
INTEROCEANIC CANAL.

IN THE SENATE OF THE UNITED STATES,
December 19, 1901.

Ordered, That there be published in one Senate document the Clayton-Bulwer Treaty; the Hay-Pauncefote Treaty, with amendments thereto by the Senate at the last session of Congress, and the treaty that was ratified on December sixteenth, nineteen hundred and one, together with amendments proposed thereto, and the votes and pairs on said amendments, and the vote by which that treaty was ratified.

Attest:

CHARLES G. BENNETT, *Secretary.*

IN THE SENATE OF THE UNITED STATES,
April 3, 1902.

Ordered, That Senate Document No. 85, Fifty-seventh Congress, first session, together with the proceedings had on the treaty known as the Hay-Pauncefote Treaty, of February fifth, nineteen hundred, be reprinted.

Attest:

CHARLES G. BENNETT, *Secretary.*
By HENRY M. ROSE, *Chief Clerk.*

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance

which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any state, states, or governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seiz-

urè, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn, by both governments, or either government, if both governments, or either government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree, that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the states or governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the

United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON. [L. s.]

HENRY LYTTON BULWER. [L. s.]

HAY-PAUNCEFOTE TREATY.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN TO FACILITATE THE CONSTRUCTION OF A SHIP CANAL TO CONNECT THE ATLANTIC AND PACIFIC OCEANS, AND TO REMOVE ANY OBJECTION WHICH MIGHT ARISE OUT OF THE CONVENTION COMMONLY CALLED THE CLAYTON-BULWER TREATY.

To the Senate:

I transmit herewith, with a view to receive the advice and consent of the Senate to its ratification, a convention this day signed by the respective plenipotentiaries of the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to remove any objection which might arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,

Washington, D. C., February 5, 1900.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the Convention of April 19, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed as their Plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America,

And Her Majesty the Queen of Great Britain and Ireland, Empress of India, The Right Honble. Lord Pauncefote, G. C. B., G. C. M. G.,

Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present Convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE II.

The High Contracting Parties, desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer Convention, *which convention is hereby superseded*, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other Powers, signed at Constantinople October 29, 1888, for the Free Navigation of the Suez Maritime Canal, that is to say:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible despatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of

a belligerent shall not remain in such waters longer than twenty-four hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance and operation of the canal shall be deemed to be part thereof, for the purposes of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

[ARTICLE III.]

[The High Contracting Parties will, immediately upon the exchange of the ratifications of this Convention, bring it to the notice of the other Powers and invite them to adhere to it.]

ARTICLE IV.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof the respective plenipotentiaries have signed this convention and thereunto affixed their seals.

Done in duplicate at Washington the fifth day of February in the year of Our Lord one thousand nine hundred.

JOHN HAY.
PAUNCEFOTE.

Amendments appear in italics.
Article III was stricken out by Senate.

PROCEEDINGS ON THE HAY-PAUNCEFOTE TREATY OF
FEBRUARY 5, 1900.

IN EXECUTIVE SESSION, *December 13, 1900.*

The Senate, as in Committee of the Whole, resumed consideration of the convention (Executive M, Fifty-sixth Congress, first session) between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans.

In pursuance of the order of December 7, 1900, the Senate proceeded to vote on the amendment to the convention reported from the Committee on Foreign Relations on March 9, 1900, which was as follows:

Insert at the end of section 5 of Article II the following:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

On the question to agree to the amendment it was determined in the affirmative, yeas 65, nays 17.

On motion by Mr. LODGE, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Aldrich, Allen, Allison, Bacon, Baker, Bate, Berry, Burrows, Butler, Carter, Chandler, Clark, Clay, Cockrell, Culberson, Cullom, Daniel, Deboe, Depew, Dillingham, Dolliver, Elkins, Fairbanks, Foraker, Foster, Hale, Hanna, Harris, Hawley, Heitfeld, Hoar, Jones of Arkansas, Kean, Kenney, Kyle, Lodge, McBride, McComas, McLaurin, McMillan, Mallory, Martin, Nelson, Penrose, Perkins, Pettigrew, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Sewell, Shoup, Spooner, Sullivan, Taliaferro, Teller, Thurston, Towne, Turley, Turner, Vest, Warren, and Wetmore.

