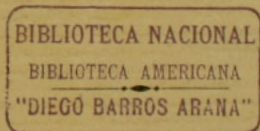


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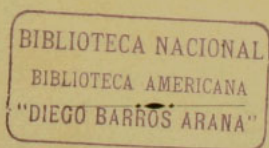
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BLIOTECA NACIONAL
BLIOTECA AMERICANA
EGO BARROS ARANA"

I.

One of the most admirable characteristics of the people of the great American Republic is their love of fair play, and their sympathy for nations struggling for the maintenance of liberties and constitutional rights.

Owing to the remoteness of our country, and the persistent misrepresentations of the public and secret agents of Mr. Balmaceda in this country, through the public press, some persons have been misled into the belief that we are in rebellion against a lawful and benign government. We desire to give a statement of facts, that an unbiassed opinion may be formed as to the merits of the struggle which is now deluging our unhappy country with fraternal blood.

Our Chilian Republic, although the most remote on this continent from the United States, has always endeavored to prove herself a worthy member of the sisterhood of American Republics. But, unfortunately for our national pride, we are now forced to confess and lament that we cannot claim for our people and country that continuity of prosperity and happiness which, until the present year, gave such gratifying promise for the future greatness of our Republic.

But we feel confident that the American people, whose veneration for republican institutions and love of liberty are notorious, after a full knowledge of the origin of our present

struggle and the manner in which it is being conducted by the opposing parties, will do our cause the full justice of their approval, bearing in mind that the right is always fearfully handicapped, at the inception of a struggle for liberty, by the fact that despotic authority is in possession of the capital, and is looked upon by foreign nations as the *de facto* government, and its opposers as insurgents and rebels.

A brief review of the causes which have led to the present civil struggle in our country will show that our Constitutional Government is no less the government *de jure* than was that of the Continental Congress in the revolt against the tyranny of George III in the last century, and is entitled to no less sympathy and approval.

II.

CHILE UNTIL 1890.

As is well known, the Republic of Chile is situated at the southern extremity of the South American continent.

After achieving her independence from Spain, Chile organized a republican government, and in 1833 adopted the Constitution which, up to the present year, continued to exist. Under the guarantees of this Constitution, she established and maintained internal tranquility, and was proud to march along the broad road of modern progress.

The population, which in 1833 did not exceed 800,000, is to-day more than 3,000,000. The public revenues have increased from \$1,000,000 to \$56,000,000, owing to the increase of national wealth, and not through excessive taxation. Education, public and private, has been successfully promoted, and is now popular with the masses. Railroad and telegraph

lines run through the land, extending their benefits to the towns and cities of the Republic, and by ocean cables Chile is in communication with the whole world. Her people find remunerative employment in commerce, mining, agriculture, and the useful arts, in all of which foreigners of all nations participate, enjoying the same rights and privileges as do the citizens of the country. Absolute toleration is accorded to all religious denominations, and the observance of the Constitution and laws, by the magistrates and people, was the guarantee of public order, internal tranquility and progress.

Under the Constitution of 1833, popular government was established. The executive power is vested in a President, who is elected every five years. The legislative power resides in two houses, both elected by the people, and whose members received no remuneration. The judges of the courts hold their offices for life or good behavior, and, in the exercise of their functions, are independent of the other departments of the Government.

The President appoints the ministers, without the concurrence of the Senate (as is necessary in the United States) or other body, and they can be members of either House, and when not members can assist at its sessions, taking part in its discussions, but not voting.

The fundamental dispositions that govern the relations between the President and Congress, are the following :

1. The budget or appropriations for carrying on the Government, and for other public uses, are voted annually by Congress, and no monies can be taken from the Treasury without this annual law.

2. The taxes are fixed annually by Congress, and the President is prohibited from ordering the collection or re-

ceiving any taxes or imposts, if not authorized by Congress, for a period not exceeding eighteen months.

3. The forces of the army and navy are fixed by Congress annually, and without this law no army or navy can legally exist in Chile.

4. Troops cannot be quartered in the place where Congress is in session, or within thirty miles of it, without the special permission of Congress, granted by law every year.

5. The President cannot be impeached during the term of his office, and no order of the President should be obeyed without the signature of a Cabinet Minister who assumes the responsibility, and is impeachable by the House of Representatives before the Senate.

These fundamental principles were observed in Chile, without interruption, from 1833 to 1890, a space of fifty-seven years. The power which they confer on Congress to participate in the administration of the government, and the irresponsibility of the President, on the one hand, and the privilege they accord the ministry to join in the debates of Congress, and their responsibility, on the other, brought about the result that no ministry can carry on the government, or exercise their functions without the acquiescence or confidence of the legislative body.

Thus, under the guidance of the ablest and purest men of the country, a complete system of parliamentary government grew up, and was universally recognized as the law of the land, and to its excellence was due the exceptional tranquility and prosperity enjoyed by Chile, under which her foreign commerce for 1889 increased to \$120,000,000, while the most enlightened and progressive laws were incorporated in her statute books: for instance,

a law giving the right of suffrage to every male citizen 21 years old, without other specification than his ability to read and write. A municipal reform law, which resembled those in force in the United States, had been passed by the Houses, but was opposed by Mr. Balmaceda.

Eleven presidential periods have succeeded each other, regularly, under the Ægis of the Constitution of 1833, namely, that of General Prieto, two terms, from 1831 to 1841; General Bulnes, two terms, from 1841 to 1851; Don Manuel Montt from 1851 to 1861; Don Joaquin Perez from 1861 to 1871; Don Federico Errazuriz from 1871 to 1876; Don Anibal Pinto from 1876 to 1881; and Don Domingo Santa Maria from 1881 to 1886.

All these distinguished statesmen discharged their executive duties in strict conformity with the Constitution and laws of the Republic, rendering them willing homage, even in periods of dangerous popular excitement, which disturbed the country some thirty or forty years ago. They all retired from power at the expiration of their presidential terms, handing over intact to their successors the sacred deposit of the institutions and laws confided to their care.

It was left to the present claimant of the presidential office to break this long and honorable record.

