

certain provisions be included, which were in force in that Conference.

I am informed, that there are other propositions more or less similar. If we should accept the procedure proposed by the Delegation from Argentina, and should refer our respective suggestions to that Committee, it could perhaps save us much work, by consulting the several opinions, many of which, without doubt, are to the same effect. In ten or twelve minutes all the amendments could be voted.

For this reason, I would ask the honorable members of this Assembly, that they give their approval to the suggestion made by the Delegate from Argentine.

*His Excellency Mr. Pardo, Delegate from Mexico.*—The Mexican Delegation regrets that it cannot accept the suggestions of the Delegates from the Argentine Republic and Chili, because it understands, that the Committee which the Chair will appoint, with the consent of the Conference, is intended to organize the system of committees in which said Conference will be divided for the consideration of the different subjects; to establish the rules to which they will be subject, and all other details of said committees; but the Mexican Delegation believes, that the Conference has not intended to delegate to such Committee all its authority for discussing the Regulations.

It is evident, that by entrusting said Committee with the consideration of some of the matters included in Chapter III, loss of time would be averted, because it would considerably facilitate the task of the Conference. It is the opinion of the Mexican Delegation that the only result attained would be the postponement of the discussion until the Committee presents its report. The Regulations will by all means, be discussed either by taking the project of the Mexican Delegation as a basis, or that which the Committee appointed by the Chair may submit. There is no objection, while the Chapter is being discussed, as it has already commenced to be, that the remarks to be offered, be duly considered in the order they may be made as well as the additions, amendments or modifications, which the Delegates may deem proper to suggest.

For these reasons, the Mexican Delegation insists upon the discussion of the Regulations being continued, and states, that it is not in accord with the suggestions of the Delegates from Argentina and Chili.

*His Excellency Mr. Carbo, Delegate from Ecuador and the Dominican Republic.*—To the Committee appointed in accordance with the proposition of His Excellency Mr. Davis, Chairman of the American Delegation, no authority has in fact been given to consider all the Regulations; consequently the remarks of the honorable Delegate from Mexico appear to me justified; but as there will be many remarks to be made, regarding the Regulations, I believe, that according to reglamentary practice, the most proper thing to do, would be to submit the Regulations, with the amendments that may be offered to the consideration of a special committee to be appointed by the Chair in order to make this debate easier for us.

*His Excellency Mr. Bermejo.*—Mr. President: I rise in order to fully explain my request: I do not desire that a new committee be appointed, but that the scope of that already appointed be extended. We will not gain anything by engaging in this discus-

sion. The Mexican Delegation itself foresees already difficulties, since it now suggests amendments. The other delegations will have to present theirs; and this is what should be avoided, by referring the examination of this matter to the same Commission, which will report on the different committees.

The only thing therefore to be done, is to extend the scope of the Committee, by referring Chapter III, as well as Chapter II for its consideration.

For this reason, I must insist on my previous suggestion, asking the pardon of the Mexican Delegation.

*His Excellency Mr. Pablo Macedo, Delegate from Mexico.*—Messrs. Delegates: The Mexican Delegation regrets exceedingly that it cannot accept the suggestions of the Delegates, for the reasons already stated by Mr. Pardo. If Chapter III should be referred to a committee, either to the one which has to report on the organization and rules of the different committees, or to a special one, as suggested by Mr. Carbo, the Conference would prolong its work indefinitely. No matter what the report of the committee appointed for that purpose will be, it will have to be submitted to the Conference, and as it will probably be impossible for the committee to accept all the suggestions which the Delegates may make upon submitting its report it will be necessary to discuss it and the Conference will have to pass its vote on the remarks made. Apart from this the Mexican Delegation has the most firm purpose, the fullest determination not only to accept all the suggestions which may be made regarding the project which it has submitted to the Conference in the belief that it complies with its duty, but it is also disposed to accept, even in matters involving only a question of deference, all the observations that may be offered by the Delegations, provided that, in its judgment, they do not affect questions of principle.

I believe, and, if the Conference should consider it pertinent, I would make free to offer a suggestion, which would at once simplify the proceeding, by asking each one of the Delegates, to point out the articles, regarding which they desire to make observations. If they should be limited in number, all the other articles, which meet with unanimous approval, could be adopted, in as much as they were not objected to, and afterwards, the articles pointed out by the Delegates might be discussed separately, as the subjects of a special debate.