Those who voted in the negative are, Messrs. Bard, Beveridge, Frye, Gallinger, Hansbrough, Lindsay, McCumber, McEnery, Mason, Money, Morgan, Platt of Connecticut, Rawlins, Stewart, Tillman, Wellington, and Wolcott.

So the amendment was adopted.

The following amendments to the convention were proposed:

By Mr. ELKINS: Insert at the end of section 5 of Article II, to follow the amendment proposed by the committee and adopted in Committee of the Whole, the following:

But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory, and sovereignty over the same, upon which to build, manage, operate, defend, protect, and control said canal, or for any other purposes, as the United States may deem best in its own interests.

By Mr. TILLMAN: By striking out the amendment reported by the committee and adopted in Committee of the Whole and inserting at the end of Article II the following:

It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

By Mr. ALLEN: To amend Article I by striking out the word "under," in line 13, page 2, and inserting the word "by;" strike out the words "auspices of the," at the beginning of line 14, and the words "either directly," at the end of the same line; and by striking out the following, in lines 15, 16, and 17: "or by gift or loan of money to individuals or corporations, or through subscriptions to or purchase of stock or shares;" so that, when thus amended, the article will read as follows:

ARTICLE I.

It is agreed that the canal may be constructed by the Government of the United States, at its own cost, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

By Mr. FORAKER: Amend Article II by inserting after the word "convention," in line 24, page 2, the following: "which is hereby abrogated." Also, to amend by striking out Article III of the proposed convention.

By Mr. BEVERIDGE: Amend by striking out Article III of the proposed convention.

By Mr. PENROSE: Insert at the end of section 5 of Article II, to follow the amendment proposed by the committee and adopted in Committee of the Whole, the following:

But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory, and sovereignty over the same, upon which to build, manage, operate, defend, fortify, protect, and control said canal, or for any other purposes, as the United States may deem best in its own interests.

By Mr. BUTLER: Amend by striking out section 7 of Article II of the proposed convention.

DECEMBER 14, 1900.

Mr. LODGE, from the Committee on Foreign Relations, reported the following amendments to the said convention, which amendments were proposed by Mr. FORAKER on the 13th instant:

Amend Article II by inserting after the word "convention," in line 24, page 2, the following: "which is hereby superseded."

Also to amend by striking out Article III of the proposed convention.

DECEMBER 15, 1900.

Mr. MASON offered the following amendment: Insert after section 7, Article II, the following:

Provided, Nothing herein contained shall prevent the United States from protecting said canal in any way it may deem necessary if the said United States shall construct said canal at its own expense.

DECEMBER 17, 1900.

On motion by Mr. LODGE,

Ordered, That a vote be taken on the said convention and all of the pending amendments, and all amendments which may be offered until the final vote is taken, on Thursday, December 20, 1900, at 3 o'clock p. m., without further debate after that hour.

DECEMBER 20, 1900.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment to the first amendment proposed by Mr. FORAKER, and reported from the committee the 14th instant, as follows: After the word "which" insert the word "convention."

The amendment to the amendment was agreed to by unanimous consent.

After debate,

The hour of 3 o'clock p. m. having arrived, in pursuance of the order of the 17th instant, the Senate proceeded to vote on the amended amendment proposed by Mr. FORAKER, and reported by the Committee on Foreign Relations, to wit: In Article II, insert after the word "convention," in line 24, page 2 of the printed copy, the following: "which convention is hereby superseded."

On the question to agree thereto, it was determined in the affirmative.

On the question to agree to the further amendment proposed by Mr. FORAKER, and reported by the Committee on Foreign Relations, to wit: Strike out Article III, on page 3 of the printed copy, it was determined in the affirmative.

