

No. 11

Minutes of  
the Sessions  
of the  
Tribunal of  
Arbitration  
27th March  
1899 to 19th  
November 1902

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MINUTES OF THE SESSIONS OF THE TRIBUNAL  
OF ARBITRATION

F I R S T M E E T I N G

Minutes of Proceedings of the Tribunal of Arbitration appointed by Her Majesty's Government at the request of the Governments of the Republic of Chile, and of the Argentine Republic, to apply the provisions of the Boundary Treaty of July 23, 1881, and the Protocol of May 1, 1893, to the cases in which differences have arisen between the experts, which have not been able to be amicably settled by the joint accord of both Governments.

The Tribunal met for the first time at the Foreign Office, London, on the 27th March, 1899.

Present:

The Right Honourable Baron Macnaghten, Lord of Appeal,  
Member of Her Majesty's Most Honourable Privy Council;  
Major-General Sir John C. Ardagh, K.C.I.E., C.B.,  
Director of Military Intelligence;

Colonel Sir Thomas Hungerford Holdich, K.C.I.E., C.B.,  
Member of the Council of the Royal Geographic Society,

constituting the Tribunal; and

Major S.C.N. Grant of the Royal Engineers, Secretary.

The above named, having produced and compared the letters from Her Majesty's Principal Secretary of State for Foreign Affairs, informing them that Her Majesty had been pleased to approve of the appointment of Lord Macnaghten as President, and Sir John Ardagh and Sir Thomas Holdich as Members, and notifying the appointment of Major Grant as Secretary, found the same to be in order, and a good and sufficient warrant to them to examine and consider the Treaties and other documents presented by the Argentine and Chilean Governments in support of their respective contentions, and the various points of controversy upon which they will eventually be called upon to pronounce.

The Tribunal took note of the undermentioned papers and maps submitted in support of their respective cases:

By the Government of Chile --

- (a) Translations of the following twelve documents, communicated by the Chilean Minister on the 6th December, 1898.

- No. 1. - Treaty between the Republic of Chile and the Argentine Republic, signed the 23rd July, 1881.
- No. 2. - Convention between the Republic of Chile and the Argentine Republic, signed the 20th August, 1888.
- No. 3. - Protocol of the 1st May, 1893.
- No. 4. - Protocol of the 6th September, 1895.
- No. 5. - Agreement of the 17th April, 1896.
- No. 6. - Minutes of Meeting of the 29th August, 1898: the Chilean Proposal with regard to the General Frontier Line.
- No. 7. - Minutes of Proceedings of the 1st September, 1898. Line of Frontier between the parallels 50 degrees and 52 degrees. Chilean and Argentine Proposals.
- No. 8. - Minutes of Proceedings of the 3rd September, 1898. General line of Frontier. Argentine Proposal.
- No. 9. - Minutes of Proceedings of the 15th September, 1898.
- No. 10. - Minutes of Proceedings of the 17th September, 1898.
- No. 11. - Minutes of Proceedings of the 22nd September, 1898.
- No. 12. - Minutes of Proceedings of the 22nd September, 1898.

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- (b) The boundary question between Chile and the Argentine Republic. A Memorandum on certain capital points, drawn at the Chilean Boundary Office. Valparaiso, 1898.
- (c) Demarcation de Limites entre Chile i la República Argentina; Tratados i Protocolos Vientes. Actas i Comunicaciones oficiales relativas a la Linea Jeneral de Frontera. Santiago de Chile, 1898.
- (d) A map of the country extending from south latitude 22 degrees to south latitude 52 degrees on a scale of 1:1,010,592.

By the Government of the Argentine Republic -

- (a) Translation of the Boundary Agreements in force between the Argentine Republic and Chile by Dr. Emilio Lamarca. Buenos Aires, 1898.
- (b) Records of the proceedings of the Argentine and Chilean experts, concerning the demarcation of the boundary-line between the Argentine Republic and Chile. Buenos Aires, 1898.
- (c) A tracing on linen of a map of the country from south latitude 23 degrees to south latitude 52 degrees on a scale of 1:1,010,592.

In regard to the procedure to be followed, the Tribunal decided to commence the proceedings by hearing any oral statements

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of their cases which the Representatives of the Governments of Chile and Argentina may respectively desire to make.

The Secretary was instructed to communicate to the Foreign Office the desire of the Tribunal that the Representatives of the Governments of Chile and Argentina should be invited to agree upon the order in which these statements will be made, as well as to suggest a date subsequent to the 25th April, 1899, convenient to them for the next meeting of the Tribunal

(Signed) MACNAGHTEN  
J.C. ARDAGH  
T.H. HOLDICH.

(signed) S.C.N. Grant, Secretary

SECOND MEETING

Minutes of Proceedings of the Tribunal of Arbitration appointed by Her Majesty's Government at the request of the Governments of the Republic of Chile and of the Argentine Republic, to apply the provisions of the Boundary Treaty of July 23, 1881, and the Protocol of May 1, 1893, to the cases in which differences have arisen between the experts, which have not been able to be amicably settled by the joint accord of both Governments.