If the Chair should, consider it proper, and the Conference should approve it, this mode of proceeding will simplify our work, because, after all, Messrs. Delegates, if we have to examine and afterwards discuss the report of the committee in detail and minutely, it is evident, that it will be much better to discuss at once the project which the Mexican Delegation has submitted, and which is already under debate.

*His Excellency Mr. Walker Martinez.*—I believe, Mr. President, that we shall arrive at an understanding very easily. After the observations of Mr. Macedo, I do not believe, that the Committee will require much time for its work and run the risk of its lasting indefinitely. I believe, gentlemen, that we might agree, that the committee should make its report in the next session, but we may also accept the method suggested by His Excellency Mr. Macedo, that is, adopt those articles, which do not present any objections.

It will be an easy matter, then, for each delegation, which has any objections to make, to suggest at once, on which articles only the discussion is to be deferred; we give our opinion with regard to the rest, and as in this manner it will be determined, that difficulties exist only with regard to two, three, four, eight or ten articles, these alone will be referred to the committee, with the special recommendation, that it report in the next session, and in this manner, if the committee should not report, we may continue the debate.

By this method, I judge, we would arrive at an understanding, accepting the manifestation of deference just now shown by His Excellency Mr. Macedo.

*His Excellency Mr. Gil Fortoul, Delegate from Venezuela.*—The idea advanced by the Delegations of Chili and Argentina, appear to me to tend to waste time, instead of gaining it. If Chapter III is referred to the Delegation of Mexico, it will have to listen to all the observations, which each one of the Delegations may make upon each one of its articles; and if the chapter is referred to a special committee, this latter will also have to hear all the observations of the Delegations, and will have to submit them afterwards to the Conference. We would thus find ourselves again in the same position, in which we are now. In order to avoid these difficulties and to gain time, which, I believe, is the purpose of the Delegates, I propose, that the discussion of Chapter III be continued, article by article, the opportunity will arrive for each Delegate to present his observations or to offer amendments, and the order of these will be determined by the Chair or by the General Secretary.

I propose, therefore, that the discussion of Chapter III be continued by articles.

*His Excellency Mr. Lazo Arriaga.*—I second the motion of the Honorable Delegate from Venezuela.

I believe, Mr. President, that although we may gain time, if we consider this afternoon, only those articles which do not present any difficulties, still there is the serious consideration, that if we adopt articles taken at random from the Regulations, one from one chapter and another from another, when the time comes for making the modifications, it will be found that they are not in harmony with those already adopted.

I believe, it would be better to continue the discussion of the work of the Mexican Delegation, as the Delegate from Venezuela has suggested, by separate articles. The Delegates will then have an opportunity to submit any modifications they deem proper for the consideration of all, as they proceed.

*Secretary Macedo.*—The Chair rules, that the Conference be consulted, whether the discussion is to be continued, taking article by article, as Their Excellencies, Messrs. Gil Fortoul and Lazo Arriaga have proposed.—The vote will now be taken.

*His Excellency Mr. Bermejo.*—In what state remain the suggestion I made a moment ago? What will be the effect of the vote in this case?

*Secretary Macedo.*—An affirmative vote will signify, that the chapter will be immediately discussed, article by article, and a negative vote, that it will not be discussed in that manner, without determining beforehand, in which manner it will have to be made.

The following voted in the affirmative: Bolivia,

Brazil, Colombia, Costa Rica, Salvador, United States, Guatemala, Haiti, Honduras, México, Nicaragua, Peru, Uruguay, and Venezuela.

In the negative: Argentina, Chili, Dominican Republic, Ecuador and Paraguay.—In the affirmative 14; in the negative 5.

*His Excellency the President.*—The discussion of Chapter III will be continued by separate articles.

*Secretary Macedo.*—Article 9 is under discussion.