On the question to agree to the amendment proposed by Mr. ELKINS, to wit: Insert at the end of section 5 of Article II, to follow the amend-

ment proposed by the Committee on Foreign Relations, and adopted in Committee of the Whole, the following:

But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory, and sovereignty over the same, upon which to build, manage, operate, defend, protect, and control said canal, or for any other purposes, as the United States may deem best in its own interests.

It was determined in the negative—yeas 25, nays 45.

On motion by Mr. TELLER, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Bacon, Bard, Bate, Berry, Beveridge, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Mallory, Martin, Mason, Money, Penrose, Pettigrew, Sullivan, Taliaferro, Teller, Tillman, Towne, Turley, Turner, and Vest.

Those who voted in the negative are, Messrs. Aldrich, Allison, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lindsay, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Morgan, Nelson, Perkins, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore, and Wolcott.

Pairs were announced as follows, the first named voting in the affirmative, the last named in the negative: Mr. Allen with Mr. Dolliver, Mr. Chilton with Mr. Simon, Mr. Kenney with Mr. Sewell, Mr. Harris with Mr. Clark, Mr. Jones of Arkansas with Mr. Platt of Connecticut, Mr. Heitfeld with Mr. Kyle, Mr. Mason with Mr. Baker.

On the question to agree to the amendment proposed by Mr. ALLEN, to wit: Amend Article I by striking out the word "under," in line 13, page 2 (printed copy), and inserting the word "by;" strike out the words "auspices of the," at the beginning of line 14, and the words "either directly," at the end of the same line; and strike out the following in lines 15, 16, and 17: "or by gift or loan of money to individuals or corporations, or through subscriptions to or purchase of stock or shares;" so that, when thus amended, the article will read:

ARTICLE I. It is agreed that the canal may be constructed by the Government of the United States, at its own cost, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

It was determined in the negative.

The amendments proposed by Messrs. BEVERIDGE and PENROSE were respectively withdrawn.

On the question to agree to the amendment proposed by Mr. BUTLER, to wit: Strike out section 7 of Article II,

It was determined in the negative—yeas 26, nays 44.

On motion by Mr. BUTLER, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are Messrs. Bacon, Bard, Bate, Berry, Beveridge, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Lindsay, Mallory, Martin, Mason, Money, Penrose, Pettigrew, Sullivan, Taliaferro, Teller, Tillman, Towne, Turley, Turner, and Vest.

Those who voted in the negative are Messrs. Aldrich, Allison, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Morgan, Nelson, Perkins, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore, and Wolcott.

Pairs were announced as follows: Mr. Allen with Mr. Dolliver, Mr. Chilton with Mr. Simon, Mr. Harris with Mr. Clark, Mr. Kenney with Mr. Sewell, Mr. Heitfeld with Mr. Kyle, Mr. Mason with Mr. Baker, Mr. Jones of Arkansas with Mr. Platt of Connecticut.

On the question to agree to the amendment proposed by Mr. MASON, to wit: In Article II, insert after section 7 the following:

Provided nothing herein contained shall prevent the United States from protecting said canal in any way it may deem necessary if the said United States shall construct said canal at its own expense.

It was determined in the negative—yeas 25; nays 44.

On motion by Mr. MASON, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Bacon, Bate, Berry, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Lindsay, Mallory, Martin, Mason, Money, Penrose, Pettigrew, Scott, Sullivan, Taliaferro, Teller, Tillman, Towne, Turley, Turner, and Vest.

Those who voted in the negative are, Messrs. Aldrich, Allison, Bard, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Morgan, Nelson, Perkins, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore, and Wolcott.

Pairs were announced as follows: Mr. Allen with Mr. Dolliver, Mr. Chilton with Mr. Simon, Mr. Harris with Mr. Clark, Mr. Jones of Arkansas with Mr. Platt of Connecticut, Mr. Kenney with Mr. Sewell, Mr. Heitfeld with Mr. Kyle, Mr. Mason with Mr. Baker.