Mr. Balmaceda was elected President with the support of the liberal party in 1886. He had distinguished himself as a member of the House of Representatives, and as Minister of State. He had, on all occasions, proclaimed the doctrine which had never in Chile been called in question, that Cabinets could not exist without the acquiescence of Congress, and that the acquiescence of Congress was essential to the continuance in power of a Chilean cabinet, just as a con-

firmation by the Senate is necessary to enable Cabinet officers to perform their functions in the United States.

During the first years of his administration, Mr. Balmaceda was discreet, conciliating, and attentive to the voice of public opinion, and succeeded in reuniting the liberal party, which, in the heat of the campaign, resulting in his election, had become divided. Thus, accepted by the entire liberal party, thereafter his administration was unopposed. In his messages to Congress in 1887 and 1888, which he read on its opening, he felicitated its members upon the satisfactory results of our parliamentary system of government, and upon the progress the country was making under it.

III.

COMMENCEMENT OF TROUBLES.

Up to this time, the political course of Balmaceda was consistent and patriotic. But, intoxicated by the exercise of power, he was loath to surrender it. As he could not hold office for a second term, he determined to enjoy all its substantial fruits, by forcing into the Presidential office a creature of his own selection, who would be merely a *locum tenens*, while he would be the real President of the Republic, and be able to elect himself for the succeeding term.

With far-casting diplomacy and intrigue, he put in operation all the influence of his office and administrative machinery to effect his purpose.

The intimate personal friend designed as his successor had none of the qualifications necessary for the Presidency, and his elevation was bitterly combatted by public opinion, and all the provinces; and both houses of Congress echoed the will of the people.

Notwithstanding the denial of the President of any unconstitutional designs, the Cabinet, at whose head was Mr. Demetrio Lastaria (who recently perished in the winter snows of the Andes escaping from the persecutions of Mr. Balmaceda), profoundly distrusted him and resigned. Congress was equally suspicious, and distrusted his professions of good faith. As a guarantee of it, he was induced, after various conferences with the leading men of the Republic, to appoint a Cabinet in accord with public sentiment, and in opposition to presidential intervention in the choice of a new President.

This Cabinet was constituted on the 23d of October 1889, and Congress manifested its satisfaction by passing the appropriation and army bills for the year 1890, as well as various laws for the general good.

But the people were not deceived by the President's professions, and entertained a profound distrust of his sincerity. These suspicions were speedily confirmed by Mr. Balmaceda's own friends, who openly declared that as soon as Congress had passed the appropriation bill the present Cabinet would be of no further use.

The ministry called the attention of the President to the general distrust, and besought him to assemble Congress in extraordinary session, in order to put an end to popular fears. Mr. Balmaceda accepted this advice with apparent pleasure, and authorized the ministers to declare in both Houses the President's solemn promise to call Congress to an extraordinary session in the month of April, 1890, when its members would have returned to the capital from their summer vacation; and further, that during that session a new electoral law, made necessary by a change in the Constitution the

year before, affecting the electoral basis, established by the provisions of the old law, would be discussed ; also, that municipal reform law, so loudly demanded by the public, would be presented for consideration.

The head of the ministry, Mr. Sanchez Fontecilla, announced to both Houses of Congress the solemn promise of the President.

The appropriation bill and the army and navy bill having been passed and approved in the last days of December, popular fears were realized. In January, 1890, the President demanded the resignation of the Cabinet. He closed Congress and appointed new ministers, chosen from his personal friends (in Chile, as has been already explained, confirmation by the Senate not being necessary), and set to work with self-laudatory declarations, and all the resources of promises, threats, and the distribution of public employments, to allure the members of Congress and win over a majority of them to his interest.

The attempts at corruption and intimidation were, however, in vain, and he failed to win a single partizan. On the contrary, his illegal proceedings alienated many of his friends who, up to that time, had supported him.

IV.

BALMACEDA VIOLATES HIS SOLEMN PROMISES AND INAUGURATES REVOLUTIONARY MEASURES.

The month of April, 1890, arrives, and passes, and Mr. Balmaceda, in violation of his solemn promise, fails to convoke Congress in extraordinary session.

The Constitution of Chile provides that Congress, in regu-

lar session, shall meet on the first of June annually, for three months. It also provides that during the recess of Congress the conservative functions of that body, namely, the duty of preserving and defending the rights and privileges of the nation, and the proper observance of the laws, shall be delegated to a commission termed the "Conservative Committee," composed of seven members of the Senate, and an equal number from the House of Representatives, elected by the respective Houses from their own members.

This Committee, by the authority vested in it by the Constitution, required the President to order the convocation of Congress in extraordinary session. Notwithstanding his solemn promise and the important measures to be disposed of at the autumn session, the President refused.

From this time forward Mr. Balmaceda marched boldly on in his unconstitutional and revolutionary career. On the 30th of May, he named as chief of the Cabinet the person whose candidacy for the Presidential chair was one of the causes of the political difficulties.

On the first of June Congress met in ordinary session, and immediately passed a vote of censure against the Ministers by a large majority in both houses. But contrary to unbroken precedents for fifty-seven years, they refused to surrender office.

On the first of July, the law authorizing the collection of taxes expired by constitutional limitation, and, fifteen days before, the House of Representatives had declared it would not re-enact said law, unless a Ministry was appointed in which both President and Congress had confidence, and which would be a guarantee of the constitutional regimen.

The censured ministers continued in office, and Con-

gress refused to discuss the revenue measures, and during the entire month of July no taxes or duties were collected in Chile. The public expenditures were made with surplus funds accumulated in the last years.

Strikes and riots were the order of the day in Valparaiso and Iquique, our two most important ports, fomented by agents of the Executive for the purpose of intimidating Congress. These riots caused serious loss of property, and a still more lamentable loss of life to poor people.

At last the authorities became frightened, and were compelled to interfere, not daring to brave the public indignation, which could not be deceived as to the complicity of the executive authority in these disorders.

V.

PRATS' MINISTRY.—OBLIGED TO RESIGN.