*His Excellency Mr. Bermejo.*—Previously, I desire to make some observations on this article. The Regulations which have been observed in the Conference held at Washington, did not leave it to the President of the same to designate the days on which the Conference was to hold its meetings. The days and hours, in which sessions were to be held, had been fixed beforehand, and I believe that this is more convenient than what is provided in art. 9. of the Regulations, now under discussion. In preference to this article, I should have taken that of the Conference of Washington, which says: "The Conference will meet in regular session Mondays, Wednesday and Fridays of each week, from two to five p. m., but this shall not prevent, that other sessions be held on the days and during the hours especially designated."

The fundamental difference consists in this, that by these regulations the days on which session are to take place, are fixed, and it is not the prerogative of the Chair to designate them by its own initiative.

*His Excellency the President.*—I would request that the honorable Delegate from Argentina offer his proposition in writing.

*His Excellency Mr. Bermejo.*—This is the proposition. I have left the hour in blank, so that the Conference may fix it.

*Secretary Macedo* read the proposition, which is as follows:

"Art. 9. The sessions of the Conference shall be held on Monday Wednesday and Friday of each week; they shall commence at . . . and their duration shall not exceed three hours. Besides, sessions shall be held on the days and at the hours which the Conference may especially designate."

*His Excellency Mr. Pablo Macedo.*—The Mexican Delegation, in wording, as it has done, article 9 of chapter III, had no intention to give to the President a power, which in any manner would be in conflict with the wishes of the Conference, but only a certain latitude, which is likewise to be found in the proposition of His Excellency Mr. Bermejo. If the Conference should be in favor of that proposition; if such should appear agreeable to the assembly, the Mexican Delegation has no objection, that certain days should be fixed, either alternate ones, as the proposition states, or consecutive ones. Consequently the Mexican Delegation does not desire to prevent that the proposition of His Excellency Mr. Bermejo be taken in consideration. I only call attention to the point relating to the hour, which Mr. Bermejo has had the kindness to leave blank. The suggestion which His Excellency Mr. Chavero made, that the sessions should be held in the morning, was the echo of several indications made by the Delegates. If they should be agreed on this point, it might be at once included in the proposition of Mr. Bermejo, to designate the hour of ten o'clock of the morning.

*His Excellency Mr. Bermejo.*—I have no objection.

*Secretary Macedo.*—The Chair requests the Mexican Delegation to please state, whether it accepts the amendment proposed by His Excellency Mr. Bermejo, Delegate from Argentina, and whether it withdraws the article, or whether it maintains it.

*His Excellency Mr. Pablo Macedo.*—The Mexican Delegation accepts the suggestion of the Delegate from Argentina, and consequently withdraws the respective article.

*His Excellency Mr. Bermejo.*—It appears to me, that during the first days, on which only simple and routine questions will be acted on, there will be no necessity of holding daily sessions, which can only have a purpose whenever the Committees have commenced to present their reports. In regard to the hour, that is a matter of indifference to the Delegates.

*Secretary Macedo.*—Art. 9, which is to be voted on, remains in the following terms:

«The Conference shall hold its sessions on Monday, Wednesday and Friday of each week, from 10 a. m. to 1 p. m., there being nothing to prevent sessions being held, besides, on the days and at the hours, which it may especially designate.»

It is asked, whether the article shall be adopted in the form in which it has been read.

*His Excellency Mr. Galavis, Delegate from Venezuela.*—The article as modified, says, that the sessions shall last from 10 a. m. to 1 p. m., so that apparently there exists the obligation that the session must last during all the period mentioned. I would propose, that the wording be modified, so as to read, that the sessions shall not exceed three hours, because in that manner they will last only the time which they necessarily require.

*His Excellency Mr. Bermejo.*—That is exactly the idea; that three hours be the maximum; that is the understanding I have of the article.

*Secretary Macedo.*—In order to satisfy the wish expressed by His Excellency Mr. Galavis, and for the reason that the Argentine Delegation consents thereto, such being the meaning of its proposition, the article remains as follows:

«Art. 9. The sessions of the Conference shall be held on Monday, Wednesday and Friday of each week; they shall commence at 10 a. m., and their duration shall not exceed three hours.

«Besides, there shall be sessions on the days and at the hours which the Conference may specially designate.»

It is asked, whether the article is adopted in these terms the article is adopted.

*Secretary Macedo.*—Art. 10. of the project being included in the article just adopted, art. 11. is now offered for discussion.