On the question to agree to the amendment proposed by Mr. BARD, to wit: Strike out Article III and substitute the following:

ARTICLE III. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade;

It was determined in the negative—yeas 27, nays 43.

On motion by Mr. TELLER, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Bacon, Bard, Bate, Berry, Beveridge, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Lindsay, Mallory, Martin, Mason, Money, Penrose, Perkins, Pettigrew, Sullivan, Taliaferro, Teller, Tillman, Turley, Turner, Towne, and Vest.

Those who voted in the negative are, Messrs. Aldrich, Allison, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Morgan, Nelson, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore, and Wolcott.

Mr. TELLER proposed the following amendments: In Article II, section 1, page 2, of printed copy, in lines 30 and 31, strike out the words “in time of war as in time of peace;” and in line 31 strike out the words “and of war.”

On the question to agree to the proposed amendment, it was determined in the negative.

Mr. TELLER also proposed the following amendments: Strike out the whole of sections 3 and 4 of Article II; in Article II, section 5, on page 3 of the printed copy, strike out, beginning with the word “vessels” in line 12, the remainder of the paragraph down to and including the word “belligerent” in line 17; in Article II, section 7, page 3 of the printed copy, strike out the first clause, beginning with the words “No fortifications” in line 30, down to and including the word “adjacent” in line 31, and in line 31 strike out the word “however.”

On the question to agree severally to these amendments, it was determined in the negative.

No further amendment being proposed as in Committee of the Whole, the convention was reported to the Senate, and the amendments adopted in Committee of the Whole were concurred in.

The convention being in the Senate and open to amendment, Mr. TILLMAN proposed the following amendment: Strike out the amendment reported by the Committee on Foreign Relations and inserted at the end of section 5 of Article II, on page 3 of the printed copy, and adopted in Committee of the Whole, and insert at the end of Article II the following: “It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of order.”

The question being to agree thereto, it was determined in the negative—yeas 27, nays 43.

On motion by Mr. TILLMAN, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Bacon, Bard, Bate, Berry, Beveridge, Butler, Clay, Cockrell, Culberson, Daniel, Elkins, Kenney, Lindsay, Mallory, Martin, Mason, Money, Penrose, Pettigrew, Sullivan, Taliaferro, Teller, Tillman, Towne, Turley, Turner, and Vest.

Those who voted in the negative are, Messrs. Aldrich, Allison, Burrows, Carter, Chandler, Cullom, Deboe, Dillingham, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Hawley, Hoar, Jones of Nevada, Kean, Lodge, McBride, McComas, McCumber, McLaurin, McMillan, Morgan, Nelson, Perkins, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Shoup, Spooner, Stewart, Thurston, Warren, Wellington, Wetmore and Wolcott.

Pairs were announced as follows: Mr. Allen with Mr. Dolliver, Mr. Chilton with Mr. Simon, Mr. Harris with Mr. Clark, Mr. Jones of Arkansas with Mr. Platt of Connecticut, Mr. Kenney with Mr. Sewell, Mr. Heitfeld with Mr. Kyle, Mr. Mason with Mr. Baker.

No further amendment being proposed, Mr. LODGE submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, and to remove any obstacle which might arise out of the convention commonly called the Clayton-Bulwer treaty, with the following amendments:

In Article II, insert after the word "convention," page 2, line 24 of the printed copy, the following: "which convention is hereby superseded."

In Article II, insert at the end of section 5, page 3, line 17, of the printed copy, the following:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article shall apply to measures which the United States may find necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

Strike out Article III (page 3 of printed copy).

On motion by Mr. LODGE, and by unanimous consent, the Senate proceeded to consider the said resolution; and, on the question to agree thereto, it was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

On motion by Mr. LODGE, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are, Messrs. Aldrich, Allison, Bacon, Beveridge, Burrows, Carter, Chandler, Clay, Cullom, Deboe, Dillingham, Elkins, Fairbanks, Foraker, Foster, Frye, Gallinger, Hale, Hanna, Hansbrough, Harris, Hawley, Hoar, Jones of Nevada, Kean, Kenney, Lindsay, Lodge, McBride, McComas, McCumber, McEnery, McLaurin, McMillan, Mallory, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Shoup, Spooner, Stewart, Sullivan, Taliaferro, Thurston, Turner, Warren, Wetmore, and Wolcott.