Congress continuing firm at its post of duty, the President was forced to submit, and on the 7th of August named another ministry, presided over by Mr. Prats, who left his post of Chief-Justice of the Supreme Court to accept this position. His associates were also gentlemen of the highest character. Thus constituted, this Ministry enjoyed the fullest confidence of Congress and of the nation.

This ministry began its functions by declaring to both Houses of Congress that the Executive considered himself honored by the homage which he now renders to the National Congress; that it was a pleasing satisfaction to recognize that without the concurrence of Congress it was impossible to govern in harmony with the Constitution, and in accordance with the uninterrupted practice of the country during its entire period of independent national existence;

and that he congratulated himself that the unpleasant conflict had terminated satisfactorily.

Harmony and tranquility were re-established, and Congress passed the law authorizing the collection of taxes by the Executive.

As the ordinary sitting of Congress would cease the first of September, the ministry, in the President's name, promised that the Congress would be convened in extra session for October, for the purpose of legislating on the project of municipal reform and other laws. In those sessions the appropriation bill and the army and navy bill would also be discussed.

According to the Constitution, the President convenes Congress in extra session when necessary for the public service, and by constant and immemorial usage the convocation is made each year, generally in the months of October or November.

The appropriation bill and the army and navy bill have always been discussed and voted on in the last months of this extra session.

In conformity with this custom, which has become a law of the land, the rules of both houses in 1887, and without a dissenting voice, fixed the last days of December as the time for passing these laws.

In accordance with the formal promise of the Prats Ministry, Congress was convoked to meet on the first of October. A few days after, the Ministry proposed to the President the dismissal of a political functionary, whose conduct did not inspire confidence, and thwarted the compromise of the Ministry with the people, in regard to free elections. The President refused to remove him.

The Ministry resigned in a body, and the President accepting their resignation named another Ministry, chosen from the narrow circle of his personal friends, and ordered the closure of the extra session of Congress before the discussion of any laws. This took place on the 15th of last October.

The "Conservative Committee," vested with its constitutional powers, met, and after mature deliberation required the President to again convoke Congress for the passage of the appropriations, which annually expire on the 31st of December, and for the discussion of the bill for municipal reform and of the army bill.

Although the President had given his solemn promise to do this, he now positively refused to comply with the request of the "Conservative Committee." The Committee reiterated its mandate, and the President persisted in his refusal.

In the meantime, in an orderly political club, a young citizen was killed by the police, which is under the immediate order of the President, and Mr. Balmaceda, instead of condemning the crime, issued a decree or ordinance, regulating the holding of public meetings, which virtually amounted to their suppression. In the fulfilment of its constitutional duty to the nation, the Conservative Committee demanded the punishment of the crime and abrogation of this ordinance, as a flagrant violation of the rights of the people, guaranteed by the express provisions of the Constitution, which has always been held sacred under every republican government.

The President positively refused compliance with the request of the Conservative Committee; and public meetings and all expression of the popular feeling were suppressed.

VI.

DICTATORSHIP OF BALMACEDA.

Meanwhile the first of January, 1891, arrived. The appropriations for the public expenses and the army and navy bill had expired the day before by the constitutional limitation. As Mr. Balmaceda, notwithstanding the reiterated requests of the Conservative Committee, his solemn promise, and the never-before interrupted custom, had not convoked Congress to an extra session to re-enact these laws for the year 1891, he could not constitutionally disburse public moneys nor maintain any military or naval force for lack of these laws.

The President, Mr. Balmaceda, instead of convoking Congress, as was his duty, issued a proclamation in which he declared his inability to carry on the Government in accordance with the Constitution, and therefore by virtue of his own will he would hereafter dispose of the public funds and support army and navy without reference to the Constitution and laws.

Here history repeats itself, and what cost Charles the First his head, after two centuries and a half is re-enacted in Republican America.

After the public declaration of Mr. Balmaceda that he was resolved no longer to attempt carrying on the Government under the Constitution and laws, is it any wonder that the nation was profoundly alarmed for its liberties? In the steadfast patriotism and firmness of Congress was its only hope. Many peace-loving citizens, who up to this time had taken no part in the controversy that for months had been going on, now ranged themselves on the side of Congress,

which represented the majesty of the Constitution, and this party in a short time included nearly every man of prominence in official life, in the learned professions, in commerce, in the army, in the navy, and the great bulk of the people. Of course, as there will always be in such times, there were a few, whose names had figured in public positions, who, consulting their own personal interests, "bent the supple hinges of the knee, that thrift might follow fawning," joined the party of the Dictator, and are now conspiring with him for the overthrow of the liberties of their country.

At this crisis, seeing that the President was bent on an arbitrary dictatorship, Congress resolved to exercise the powers conferred upon it by the Constitution. This instrument provides that whenever the President is found unfit to discharge the duties of his office by reason of infirmity, absence, *or other grave cause*, the Presidential office must be declared vacant. This it proceeded to do and solemnly ordained that Mr. José Manuel Balmaceda had ceased to be the President of Chile.

From this moment Mr. Balmaceda lost the attributes of President of the Republic, and returned to the condition of a private citizen.

To parallel the situation in Chile at this moment, by an example from American political history, let us suppose that the Senate of the United States, in 1868, had found President Andrew Johnson guilty of high crimes and misdemeanors, and removed him from office; and suppose that, instead of obeying its mandate, he had dissolved the Congress at the point of the bayonet, and declared that he would collect the taxes, disburse the public revenue, maintain the army and navy without any appropriation having been made for that

purpose, according to his own will and pleasure. In a word, that adopting the maxim of Louis XIV of "*l'état c'est moi*"—I am the state—had proceeded to rule this great country after this fashion. Such an attempt at usurpation in the United States is too improbable for the wildest fancy, but unfortunately Chile is now actually going through this experience.

Of course Mr. Balmaceda refused to submit to the decree of Congress removing him from office, and, supported by a portion of the army, and by his creatures in the executive offices, whom he had mindfully appointed for this emergency, prepared to maintain his Dictatorship.

On its part Congress appealed to the people and to the public functionaries, to give effect to its resolution of his removal from the Presidency.

Here we have the history of the causes and origin of the civil war in Chile.