The Tribunal met for the second time at the Foreign Office, London, on the 8th May, 1899.

Present:

The Right Honourable Baron Macnaghten, Lord of Appeal,  
Member of Her Majesty's Most Honourable Privy  
Council;

Major-General Sir John C. Ardagh, K.C.I.E., C.B.,  
Director of Military Intelligence;

Colonel Sir Thomas Hungerford Holdich, K.C.I.E., C.B.,  
Vice-President of the Royal Geographic Society;

constituting the Tribunal; and

Major S.C.N. Grant, of the Royal Engineers, Secretary.

The Minutes of the first meeting were approved and signed.

There were also present at the meeting:-

Señor Don Domingo Gana, Envoy Extraordinary and Minister  
Plenipotentiary for the Government of Chile.

Señor Don Alejandro Bertrand, Chief Engineer of the  
Chilean Boundary Commission.

Señor Don Victor Eastman, Secretary to the Chilean  
Legation.

Señor Don Florencio Dominguez, Envoy Extraordinary and

Minister Plenipotentiary for the Government of the  
Argentine Republic.

Señor Don Francisco P. Moreno, Expert appointed by the Argentine  
Republic.

Señor Don Manuel A. Montes de Oca, Counsel to the Argentine  
Legation.

Señor Don V.J. Dominguez, Secretary to the Argentine  
Legation.

Señor Don Victor Eastman read, by direction of the Chilean  
Minister, the following statement in support of the claims of the  
Chilean Government:-

".....(Chapters I to IV, both inclusive of the  
Chilean statement)"...

The reading of the statement was not concluded when the  
Tribunal adjourned until 4.15 P.M., on the 9th May.

(Signed) MACNAGHTEN

T.H. HOLDICH

(Signed) S.C.N. Grant, Secretary

### THIRD MEETING

Minutes of Proceedings of the Tribunal of Arbitration appointed by  
Her Majesty's Government at the request of the Governments of the  
Republic of Chile and of the Argentine Republic to apply the  
provisions of the Boundary Treaty of July 23, 1881, and the  
Protocol of May 1, 1893, to the Cases in which differences have  
arisen between the Experts, which have not been able to be amicably  
settled by the joint accord of both Governments.

The Tribunal met for the third time at the Foreign Office,  
London, on the 9th May, 1899.

Present:

The Right Honourable Baron Macnaghten, Lord of Appeal,  
Member of Her Majesty's Most Honourable Privy Council;  
Major-General Sir John C. Ardagh, K.C.I.E., C.B.,  
Director of Military Intelligence;  
Colonel Sir Thomas Hungerford Holdich, K.C.I.E., C.B.,  
Vice-President of the Royal Geographic Society;

constituting the Tribunal; and Major S.C.N. Grant, of the Royal  
Engineers, Secretary.

There were also present at the meeting:

Señor Don Domingo Gana, Envoy Extraordinary and Minister  
Plenipotentiary for the Government of Chile.

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Señor Don Alejandro Bertrand, Chief Engineer of the Chilean  
Boundary Commission.

Señor Don Victor Eastman, Secretary to the Chilean  
Legation.

Señor Don Florencio Dominguez, Envoy Extraordinary and  
Minister Plenipotentiary for the Government of the  
Argentine Republic.

Señor Don Francisco P. Moreno, Expert appointed by the  
Argentine Republic.

Señor Don Manuel A. Montes de Oca, Counsel to the Argentine  
Legation.

Señor Don V.J. Dominguez, Secretary to the Argentine  
Legation.

Señor Don Victor Eastman continued to read the Statement  
in support of the claims of the Government of Chile:-

"..... (Chapters V to VIII, both inclusive,  
of the Chilean statement)"...

The reading of the statement was not completed when the  
Tribunal adjourned until 11 A.M. on the 11th May, 1899.

(Signed) MACNAGHTEN

T.H. HOLDICH

(Signed) S.C.N. Grant, Secretary

FOURTH MEETING

Minutes of Proceedings at the Tribunal of Arbitration appointed  
by Her Majesty's Government at the request of the Governments of  
the Republic of Chile and of the Argentine Republic, to apply  
the provisions of the Boundary Treaty of July 23, 1881, and the  
Protocol of May 1, 1893, to the cases in which differences have  
arisen between the experts, which have not been able to be  
amicably settled by the joint accord of both Governments.

(sic)

The Tribunal met for the third time at the Foreign Office,  
London, on the 11th May, 1899.

Present:

The Right Honourable Baron Macnaghten, Lord of Appeal,  
Member of the Her Majesty's Most Honourable Privy  
Council;

Major-General Sir John C. Ardagh, K.C.I.E., C.B.,  
Director of Military Intelligence;

Colonel Sir Thomas Hungerford Holdich, K.C.I.E., C.B.,  
Vice-President of the Royal Geographic Society,

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There were also present at the meeting:

- Señor Don Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary for the Government of Chile.
- Señor Don Alejandro Bertrand, Chief Engineer of the Chilean Boundary Commission.
- Señor Don Victor Eastman, Secretary to the Chilean Legation.
- Señor Don Florencio Dominguez, Envoy Extraordinary and Minister Plenipotentiary for the Government of the Argentine Republic.
- Señor Don Francisco P. Moreno, Expert appointed by the Argentine Republic.
- Señor Don Manuel A. Montes de Oca, Counsel to the Argentine Legation.
- Señor Don V.I. Dominguez, Secretary to the Argentine Legation.