*His Excellency Mr. Leger, Delegate from Hayti.*—I desire to know, what is to be considered the majority. For instance, if there are ten persons, is the majority six? I should like to receive some other explanations, before the article is voted upon.

*His Excellency Mr. Chavero.*—I desire to give an explanation to the Honorable Delegate from Hayti. In as much as the article says, that in order to hold a session, the representation of the majority of all the delegations is necessary, we would require for a «quorum» at least ten delegations, supposing that there are nineteen delegations represented in the Conference. This will be a «quorum», and naturally, the voting will be by the majority.

*Secretary Macedo.*—As no one desires to speak on the question, it is asked, whether the article is adopted.

*His Excellency Mr. Carbo.*—I believe that the article really requires an explanation, because it says: (he read the article.)

In order that the Congress may hold a session for the purpose of taking action on reglamentary business it is well to require a majority; but could a majority of ten, adopt important resolutions, that is to say, can six delegations of the Conference adopt a resolution, which will have binding force for the rest?

Let us suppose, that the Congress holds a session of ten delegations, and a transcendental resolution is submitted; six are a majority, but these six, are they a majority of the Conference? This is a very important point. I believe that it should be said: for a resolution a majority of all the delegations is required; that is to say, that resolutions must be adopted by the vote of ten in this manner the article might be modified in this form: «the session may commence its preparatory and reglamentary labors but in order to adopt a resolution, the vote of ten delegations is required.»

*His Excellency Mr. Chavero.*—The honorable Delegate Mr. Carbo is right in observing, that if the article is adopted in the form in which it exists in the project, the questions that are submitted for the consideration of the Conference may be adopted with six votes. The Mexican delegation is therefore willing to accept the article of the Conference of Washington, which require two thirds of the Delegations for opening a session, and a majority for voting.

*His Excellency Mr. Pablo Macedo.*—What Mr. Chavero states, is as in the Conference of Washington, in order, to have a quorum, the attendance of two thirds of the delegations is required. This, therefore, is in harmony with the idea of the Honorable Delegate Mr. Carbo, but it appeared to me that it was not quite clear, the way in which it was expressed by Mr. Chavero, whose pardon I ask for making this explanation.

*His Excellency Mr. Chavero.*—I will explain my meaning. My idea is, that two thirds of the delegations must be present, as well at the opening of the Conference as when voting, because it would be useless to open the Conference, if no vote could be taken.

*His Excellency the President.*—In order that the proposition of His Excellency Mr. Carbo may be voted on, I request him to put it in writing.

*Secretary Macedo.*—The article offered by His Excellency Mr. Carbo reads as follows: «In order that a session may be held, at least two thirds of the Delegations which form the Conference must be in attendance, and for a resolution to be adopted, the vote of at least ten Delegations shall be required.»

*His Excellency Mr. Alzamora, Delegate from Peru.*—I find the objection, that if a repetition of the case which presented itself some days ago, should occur, the Conference could not arrive at a result.

There may be cases of non-attendance, and in that case it is clear, that the majority must consist of those who do not abstain from voting, to the exclusion of those so abstaining. In every deliberative body, the majority of those present decides. If two thirds are a quorum, it appears to me, that a majority of these, two thirds should decide any question.

It is possible, that there should be exceptions in some cases; but I believe, that this rule is general, because it is inconceivable that a deliberative body can normally exercise its functions in any other manner.

*His Excellency Mr. Pepper, Delegate from the United States of America.*—Are we to understand, according to this, that thirteen form a quorum, and ten form the majority? This is our opinion.

*His Excellency Mr. Chavero.*—I believe that I have explained myself badly; but our idea has been to follow the Regulations of the International American Conference of Washington, and to say the same as that stated by the Honorable Mr. Pepper, that in order to hold a session, a majority of the Delegations is necessary. The respective article of the Regulations of the Washington Conference says:

«In order to hold a session, it is necessary that one half and one more of the nations which take part in the Conference, be represented by some of their delegates.»

That is to say, ten, as stated by Mr. Pepper. But in order to have a quorum when voting it is necessary, that two thirds of the delegations shall be represented, that is, thirteen.

There are two kinds of quorum one for holding a session, which is one half of the delegations and one more; and another for voting, which consists of two thirds of the delegations; the majority of those two thirds shall decide all questions. This is the idea of the Mexican Delegation.