The fleet, as well as the most distinguished officers of the army, immediately placed themselves at the disposition of Congress. In virtue of the resolution of that body, a "*junta*" of provisional government was formed, consisting of the commander of the fleet, the Vice-President of the Senate, and the President of the House of Representatives. This *junta* is firmly established at Iquique, and exercises its authority over the provinces of Tacna, Tarapaca, Antofagasta, and Atacama, that extends from the 17th degree of south latitude to the 29th.

In these provinces the Constitution and laws are fully maintained. The courts are open for the administration of the laws and for dispensing justice, and all the functions of a regularly constituted republican government are strictly

performed. This is in striking contrast to the course the Dictator has thought proper to pursue.

In order to maintain his usurpation he has trodden under foot the Constitution and laws of his country, and has declared that he will rule the nation without regard to the Constitution or the laws.

He has, without the authority of law, caused the emission of government paper money to the amount of twelve millions of dollars.

He has, contrary to law, issued an inferior metallic coinage.

He has filled the country with spies.

He has violated the sacred right of domicile.

He has violated the sacredness of private correspondence, guaranteed by the Constitution.

He has refused to obey the decrees of the high tribunal of justice—the Supreme Court.

He has imprisoned many judges.

He has impeded by brute force the courts of justice, and forbidden them to exercise their high functions.

He has silenced all the public journals that opposed or criticised his acts, sometimes confiscating or ordering the destruction of all their printing material.

He has thrown into prison hundreds of law-abiding citizens, and kept them confounded with criminals.

He has imprisoned many of the members of Congress, whose persons under the Constitution are inviolable.

He has dissolved Congress.

He has ordered the election of new Senators and Representatives, although the terms of more than two-thirds of the Senators of the Constitutional Congress had three years to run.

He has altered and modified the election laws by his own arbitrary will.

He has revoked, in the same arbitrary manner, the law which forbids the public employés to be Senators or Representatives, the majority of the new members being salaried employés.

He has embargoed the property of many of his opponents.

He has taken horses, cattle, and other property of his adversaries.

He has made use of the public funds according to his absolute will, and in palpable violation of the laws.

He has increased more than three times the pay of the officers and soldiers of his army.

He has enrolled by force an immense number of citizens against their will, and against the laws.

He has cruelly martyred, by flogging and other ignominious tortures, hundreds of respectable citizens, rich and poor, without respect to age or condition.

He has caused to be shot to death many citizens without a legal trial and sentence, in some instances sending his orders for their execution by telegraph. By a mere telegraphic order he caused the execution, in cold blood, of eighty, in the province of Antofagasta, the 9th of March, for refusing to serve in his army against the Constitutional Government.

In a word, Mr. Balmaceda uses his power as an odious and cruel tyrant, and no one is safe, in person, or property. He does not even permit his enemies to leave the country. In Santiago more than three persons are not allowed to walk together in the streets. After 6 o'clock in the evening no horse or carriage is permitted to be used, and before 12

o'clock every one must be in doors. All this under heavy fines and penalties.

VII.

PROGRESS OF THE CONSTITUTIONAL GOVERNMENT.

The forces of the Constitutional government occupied Iquique the 16th of February. On the 7th of March the army of Mr. Balmaceda was completely routed in the battle of Pozo Almonte, and the whole of the province of Tarapacá since then has remained in the hands of the Constitutional government, which has established its seat at Iquique.

In the latter part of March, the Constitutional army took possession of the province of Antofagasta, the army of the Dictator, 2,300 strong, taking refuge in the neighboring Republic of Bolivia.

About the middle of April, the Constitutional forces occupied the province of Tacna, and again the army of Mr. Balmaceda in this province escaped to the north, finding refuge in the Republic of Peru.

During the last days of April and in May, the Constitutional army laid hold of the province of Atacama, the forces of the Dictator, as usual, seeking the protection of a neutral power, this time in the Argentina.

The navy took possession of the Lobos islands in the month of June. From these islands large quantities of guano are exported. This has proved a great loss to Mr. Balmaceda, as he reaped rich harvests from this valuable fertilizer.

The Constitutional forces occupied Vallenar and all the valley of Huasco in the month of July. The forces of

Balmaceda having been dislodged, escaped to the province of Coquimbo.

The lack of arms and ammunition, owing to the improvisation of the civil war, did not permit farther extension of military operations during the last few months.

At last the Constitutional army is well-armed and equipped, and they will soon continue in their accustomed paths of victory.

The Constitutional Government now occupies four provinces — Tacna, Tarapacá, Antofagasta, and Atacama. The Constitution and laws are observed in them; property and all the rights of citizens are respected.

In regard to the finances of the Constitutional Government, it may be proper to state that the provinces under its authority furnish more than two-thirds of the taxes of the Republic, and that it scrupulously respects private property. The contributions which these rich territories produce are regularly and peaceably collected, and suffice for all the outlays required by a well-regulated government. No arbitrary levy of taxes has been exacted for any purpose.

VIII.

ATTEMPTED MEDIATION.

On various occasions the representatives of foreign governments at Santiago, commiserating the sad condition of a country that they had so recently seen prosperous and happy, made proffer of their services, as mediators, between the contending parties to this unhappy conflict. These overtures were always cordially received by the Constitutional Government.

In the latter part of April the Ministers of the United States, of France, and Brazil, in the name of their respective governments, tendered their good offices for the re-establishment of peace. Mr. Balmaceda officially accepted these offers, and, at the instance of the foreign Ministers, gave a safe conduct to the representatives appointed by the Constitutional Government at Iquique, who were then in safe concealment in Santiago.

The members to the proposed conference, on the part of the Constitutional Government, laid before the mediating foreign representatives the basis of an agreement, signed by them, which, in their judgment, would conduce to the restoration of peace. This evinced so lofty a patriotism as to receive the warm and hearty approval of the honorable representatives of the mediating governments.

Their good offices were, however, unproductive of any favorable result, as Mr. Balmaceda, framing pretexts, declined to formulate any compromise, or to express any opinion as to a practical basis for the settlement of the questions at issue. The consequence was that the representatives of the mediating governments utterly failed in their beneficent intentions, and the conference, which the Government at Iquique had accepted, in deference to the United States, and the other mediating powers, was dissolved.