Señor Don Victor Eastman continued to read the statement on behalf of the claims of the Government of Chile.

".....(Chapters IX to XIX 'Conclusions', inclusive, of the Chilean statement)".

Señor Don Florencio L. Dominguez read the following statement:

"....."  
....."

Señor Don Domingo Gana stated that Señor Don Alejandro Bertrand is authorized, on behalf of the Government of Chile, to furnish to the Tribunal all information which that Court may require.

The President thanked the Ministers for the statements which had been read, and stated that the Tribunal would now require time for deliberation, and, should further information be required, communications would be addressed to the Legations.

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The Tribunal adjourned sine die.

(Signed) MACNAGHTEN  
T.H. HOLDICH.

(Signed) S.C.N. Grant, Secretary.

#### F I F T H M E E T I N G

The Tribunal met for the fifth time at 198 Queen's Gate,  
London, on the 6th of July 1899.

Present:- The Rt. Hon. Lord Macnaghten - President  
Maj.Gen. Sir J.C. Ardagh  
Col. Sir T. Holdich,

constituting the Tribunal,  
and Maj. S.C.N. Grant, R.E., Secretary.

The minutes of the second, third and fourth meetings were  
approved and signed.

The Tribunal adjourned sine die.

(Signed) Macnaghten.

#### S I X T H M E E T I N G

The Tribunal met for the sixth time at the Foreign Office,  
London, on the 26th of June 1900.

Present:- The Rt. Hon. Lord Macnaghten - President  
Maj. Gen. Sir J.C. Ardagh  
Col. Sir T. Holdich,

constituting the Tribunal; and Capt E.H. Hills,  
R.E., Secretary.

The minutes of the preceding meeting were read and  
confirmed.

The two first volumes of the printed statement of the  
Argentine evidence prepared for submission to the Tribunal were  
laid before the Court and the Secretary was instructed to acknowledge  
them and to express the hope that the delivery of the remaining  
volumes might be expedited.

Some discussion took place as to the procedure which the  
Tribunal should follow, but it was resolved that nothing more  
could be done until the whole Argentine statement of case is

received.

The Tribunal adjourned sine die.

(Signed) Macnaghten.

#### S E V E N T H   M E E T I N G

The Tribunal met for the seventh time at 113 Queen's Gate S.W., London, on the 1st August 1902.

Present:- The Rt. Hon. Lord Macnaghten - President

Maj. Gen. Sir J.C. Ardagh

Col. Sir T. Holdich, constituting the Tribunal, and  
Maj. E.H. Hills, R.E., Secretary.

Cpts. Robertson and Dickson attended the meeting.

The Minutes of the preceding meeting were read and confirmed.

Since the date of the last meeting, the remaining volumes of the Argentine statement of case and the whole of the Chilian reply to the Argentine statement have been presented to the Tribunal. A technical commission, under Sir T. Holdich, has examined, on the ground, the whole of the disputed frontier-line.

Sir T. Holdich presented to the Tribunal a preliminary verbal description of a line of frontier proposed as a basis of settlement, which, after some discussion, was agreed to, and he was requested to draft a detailed description of the line, together with the maps required to illustrate it.

It was resolved to inform the Foreign Office that the Tribunal was in the possession of all the evidence required and that it would be prepared with a definite award as soon as the necessary maps could be got ready.

The Tribunal adjourned sine die

(Signed) Macnaghten.

#### E I G H T H   M E E T I N G

The Tribunal met for the eighth time at 113 Queen's Gate S.W., London, on the 10th November 1902..

Present:- The Rt. Hon. Lord Macnaghten - President

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Maj. Gen. Sir J.C. Ardagh

Col. Sir T. Holdich,

constituting the Tribunal, and Maj. E.H. Hills, R.E.,  
Secretary.

The minutes of the preceding meeting were read and  
confirmed.

The draft of the Report of the Tribunal to His Majesty  
the King was considered and amended.

The Tribunal adjourned sine die.

(Signed) Macnaghten.

N I N T H M E E T I N G

The Tribunal met for the ninth time at the Foreign Office,  
London, on the 19th November 1902.

Present:- The Rt. Hon. Lord Macnaghten - President

Maj. Gen. Sir J.C. Ardagh

Col. Sir T. Holdich,

constituting the Tribunal, and Maj. E.H. Hills, R.E.,  
Secretary.

The minutes of the preceding meeting were read and  
confirmed.

The Report of the Tribunal to His Majesty the King, together  
with the accompanying maps, were approved and signed.

The Tribunal adjourned sine die.

(Signed) Macnaghten.