON CHINESE CITIZENS. GOOD OFFICES OF THE UNITED STATES.

File No. 322.93/3.

The American Chargé d'Affaires to the Secretary of State.

No. 66.]

AMERICAN LEGATION,
Quito, March 2, 1912.

SIR: I have the honor to enclose herewith a copy of a letter received by this Legation from the President of the Chinese Colony in Guayaquil containing a list of the losses sustained by Chinese citizens in Ecuador during the recent revolution.

I discussed this matter verbally with the Minister for Foreign Affairs, who informed me that the proper course would be for the Chinese citizens affected to institute judicial proceedings in the courts of the country to determine the amount due and responsibility for damages claimed. This information was communicated to the President of the Chinese Colony.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure 1.]*The President of the Chinese Colony at Guayaquil to the American Minister.*[SEAL OF THE CHINESE COLONY.]
Guayaquil, February 24, 1912.

SIR: I have the honor to transmit herewith a statement¹ of the losses sustained by Chinese citizens in Ecuador during the revolution commencing December 28, 1911. These losses were the result of operations both by the Constitutional and revolutionary forces.

This statement is an outline only on the Chinese losses and is extracted from detailed documents sustained by competent witnesses. It is sent for your immediate information with a view of elaborating a scheme of presentation and collection.

¹ Not printed.

A copy of this communication will be sent by this mail to Mr. Young, now in Washington, and to the Chinese Minister, in order that conferences may be held regarding the disposition of this claim.

I have [etc.]

C. SANTON TAY SING.

[Inclosure 2.]

The American Chargé d'Affaires to the President of the Chinese Colony.

AMERICAN LEGATION,
Quito, March 2, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of February 24, 1912, inclosing a list of the losses sustained by Chinese citizens during the recent revolution in Ecuador.

I discussed the matter of Chinese claims, verbally, with his excellency, Dr. Carlos R. Tobar, Minister for Foreign Affairs, who advised me that the proper procedure would be for the Chinese who have suffered losses to institute judicial proceedings in the courts of law of the country to determine the amount of loss in each case and to fix the responsibility.

I would therefore suggest that you lose no time in collecting all the evidence possible in regard to the claims above mentioned and that you select two of them as test cases, one where the damage was caused by the Constitutional troops, the other where revolutionary troops were responsible, leaving the others for such action as may seem advisable after a decision has been obtained in the two test cases.

I am [etc.]

RUTHERFURD BINGHAM.

File No. 322.93/4.

The American Chargé d'Affaires to the Secretary of State.

No. 74.]

AMERICAN LEGATION,
Quito, March 16, 1912.

SIR: I have the honor, referring to my despatch No. 66, to enclose herewith a copy of a letter addressed to this Legation by the President of the Chinese Colony in Guayaquil, in further reference to the losses sustained by Chinese citizens in Ecuador during the recent revolution. I have informed the President of the Chinese Colony that his letter has been referred to the Department of State, for such action as may seem to it advisable.

I have [etc.].

RUTHERFURD BINGHAM.

[Inclosure.]

The President of the Chinese Colony to the American Chargé d'Affaires.

[SEAL OF THE CHINESE COLONY.]
Guayaquil, March 12, 1912.

SIR: I have the honor to acknowledge the receipt of your communication of March 2, 1912, relative to the Chinese losses sustained during the recent revolution in Ecuador.

In reply I have the honor to state that I have witnesses in each particular instance as to who caused the damage and as to the extent of the damage. In view of the changes of the Government within the last few days and the impossibility of carrying the case through the Courts within any reasonable length of time, it is respectfully suggested that through the good offices of the United States, a commission be appointed to determine the amount of loss and to fix the responsibility.

I wish you would consider this method and if you consider it feasible I would be glad to have you take the necessary steps to carry it through.

I beg to remain [etc.],

O. SANTÓN TAX SING

File No. 322.93/3.

The Acting Secretary of State to the American Chargé d'Affaires.
No. 40.]

DEPARTMENT OF STATE,
Washington, March 30, 1912.

SIR: The Department is in receipt of your despatch No. 66 of the 2d instant, transmitting copies [etc.].

The action of the Legation as reported in your despatch has the approval of the Department. You may, however, with the acquiescence of the Ecuadorian Government, informally submit to the Minister for Foreign Affairs a list of such claims for consideration by that Government.

Under no circumstances should formal representations in this matter be made by the Legation, unless in accordance with express instructions from the Department.

I am [etc.]

HUNTINGTON WILSON.

File No. 322.93/4.

DEPARTMENT OF STATE,
Washington, April 29, 1912.

SIR: The Department is in receipt of your despatch No. 74 of the 16th ultimo, enclosing [etc.].

Instruction No. 40 of the 30th ultimo, which crossed your despatch in the mail, informs you of the attitude which the Legation should adopt in this matter.

I am [etc.]

HUNTINGTON WILSON.

File No. 322.93/5.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 17, 1912.

The Department has received the following telegram from the American Legation at Peking:

Request received from the Minister for Foreign Affairs that instructions be given our Minister in Ecuador to use his good offices for the protection of Chinese who have been attacked and have had no redress from the Government of Ecuador.