It will be well to remember that the Government at Iquique, on the 20th of April, accepted the proffered good offices of the diplomatic ministers at Santiago, of England and Germany, and that three days afterwards Mr. Balmaceda planned and ordered the unexpected and barbarous attack, by means of torpedoes, on the iron-clad *Blanco Encalada*, one of the war vessels of the Chilean navy, which, in a foreign war, had

achieved the most signal victories, and was fondly cherished by the nation.

The Dictator conceived it not incompatible with the pending peace negotiations to make this unlooked-for attack, which caused the death of more than 150 Chilian sailors.

He had also endeavored by an act of treachery to imprison the representatives of the Constitutional Government, violating the safe conduct given them at the request of the diplomatic mediators, which secured immunity for their lives and persons, and but for the noble and energetic attitude of the honorable foreign ministers there is little doubt but that Mr. Balmaceda would have disregarded the safe conduct which he had solemnly granted.

IX.

CONCLUSION.

Such is the exceptional condition of Chile. The Constitutional Government exercises authority from the 17th to the 29th degree, and in all this territory the rights and guarantees for persons and property, under the Constitution and laws, are as scrupulously respected as in the best governed countries of the globe.

In the territory over which Mr. Balmaceda exercises authority, there is neither Constitution or laws to restrain his tyrannical acts. The only law he invokes is his own unrestrained will, which does not respect even those fundamental principles recognized as the foundation of all law.

Chile has seen for the first time respectable citizens, for no other offence than opposing the policy of the Dictator, tied to the whipping-post, inhumanly flogged and otherwise

cruelly tortured. The nation will not soon forget such outrages, and posterity will execrate his memory.

Accompanying this we present various documents referring to the resolutions of the Chilian Congress, which uncontestably establish the fact that the Constitutional Government at Iquique represents the only legitimate sovereign authority in our land.

We append, also, the decrees of Mr. Balmaceda, setting aside the Constitution, dissolving Congress, and suspending the sessions of the courts of justice.

Finally, we deem it appropriate to add a copy of the decree promulgated by the government of the Republic of Bolivia, recognizing the belligerency of our Constitutional Government. The geographical position of that republic, so near the scenes of our civil contest, enables her to appreciate, better than more distant governments, the true condition of affairs in Chile; hence her decree of the 23d of May last. As will be seen, she explains with entire impartiality the reasons for her action.

The government of the Argentina, which bounds Chile on the east, has declared, through the message of the President of that Republic to the National Congress, that it will observe the strictest neutrality. The Republic of Peru observes strict neutrality according to international law.

In conclusion, we wish to convince the people of the United States that the people of Chile have not risen in rebellion against a lawful government, and that in opposing Mr. Balmaceda, they are in no sense rebels or insurgents, but that they have taken arms in defense of their Constitution and laws, to secure their menaced liberties, that they may leave them as a perpetual heritage to their children.

We seek in foreign countries, especially in the United

States, to arouse the sympathy of a free people in favor of a nation struggling to retain their free republican institutions, which were secured at the cost of so much precious blood by their ancestors. We wish to make known to its fortunate citizens the causes that have led to the present unhappy condition of our country, feeling assured that when the facts are known the sympathy and good wishes of no American citizen will be denied to a brave people, struggling for the preservation of their liberties, and the maintenance of their republican form of government.

The people of Chile have always comprehended, to the fullest extent, the sacredness of the high duties to be fulfilled.

In the most solemn epochs of her history, when her existence as an independent nation, and her honor were at stake, she displayed sufficient valor and energy to maintain the brightness of the star that adorns her banner.

The present struggle in favor of her institutions and liberty affects the most vital interests of the Republic, and we are certain that for their preservation she will not omit, as she never has omitted, the sacrifice of her best blood and her treasures.

Divine Providence does not desert the defenders of justice and liberty. Those who have been once free, will never tread the road that leads to slavery. The Chilians, who have learned to appreciate liberty because they owe it to their own efforts, are sure of victory in their strife against the shameful oppression that so cruelly afflicts their loved country.

PEDRO MONTT,

Confidential Agent of the Constitutional Government.

WASHINGTON, D. C., August 8th, 1891.

ANNEXED DOCUMENTS.

I.

Act of both Houses of the National Congress declaring the inability of Mr. Balmaceda.

We, representatives of the people of Chile in National Congress assembled, taking into consideration—

1. That the many crimes committed by the executive authorities against the electoral power of the Republic, to falsify the expression of the sovereign will of the people at the elections, have been assisted and protected by the President of the Republic and his Ministers, refusing to hear the representations of the Conservative Committee, and thus assuming to himself the responsibility of the guilty functionaries according to the mandate of number 2 of the 49th article of the Constitution of the State.

2. That the police force, confided to the President of the Republic for the preservation of public order and the defense of the rights of the citizens, has been employed in organizing and directing mobs of the common rabble, paid for promoting the most shameful and criminal transgressions against the public safety, and to trample under foot the fundamental rights of citizens, so that the use of said force was a constant menace for them, destroying the primordial end of the establishment of public authorities; that the President of the Republic and his Ministers have been deaf to the clamor of public indignation and the constant remonstrances of Congress and of the Conservative Committee for those acts, which the authorities have left unpunished, in this manner assuming the responsibility.

3. That the sole reparation offered for the last and sorrowful attacks on the right of public assembly, has been the promulgation of the ordinance of the 20th Dec. ult., which is a new and daring violation of the right to hold meetings and of petition, which are guaranteed by paragraph 6 of the 10th article, and by the 6th of 27th article of the Constitution, thus incurring the President of the Republic and his accom-

plices in a flagrant usurpation of an exclusive right of Congress, which is the only power that can dictate these exceptional laws of transitory duration, not to exceed the term of one year.

4. That the President of the Republic has constantly violated public faith, as were officially and solemnly promised by his Ministers in Congress.

5. That the President has squandered the public funds, disbursing them without the sanction of law; he has created public offices and paid unwarranted commissions, using the public money without the sanction or consent of Congress, thus usurping an exclusive power vested in the legislature established in paragraph 10 of article 28 of the Constitution.