*His Excellency Mr. Matte, Delegate from Chili.*—I believe, Mr. President, that the suggestion of His Excellency the Delegate from Ecuador deserves to be taken carefully into consideration. It appears to me, that in order to give to the resolutions of this Conference the highest prestige and the most exalted authority, it will be well to surround them with the greatest possible number of precautions, and that they may be most amply maintained.

I understand, Mr. President, that in the assemblies, which meet in any country for the usual transaction of their business, it is proper to establish, that a simple majority be sufficient for working purposes; but this is an International Assembly, to attend which we have come from distant countries, so as to assemble for a common purpose. It is, therefore, proper, that our resolutions should have the greatest authority, and I think the suggestions of the Honorable Mr. Carbo were for this purpose. At any rate, Mr. President, practically, the majority would be but the one indicated by the Honorable Delegate from Ecuador, because, in fact, as we are, all interested in doing our best to reach a common agreement we shall meet here regularly, the nineteen countries represented, and, consequently, I believe that the suggestion of Mr. Carbo tends to a very high purpose. I beg leave to offer him my support, and as I desire that this discussion should not be too long, I merely repeat what I have said.

*His Excellency the President.* I beg leave to address this most respectable Assembly to make known to it, my own ideas on the amendment suggested by the very honorable representative of the Republic of Ecuador. The point that the Conference is discussing at this moment is indeed of great importance, and it would be premature and dangerous, as Mr. Matte thinks, to cast a vote without sufficient reflection. As, on the other hand, the session is too

far advanced and the Assembly has approved a decision that the sessions are not to be held daily, but every other day, I would request the Honorable Delegates to allow to-day's session to adjourn until Monday at ten o'clock A. M., and at the same time ask that during the intervening days, all the Delegates who have any remarks to make in regard to the Regulations, will meet the Delegation of Mexico, which may be found in this Hall every day at their disposal, for the purpose of receiving and considering the different suggestions which may be presented, in order to submit a modified project to the coming session. It seems that in this manner all difficulties will be overcome and the Delegates will be able to vote without inconvenience.

*His Excellency Mr. Leger.*—I believe that everything would be rendered easier, if the articles already adopted were placed in the hands of a Committee, so that the Conference may know with exactness, what has been voted on, and knowing this, between today and Monday the subject matter could be clearly understood, regarding the articles which are to be acted upon, on that day.

*His Excellency Mr. Foster, Delegate from the United States of America.*—We believe that said Committee has already been organized, and that it consists of the Mexican Delegation, to which we are asked to present the suggestions which we may make regarding the modifications of the Regulations; and naturally, that Committee must take note of what has already been adopted during the deliberations of the Congress which have taken place today.

Therefore, replying to the motion of the Delegate from Hayti, we believe, that said Committee is already organized and awaiting our suggestions, in order to give them a positive form, for the purpose of proceeding with harmony in the future.

*His Excellency the President.*—Complying with what the Chair has offered to His Excellency Mr. Lazo Arriaga, Delegate from Guatemala, it has appointed as members of the Committee, which is to report to the Conference regarding the number of the committees and the persons of whom they are to consist their Excellencies, the following Delegates:

Henry G. Davis, Dr. Hygino Duarte Pereyra, Dr. Luis F. Corea, Dr. Antonio Lazo Arriaga, Dr. Carlos Martinez Silva, Dr. Juan Cuestas, Dr. Cecilio Baez.

*His Excellency the President.*—The session is closed.

SESSION OF THE 28th. OF OCTOBER 1901.

*Secretary Duret.*—At the request of the Argentine Delegation, and before the discussion of the Regulations is continued, the following proposition offered by His Excellency Mr. Bermejo, Chairman of the said Delegation, will be read:

«That the Conference authorizes its provisional President to appoint a Committee of three members, to examine the credentials of the Delegates and to report respecting the same.»

*His Excellency Mr. Davis, Delegate from the United States of America.*—The Committee on Committees has acted in perfect accord, in its report in respect to this matter, and it is provided in the same that there shall be a Committee on Credentials, which, I believe, will be composed of three members.

Of course we have no objection to what is now proposed; we only wish to state, that the Commit-