Those who voted in the negative are, Messrs. Allen, Bard, Bate, Berry, Butler, Cockrell, Culberson, Daniel, Heitfeld, Martin, Mason, Money, Pettigrew, Teller, Tillman, Turley, Vest, and Wellington.

Pairs were announced as follows: Messrs. Baker and Dolliver in the affirmative, with Mr. Towne in the negative; Messrs. Clark and Simon in the affirmative, with Mr. Chilton in the negative; Messrs. Depew and Sewell in the affirmative, with Mr. Rawlins in the negative; Messrs. Platt of Connecticut and Caffery in the affirmative, with Mr. Jones of Arkansas in the negative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. LODGE,

Ordered, That the convention as amended and ratified be printed for the use of the Senate, and that the injunction of secrecy be removed from the convention and the proceedings thereon, and from the votes on all amendments and on the final ratification of the convention.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES,
TRANSMITTING A CONVENTION BETWEEN THE UNITED STATES
AND GREAT BRITAIN, TO FACILITATE THE CONSTRUCTION OF
A SHIP CANAL TO CONNECT THE ATLANTIC AND PACIFIC
OCEANS, SIGNED AT WASHINGTON NOVEMBER 18, 1901.

DECEMBER 4, 1901.—Read; treaty read the first time and referred to the Committee on Foreign Relations and, together with the message, ordered to be printed in confidence for the use of the Senate.

DECEMBER 9, 1901.—Reported without amendment.

DECEMBER 10, 1901.—Injunction of secrecy removed.

DECEMBER 16, 1901.—Ratified; injunction of secrecy removed from proposed amendments and votes thereon, and vote of ratification.

To the Senate:

I transmit, for the advice and consent of the Senate to its ratification, a convention signed November 18, 1901, by the respective plenipotentiaries of the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention.

I also inclose a report from the Secretary of State, submitting the convention for my consideration.

THEODORE ROOSEVELT.

WHITE HOUSE,

Washington, December 4, 1901.

THE PRESIDENT:

I submit for your consideration and for transmission to the Senate, should you deem it proper to do so, with a view to obtaining the advice and consent of that body to its ratification, a convention signed November 18, 1901, by the respective plenipotentiaries of the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans by whatever route may be considered expedient, and to that end to remove any objection which may

arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,

Washington, December 2, 1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed as their Plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honourable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

The high contracting parties agree that the present treaty shall supersede the afore-mentioned convention of the 19th April, 1850.

ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the Convention of Constantinoplè, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IV.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]

PAUNCFOTE. [SEAL.]

RATIFICATION OF THE INTEROCEANIC CANAL TREATY.

IN EXECUTIVE SESSION, *December 16, 1901.*

The Senate having under consideration the convention between the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans, signed November 18, 1901,

Mr. BACON proposed the following amendments:

In the preamble strike out all after the words "United States," in the tenth line, down to and including the word "convention," in line 11.

Strike out from Article II, in line 10, the following words: "Subject to the provisions of the present treaty."

Strike out all of Articles III and IV.

Mr. CULBERSON proposed the following amendment:

Insert at the end of section 5, Article III, the following:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

Mr. McLaurin, of Mississippi, proposed the following amendment:

Strike out of Article III the following:

Substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

The question being on agreeing to the amendments proposed by Mr. BACON, it was determined in the negative—yeas 18, nays 60.

Those who voted in the affirmative are Messrs. Bacon, Bate, Berry, Blackburn, Carmack, Clark of Montana, Clay, Culberson, Dubois, Harris, Heitfeld, McLaurin of Mississippi, Mallory, Money, Simmons, Taliaferro, Teller, Tillman.