6. That the same functionary has ignored and violated the controlling attributions of Congress and of the Conservative Committee, scorning them in the most absolute manner, with open infraction of the 49th and other articles of the Constitution, according to which Congress is controller and judge of the high executive officials.

7. That due to the non-recognition of these rights, the President of the Republic recently attempted to change the time-honored form of our Government by retaining a cabinet in whom Congress had shown their want of confidence, and to whom the same Congress had denied the contributions, and he reached the point of governing without them, causing to the treasury immense losses and to the nation perturbations still more momentous.

8. That by closing Congress, because it opposed with patriotic firmness the invasion of the dearest rights of the people, he was false to his pledged word of sanctioning pending laws necessary for the guarantee of those rights.

9. That without mentioning other violations of law and personal guarantees, the President has recently carried his system of mal-administration, legal and social ruin, to the extent of disposing public funds and to maintain at will, land and naval forces, without authorization from Congress, thus openly usurping power which belongs exclusively to the legislative branch of the nation, to which only has this power been conferred by and according to the 2d and 3d paragraphs of 28th article of the Constitution, which establish *that only in virtue of a law it will be possible to fix annually the amount of public expenditures, and to fix equally each year the number and organization of the military and naval forces to be maintained in time of both peace and war.*

10. That the acts referred to have caused much alarm in society, complete demoralization in the administration, and such a serious perturbation in economical affairs that the honor of the nation has been gravely compromised.

11. That these acts and the declarations contained in the *Diario Oficial*, afford evident proof of the plot which had been framed and carried out by the President of the Republic against the Constitution; that all these acts clearly reveal an intention to undermine our political edifice, constructed by the valor and sacrifices of several generations, in order to raise on the ruins of the people's sovereignty an absolute power, and to overturn and anarchise a well constituted society, a people tranquil and obedient, that only asks for peace and legal order; that all this constitutes no ordinary crime, but the greatest of crimes that can be committed by a ruler.

12. That as the perpetration of these deeds has placed the President in open revolution against constitutional order, he has become a traitor to his country, and thus is placed beyond the pale of the law which he had sworn to obey and maintain.

13. That if the magistrates openly violate the majesty of the laws that constitute the necessary base of social order, their orders are null and of no value, as it is expressly established in Article 151 of the Constitution, and in such a case not only the right but the duty exists, to resist, in defense of the public order, a duty which incumbs on all citizens, and very especially on constituted powers.

14. That the 4th paragraph of the 27th Article, and the 65th Article of the Constitution, establish that it is the attribution of Congress to declare, when, through infirmity, absence, or other potent motive, and when through death, renunciation, or other class of absolute impossibility, the President of the Republic could not exercise his charge.

15. That the crimes mentioned, and for which the actual President of the Republic has made himself culpable, cannot constitute a more powerful motive, nor an impediment more absolute for making him unfit and unworthy to continue in the exercise of his office.

IN VIRTUE OF THE PRECEDING CONSIDERATIONS, WE, MEMBERS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES OF CHILE, INVOKING THE SUPREME JUDGE OF THE UNIVERSE IN TESTIMONY OF THE RECTITUDE OF OUR INTENTIONS, FOR THE OBJECT

OF RE-ESTABLISHING THE CONSTITUTIONAL *régime*, SECURING INTERNAL TRANQUILITY, ATTENDING TO THE COMMON DEFENSE, AND ESTABLISHING FIRMLY THE BLESSINGS OF LIBERTY AND THE LAWS, IN THE NAME AND BY THE AUTHORITY OF THE PEOPLE WE REPRESENT, SOLEMNLY DECLÁRE :

1. That the President of the Republic, Don José Manuel Balmaceda, is absolutely incapacitated for continuing in the exercise of his office, and consequently he is deprived of it from this day.

2. That the Secretaries and the Councillors of State, who have been accomplices in his attacks against the Constitution, are also incapacitated to replace him in his office.

And, therefore, we appoint Don Jorje Montt to assist the action of Congress in re-establishing the sway of the Constitution.

SANTIAGO, *January 1, 1891.*

II.

The Presidents of both Houses to the Captain Jorje Montt.

VALPARAISO, *January 6, 1891.*

El President of the Republic in a manifest, which he has directed to the nation, has declared that not being able to govern in accord with the National Congress, as the Constitution requires—and has been observed by all his predecessors—he has resolved to maintain the naval and military forces without authority of the law, and to make public expenditures without legislative appropriations.

Consequently, for the first time in Chile, the President of the Republic has declared himself independent of the Constitution. He has renounced the legitimate authority with which he was invested, and has attempted to assume a personal arbitrary power which has no authority but his own will, nor other limits than his power to enforce it.

In so grave an emergency it is the duty of the National Congress to take under its care the defense of the Constitution, and to adopt all the measures that the circumstances may make necessary for re-establishing her supreme rights.

In the discharge of this patriotic duty, the National Congress counts on the assistance of the naval and military

forces, because these owe their existence to the laws of Congress, and it is not possible that they would wish to lose their legal existence in order to serve a dictatorial *régime* established for only private reasons of the President of the Republic.

Fifty-seven years of uninterrupted Constitutional organization and a long list of sacrifices made, and of glories attained in the country's service, mark out, to the army and navy of the Republic, their post of duty, which is to resist, as contrary to their honor, every attempt that may be made against the code, that serves as a basis for our national institutions, and gives a starting point to public power.

The National Congress, in the fulfilment of the duty which the actual situation imposes, has approved the resolutions that are found in the above act.

The National Congress has also duly conferred on the undersigned full authority to communicate with naval authorities and demand of them their co-operation in the sphere of action conducive to the most prompt re-establishment of the Constitutional Government.

In virtue of this power, the undersigned order that a naval division be organized to admonish the President of the Republic that the navy remains faithful to the Constitution, and that in obedience to its dictates it is absolutely indispensable, that the annual law be passed that authorizes and legalizes its existence.