Guided by Department's No. 61 of August 22, 1908,¹ you will, with the consent of the Government of Ecuador, use your good offices for the protection of Chinese subjects and their interests in Ecuador.

KNOX.

File No. 322.93/7.

The American Chargé d'Affaires to the Secretary of State.

No. 119.

AMERICAN LEGATION,
Quito, July 18, 1912.

SIR: I have the honor to acknowledge the receipt this morning of the Department's telegram of July 17 with reference to the pro-

¹ For. Rel. 1908, pp. 61-62.

tection of the persons and property of the Chinese subjects resident in Ecuador.

In the month of April there was a renewal of anti-Chinese demonstration in the coast provinces of "Manabi," "Los Rios" and "El Oro." For the most part these were directed against individuals and were promptly reported to this Legation by the President of the Chinese Beneficent Society of Guayaquil. Each one of the complaints received I took personally to the Minister for Foreign Relations and thoroughly discussed the matter with him in an informal manner.

Dr. Arcos, the Minister for Foreign Relations, on every occasion took the utmost trouble to investigate the abuses reported and showed me the telegraphic correspondence which had passed between him and the local authorities, which on the part of the Minister for Foreign Relations contained instructions that the Chinese were to be given the full protection of the law, and reprimands to those officials who had failed to do their duty either through neglect or personal interest.

An attack of a much more serious nature occurred last month at Chone in the Province of Manabi. There are in Chone eleven Chinese stores. A demonstration was made by the natives against the Chinese, violence was attempted and some shooting took place. Fortunately however no Chinese were wounded. The result has been that the Chinese closed their stores and did no business, as I am informed, for a period of twenty-two days. At the present moment this Legation is awaiting documentary evidence of the failure of the local authorities in Chone to properly protect the Chinese in order to lay the matter before the central Government.

I have [etc.]

RUTHERFURD BINGHAM.

The Department of State to the Chinese Legation.

[Memorandum.]

The Department of State is in receipt of a despatch dated July 18, 1912, from the American Chargé d'Affaires at Quito, Ecuador, wherein he acknowledges the receipt of the Department's telegram of July 17th with reference to the protection of the persons and property of the Chinese subjects resident in Ecuador.

The Chargé d'Affaires reports that in the month of April there was a renewal of anti-Chinese demonstration in the coast provinces of Manabi, Los Rios and El Oro. For the most part these were directed against individuals and were promptly reported to the American Legation by the President of the Chinese Beneficent Society of Guayaquil. Each one of the complaints received was taken personally by the Chargé to the Minister for Foreign Relations and the matter was thoroughly discussed in an informal manner.

Dr. Arcos, the Minister for Foreign Relations, on every occasion took the utmost trouble to investigate the abuses reported and showed the Chargé the telegraphic correspondence which had passed between the Minister and the local authorities, which on the part of Dr. Arcos contained instructions that the Chinese were to be

given the full protection of the law, and reprimands to those officials who had failed to do their duty either through neglect or personal interest.

An attack of a much more serious nature occurred last month at Chone in the Province of Manabi, where there are located eleven Chinese stores. A demonstration was made by the natives against the Chinese, violence was attempted and some shooting took place. Fortunately, however, no Chinese were wounded. The result has been that the Chinese closed their stores and did no business, as the Chargé states that he was informed, for a period of twenty-two days. At the present the Legation is awaiting documentary evidence of the failure of the local authorities in Chone to properly protect the Chinese in order to lay the matter before the Central Government.

DEPARTMENT OF STATE,

Washington, August 7, 1912.

File No. 322.93/10.

The American Minister to China to the Secretary of State.

AMERICAN LEGATION,

Peking, August 23, 1912.

No. 620.]

SIR: Regarding the request of the Chinese Government that instructions be sent to the American Minister in Ecuador to use his good offices for the protection of Chinese and their interests in that country, I have the honor to enclose herewith a memorandum from the Foreign Office dated August 18, 1912, expressing the thanks of the Chinese Government for the prompt response to its request for the extension by the American Government of protection to Chinese citizens and their interests.

I have [etc.]

W. J. CALHOUN.

[Inclosure.—Memorandum.]

The Chinese Foreign Office to the American Legation.

We are in receipt of a memorandum stating that you had notified by cable the American Government of the ill-treatment accorded Chinese citizens in Ecuador from the natives of that country, and that you had received a reply stating that on July 17 the Department of State instructed by telegram the American Chargé d'Affaires at Quito, first to consult with the Government of Ecuador and with their consent to assist and protect the persons and interests of Chinese in Ecuador. In addition the telegram directed the American Chargé to communicate these instructions to all the American consuls in Ecuador. On the receipt of this you immediately notified the Foreign Office.

We sincerely thank your excellency for this aid and also the American Government for its regard for the friendly relations between the two countries in responding without discrimination to the distress of Chinese in Ecuador by telegraphing instructions for their protection.

The President of this Board specially sends this word of thanks to express his deep and grateful appreciation, with the request that it be transmitted to your Government.

[Seal.]

August 18, 1912.