Those who voted in the negative are Messrs. Aldrich, Allison, Bard, Beveridge, Burnham, Burrows, Burton, Clapp, Clark of Wyoming, Cockrell, Cullom, Deboe, Dietrich, Dillingham, Dolliver, Fairbanks, Foraker, Foster of Louisiana, Foster of Washington, Frye, Gallinger, Gamble, Gibson, Hale, Hansbrough, Hawley, Hoar, Jones of Arkansas, Kean, Kearns, Kittredge, Lodge, McComas, McCumber, McEnery, McLaurin of South Carolina, McMillan, Martin, Mason, Millard,

Mitchell, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Proctor, Quarles, Scott, Simon, Spooner, Stewart, Turner, Vest, Warren, Wellington, Wetmore.

Pairs were announced as follows:

Mr. BAILEY in the affirmative with Mr. ELKINS in the negative.

Mr. RAWLINS in the affirmative with Mr. HANNA in the negative.

The question being on agreeing to the amendment proposed by Mr. CULBERSON, it was determined in the negative—15 yeas, 62 nays.

Those who voted in the affirmative are Messrs. Bacon, Bate, Berry, Blackburn, Carmack, Culberson, Dubois, Heitfeld, McLaurin of Mississippi, Mallory, Money, Simmons, Taliaferro, Tillman, Vest.

Those who voted in the negative are: Messrs. Aldrich, Allison, Bard, Beveridge, Burnham, Burrows, Burton, Clapp, Clark of Montana, Clark of Wyoming, Clay, Cockrell, Cullom, Deboe, Dietrich, Dillingham, Dolliver, Fairbanks, Foraker, Foster of Louisiana, Foster of Washington, Frye, Gallinger, Gamble, Gibson, Hale, Hansbrough, Harris, Hawley, Hoar, Jones of Arkansas, Kean, Kearns, Kittredge, Lodge, McComas, McCumber, McEnery, McLaurin of South Carolina, McMillan, Martin, Mason, Millard, Mitchell, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Proctor, Quarles, Scott, Simon, Spooner, Stewart, Turner, Warren, Wellington, Wetmore.

Pairs were announced as follows:

Mr. BAILEY in the affirmative with Mr. ELKINS in the negative.

Mr. RAWLINS in the affirmative with Mr. HANNA in the negative.

The question being on agreeing to the amendment proposed by Mr. MCLAURIN of Mississippi, it was determined in the negative.

The question being on agreeing to the final resolution of ratification, it was determined in the affirmative—72 yeas, 6 nays.

Those who voted in the affirmative are Messrs. Aldrich, Allison, Bard, Bate, Berry, Beveridge, Burnham, Burrows, Burton, Carmack, Clapp, Clark of Montana, Clark of Wyoming, Clay, Cockrell, Cullom, Deboe, Dietrich, Dillingham, Dolliver, Dubois, Fairbanks, Foraker, Foster of Louisiana, Foster of Washington, Frye, Gallinger, Gamble, Gibson, Hale, Hansbrough, Harris, Hawley, Heitfeld, Hoar, Jones of Arkansas, Kean, Kearns, Kittredge, Lodge, McComas, McCumber, McEnery, McLaurin of Mississippi, McLaurin of South Carolina, McMillan, Martin, Mason, Millard, Mitchell, Money, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Proctor, Quarles, Scott, Simmons, Simon, Spooner, Stewart, Taliaferro, Turner, Vest, Warren, Wellington, Wetmore.

Those who voted in the negative are Messrs. Bacon, Blackburn, Culberson, Mallory, Teller, Tillman.

Pairs were announced as follows:

Mr. BAILEY in the negative with Messrs. DEPEW and ELKINS in the affirmative.

Mr. RAWLINS in the negative with Messrs. HANNA and SEWELL in the affirmative.

Ordered, That the injunction of secrecy be removed from the proposed amendments to the said convention, from the votes thereon, and from the final vote to ratify the convention. •

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