In virtue of their powers the undersigned name and appoint the Captain, Don Jorje Montt, Chief of the Naval Division, remaining themselves on board the flag-ship to attend to the development of the movements in defence of the Constitution of the Republic.

(Signed)

WALDO SILVA,

Vice-President of the Senate.

RAMON BARRÓS LUCO,

President of the House of Representatives.

*To the Capt. of the Navy, Don Jorje Montt,
and to the Chiefs and Officials of the Fleet.*

III.

Acceptation of Capt. Montt as Commander of the Fleet.

VALPARAISO, 6th of January, 1891.

In virtue of the considerations presented in the preced-

ing note and resolutions, I accept the appointment which has been made in my person to organize a naval division which will remain under my command to fulfil all orders emanating from the above-named delegates of the National Congress.

I order the present resolution and the note of the delegates to be incorporated in the "order of the day," that it be known to the chiefs, the officials, and the tripulation of the fleet.

Let this be archived.

(Signed)

JORJE MONTT.

IV.

Organization of the Constitutional Government.

IQUIQUE, *April* 12, 1891.

In virtue of these antecedents, and considering :

1. That the land and naval forces, in obedience to Congress, have already occupied three provinces of our territory ;

2. That the necessity of establishing over them the empire of the laws, which cannot be effective without a proper organization, is urgent ;

3. That these provinces produce the greatest part of the national revenues, and that it is indispensable to organize correctly their collection and disbursement ;

4. That the task which the country has resolutely undertaken will not have ended until the Constitutional *regime* and the violated popular rights have been secured ;

5. That the foregoing ends can only be obtained by adjusting the administrative acts to our Constitutional form of government, which establishes an executive power with responsible secretaries.

It is decreed :

1. The Provisional Government Junta formed by the undersigned is declared duly organized.

2. All acts and decrees of this Junta must be signed by its President and the secretary of the respective department.

3. Let four departments of the Junta be organized, to wit :

- (a) That of the Interior and Public Works.
- (b) That of Foreign Relations, Justice, Worship, and Public Instruction.

(c) That of the Treasury.

(d) That of War and the Navy.

Each of these Departments will be filled by a responsible secretary, and by officials who will be named at the proper time.

(Signed) JORJE MONTT.
WALDO SILVA.
RAMON BARROS LUCO.
Secretary, E. VALDES VERGARA.

IQUIQUE, *April* 13, 1891.

We have resolved and decree :

Mr. Isidoro Errazuriz is named Secretary of the Junta, of Government in the Department of Foreign Relations, Justice, Worship, and Public Instruction.

Record and communicate.

MONTT,
SILVA,
BARROS LUCO.

IQUIQUE, *April* 13, 1891.

We have resolved and decree :

Mr. Joaquin Walker Martinez is named Secretary of the Junta of Government in the Department of the Treasury.

Record and communicate.

MONTT,
SILVA,
BARROS LUCO.

IQUIQUE, *April* 13, 1891.

We have resolved and decree :

Mr. Colonel Adolfo Holley is named Secretary of the Junta of Government in the Department of War and Navy.

Record and communicate.

MONTT,
SILVA,
BARROS LUCO.

IQUIQUE, *May* 8, 1891.

We have resolved and decree :

Mr. Manuel José Irarrazaval is named Secretary of the Junta of Government in the Department of the Interior and Public Works.

Record and communicate.

MONTT,
SILVA,
BARROS LUCO.

Recognition of the Constitutional Government as Belligerent by Bolivia.

ANICETO ARCE,

Constitutional President of the Republic of Bolivia.

Considering that in the civil war that exists in the neighboring Republic of Chile, two governments are constituted and organized, representing the high public powers, with dominion and armed forces on land and sea, collecting and disbursing the public revenues; that the relations of the Government of Bolivia with the "Junta" of the Government established in Iquique, are necessary, inasmuch as this occupies, governs, and administers the territories of Antofagasta and Arica, and Bolivia holds free passage for importation and exportation in the first port, and a participation in the revenues of the second, according to the treaty of truce;

That the civil war in Chile being an incontestable fact, the doctrine and practices of civilized nations have consecrated the principle of the legitimate right that governments have for recognizing the belligerency of political parties who ventilate their disputes with arms, being obligatory besides for the Bolivian government, to maintain the fiscal and commercial interests of the nation without this being a motive for altering the loyal observance of neutrality;

Having consulted the Council of Ministers, I decree:

The Government of Bolivia recognizes as a belligerent the "excelentissima Junta of government" which acts in the name, and in representation of Legislative Power of Chile, in the civil war sustained with the President of the Republic who acts in the name, and in representation of the Executive Power.

The Senor Minister of Foreign Relations is ordered to answer for the execution and fulfilment of this decree.

Given in the city of La Paz, the 27th of the month of May, 1891.

ANICETO ARCE.

TELMO ICHAZO.

JENARO SANJINES.

SEVERO FERNANDEZ ALONSO,

SERAPIO REYES ORTIZ.

VI.

**Decree of Mr. Balmaceda Declaring Himself Dictator
and Setting Aside the Laws.**SANTIAGO, *January 7, 1891.*

I decree :

From this date I assume all public power necessary for administering and governing the State and maintaining order in the interior.

Therefore, from this moment, *every law* that would forbid the exercise of the powers required for preserving order and tranquility in the interior, and security in the exterior of the State, is suspended.

Record and publish in the official journal.

BALMACEDA.

DOMINGO GODOY.

ISMAEL PEREZ.

J. M. VALDES CARRERA.

JOSÉ F. GANA.

G. MACKENNA.

VII.

Decree of Mr. Balmaceda Dissolving Congress, Ordering a Revision of the Constitution, and the Election of a New Congress, Modifying the Electoral Law, and Suspending the Law of Incompatibility.

SANTIAGO, *February* 11, 1891.

Considering :

That the majority of Congress has violated the constitution and has revolted against the Constitutional Government of the Republic, producing the disastrous consequences of a revolution, and the subversion of public order, attempting against its own existence, and dissolving itself *de facto* ;

That it is the duty of the chief of the State to promote efficaciously the re-establishment of the Constitutional *régime*, not only by remedying the misfortunes, results of the revolution, but also by suppressing the original causes of the conflict for the purpose of securing for the future stability of the institutions, peace in the interior and respect for the nation in foreign countries ; and finally,

That it is impossible to accomplish these ends, confining one's self to the powers that the constitution and the laws have established for the exercise of Government in normal and ordinary conditions, and that it is for this reason indispensable to make an appeal to the people, sole judge and sovereign, for the election of a Constitutional Congress that could adjust the exercise of said powers, reform, as would be judged the most convenient for the attainment of this object, and give a definite solution to the contentions which might exist between the powers of the State ;

I decree :

ART. 1. Elections for Senators, Representatives, and Municipal officers will be held in all the Provinces and Departments of the Republic.

ART. 2. The Senate and the House of Representatives will constitute a Congress for revising the Constitution of the State, as far as may be necessary for guaranteeing public order, security of the interior, and for establishing the attributes of the State powers, in order to avoid conflicts.

ART. 3. The elections will be held in obedience to the

electoral law of the 20th of August, 1890, on the basis of the existing registers, and with the following modifications :

(a) The voting will take place the last Sunday of the month of March next, and the session of Congress will commence the 20th of April following.

(b) The system of voting will be that ordered in the 65th article of the law of the 9th of January, 1884.

(c) Desks for inscribing votes are suppressed.

(d) The election boards will be installed, and authorized to execute all acts that by law correspond to them, with the concurring members.

(e) The Public Comptroller will replace the President of the Senate in the attributes conferred on him by the law.

(f) In default of the first *alcalde* he will be supplied by the second ; the absence of this last, by the third, and in the same manner with others.

ART. 4. The President of the Republic will be elected in the manner and in the conditions established by the Constitution of the State.

ART. 5. The effects of the law of the 12th of December, 1888, concerning incompatibility, will be held in suspense until further orders, as also the 2d and 3rd articles of the law of the 28th of August, 1890, relative to unions of the Provinces and Departments for the election of Representatives and Senators.

ART. 6. The execution of this present decree and the resolution of difficulties that may occur, will be under the direction of the Secretary of the Interior.

Record and publish.

BALMACEDA.

CLAUDIO VICUÑA.

DOMINGO GODOY.

ISMAEL PEREZ.

J. M. VALDES CARRERA.

JOSÉ F. GANA.

G. MACKENNA.

VIII.

Decree of the Constitutional Government declaring null and void of effect the elections convoked by the Dictator.

IQUIQUE, *March 9, 1891.*

Considering :

1. That by the decree of the 11th of February of this year, the Dictator Balmaceda dissolved the National Congress, and ordered a new election according to rules dictated by himself, and that are contrary to the rules prescribed in the electoral law.

2. That the said decree orders the total renewal of the Senate, violating the Constitution that provides for its renovation by half parts every three years.

3. That the elections ordered by the Dictator, to take place on the 29th of the present month, will be verified in anomalous conditions, because the Republic is under the pressure of martial law and the electoral functions in suspension.

4. That the Departments of Pisagua, Tarapacá, Tocopilla, Antofagasta, Taltal, and Chanaral, which do not recognize the authority of the Dictator, will not have a choice in electing representatives to Congress.

5. That a majority of the Senators and Representatives, whose terms have not expired, are now in prison or in concealment on account of the persecutions of the Dictator, and for these reasons are deprived of the exercise of their electoral rights, and the duties that the election laws require of the Presidents of both Houses.

6. That a vast number of citizens with a right to vote are in the same condition as the Members of Congress—in prison, or hiding from political persecution.

7. That a majority of the judges of elections chosen to receive and count the votes are hidden, or in prisons, or absent from their respective departments, as is categorically recognized by the Dictator in the said decree of the 11th of February last, for which reason he authorizes the election boards to act with one member only, if the other six are not present.

8. That it is the duty of the delegates of the National Congress to preserve and defend their rights, and those of citizen voters, whose electoral privileges are endangered.

Let it be declared :

That the elections that are to be held on the 29th of the current month, in conformity with the Dictator's decree, are contrary to the Constitution of the State and to the election laws, and that in no case can they impair the rights of actual Senators and Representatives.

Let it be recorded and published.

(Signed)

WALDO SILVA,
RAMON BARROS LUCO,
Secretary, ENRIQUE VALDES VERGARA.

IX.

Emission of Fraudulent Paper-Money.

IQUIQUE, *9th of March*, 1891.

The delegation of the National Congress, having learned that the Dictator Balmaceda has made an issue of paper-money to the amount of twelve million of dollars, thus violating the disposition of the Constitution and the laws which have been dictated for the issue of paper-money by the State,

DECLARES,

For the protection of the interests of the State and people,

That the said emission of \$12,000,000.00 is not guaranteed by the proceeds of the national revenue, neither can it be received in the public treasuries.

Let it be recorded and published.

(Signed)

WALDO SILVA,
RAMON BARROS LUCO.

X.

Decree of Mr. Balmaceda Suspending the Functions of the Courts of Justice.SANTIAGO, 27 *February*, 1891.

Considering :

That the administration and the government of the State is confided to the President of the Republic, and that his authority extends to all that has for object the preservation of public order in the interior and the exterior security of the Republic, respecting and causing to be respected the Constitution and the laws, as found in 73d Art. of the political Constitution ;

That a portion of the members of Congress has violated the political Constitution and the laws of the State by rebelling against the President of the Republic, and by obliging the chief of the nation to assume all the public powers necessary for re-establishing order and social tranquility ;

That the regular and ordinary functions of the Supreme Court and the Courts of Appeal, in the abnormal and extraordinary situation, created by the revolution and the anarchy of those who have commenced and sustain it, will prevent the task of pacification reclaimed by the highest national interests, and will produce conflicts that will augment the misfortunes that afflict the Republic ;

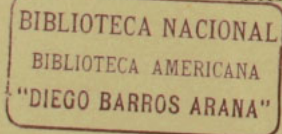
I have resolved, and I decree :

Until further orders the functions of the Supreme Court and of the Courts of Appeal are suspended.

Record, make it known, and publish.

BALMACEDA.

ISMAEL PEREZ.



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