

the purpose of making the same observation which His Excellency Mr. Macedo has just made. I have nothing to add to the same.

*Secretary Duret.*—As none of the delegates desire to speak further on the question, the Conference is asked, whether art. 10 is to be adopted.

*His Excellency the President.*—It is adopted.

*Secretary Duret.*—Art. 11 is now under discussion.

*His Excellency Mr. Chavero.*—I request, that in place of the word approval the word «resolution» be used, because propositions are not always approved; they may not be approved.

*His Excellency Mr. Macedo.*—With much pleasure; Mr. Chavero is perfectly right.

*Secretary Duret.*—With the modification proposed by His Excellency Mr. Chavero, the Conference is asked, whether it approves Art. 11.

*His Excellency the President.*—It is adopted.

Art. 12 to 16 inclusive were offered for discussion, and were adopted, discussion being dispensed with.

*Secretary Duret.*—Art. 17 is now under discussion.

*His Excellency Mr. Barret, Delegate from the United States of America.*—In view of the complicated terms used in this article, the Delegation of the United States would be obliged if it were read again, so that it may have an opportunity to examine it.

*Secretary Duret* read the article.

*His Excellency Mr. Anadon, Delegate from the Argentine Republic.*—As the wording of this article, in spite of its being read the second time, still suggests some doubts, I would be pleased to have some member of the Mexican Delegation explain, whether the two thirds to which it refers, are also understood to refer to the time when the vote is taken; or, to the contrary, whether it is sufficient that two thirds of the delegations be present at the opening of the session, and whether some of these may withdraw and send their vote in writing, when the vote is taken.

*His Excellency Mr. Pablo Macedo.*—I believe that the article states with sufficient clearness what His Excellency Mr. Anadon desires to be explained to the Conference: «No report or proposition shall be voted on which refers to any one of the matters included in the call, without there being represented in the session, by one or more delegates, at least two thirds of the nations taking part in the Conference.» In this manner, it is at the moment of the voting, when it is required that two thirds of the nations represented be present.

*His Excellency Mr. Anadon.*—With this explanation I am satisfied.

*His Excellency Mr. Pablo Macedo.*—Many thanks, sir. I believe that I have concluded prematurely, because there is a second provision of the article, which says, that a delegation is considered present, when the vote of said Delegation is in the hands of the Secretary.

*His Excellency Mr. Pablo Macedo.*—Yes, sir, even if it should not be present. By Art. 10 it is provided «that each delegation not present at the time of taking the vote, may also give in writing the vote it may deem proper to cast, leaving it with, or sending it to, the Secretary, which vote, when the respective ballot is taken shall be counted by the Secretary, as if the delegation were present.»

*His Excellency Mr. Anadon.*—It appears to me

to be risky, objectionable, and even dangerous, to rule that the vote of a delegation be accepted, when said Delegation is not present; but I am informed that this has been adopted in a previous article, and therefore I abstain from making further objections, although, as I have stated before, I believe that this may cause us some difficulty.

*Secretary Duret.*—If none of the delegates desire to further discuss the question, the Conference is asked whether it approves Art. 17.

*His Excellency Mr. Pablo Macedo.*—The point which His Excellency the Delegate from Hayti is pleased to submit for the consideration of the Conference, is a very grave and difficult one. The Mexican Delegation confesses frankly, that it has not found a satisfactory solution for this case. If the number of delegations abstaining from voting is so considerable that there should be no majority it is postponed until the following session; and if in that session the same abstentions occur, Mr. Leger asks: What is to be done? The Mexican Delegation does not know what to propose to the Conference in that case; and if any of the delegations should have any more satisfactory solution to offer, the Mexican Delegation with much pleasure will consider and examine it.

*His Excellency Mr. Alvarez Calderón, Delegate from Perú.*—The attention of the Peruvian Delegation has been drawn to the same deficiency which the Delegate from Hayti has noted, and in view of this, we beg to suggest the following idea: «If at the next session the same or other delegations should abstain from voting, they shall be considered as present for the purpose of completing the quorum, and the vote on the postponed question be proceeded with by the delegations present, a majority of which shall decide the question.»

*Secretary Duret* read the proposition of His Excellency Mr. Alvarez Calderón.

*General Secretary Casasús.*—In order to prevent misunderstanding regarding the vote on art. 7, the Secretary desires to state: That at the moment, when the Secretary declared art. 17 adopted, His Excellency the Delegate from Hayti asked the floor for the purpose of making some remarks; and thereupon, the Delegation from Perú offered an amendment. The Secretary desired to know, whether the Conference considers art. 17 adopted and whether the amendment of the Delegate from Perú is to be considered as independent of said article.

*His Excellency Mr. Pablo Macedo.*—Mr. President: I have asked the floor for the purpose of asking His Excellency Mr. Alvarez Calderón, if he has no objection, to permit that the amendment to art. 17, be referred to the Mexican Delegation, which in this case has performed the role of reporting committee, in order to carefully consider such amendment which in the midst of the discussion of the session it would be difficult to examine carefully. At the next session, after the Mexican and Peruvian Delegations, have conferred on the subject, the Conference may decide this question in a conscientious manner. Meanwhile, the discussion of the rest of the articles might be continued, in as much as I have stated, the proposition of His Excellency Mr. Alvarez Calderón is an amendment, which properly belongs to the final part of art. 27.

*His Excellency Mr. Alvarez Calderón.*—I accept the suggestion of His Excellency Mr. Macedo with much pleasure.

*His Excellency the President.*—The proposition of His Excellency Mr. Alvarez Calderón is referred to the consideration of the Mexican Delegation, and as the hour when the labors of the assembly must terminate, has arrived, according to the articles previously adopted, the session is therefore adjourned, the same order of the day being continued for the following one, which will take place day after tomorrow at the usual hour.

SESSION OCTOBER 30, 1901.

*Secretary Duret.*—The Committee appointed for submitting a project regarding the organization of the committees, has submitted the same, and it will now be read:

Mr. President:

The Committee on Committees beg leave to report for the consideration of the Conference and recommend the following as a substitute for Chapter II of the proposed Regulations:

I. Arbitration and Court of Arbitration, nineteen members.

II. Water Transportation, seven members.

III. Commerce and Reciprocity, nine members.

IV. Pan-American Tribunal of Equity or Claims, seven members.

V. Pan-American Railway, nine members.

VI. Reorganization of the Bureau of American Republics, five members.

VII. International Law, seven members.

VIII. Extradition and Protection against Anarchy, five members.

IX. Pan-American Banking and Monetary Exchange, seven members.

X. Pan-American Sanitary Regulations, seven members.

XI. Patents, Trade-marks and Weights and Measures, three members.

XII. Practice of the Learned Professions and Literary Relations, seven members.

XIII. Resources and Statistics, seven members.

XIV. Interoceanic Canal, five members.

XV. Agriculture and Industries, five members.

XVI. Rules and Credentials, three members.

XVII. Future Pan-American Conferences, five members.

XVIII. General Welfare, seven members.

XIX. Engrossing, three members.

Art. 3. The President of the Conference shall appoint the Delegates to serve on the above Committees with the exception of the Committee on Arbitration and Court of Arbitration, the members of which shall be named by the Delegates representing the different Republics, one delegate for each republic.

Art. 4. All the delegates may attend the meetings of each committee and take part in their debates, but they have no right to vote therein.

Provision is made above for nineteen committees to be filled by the forty-four Delegates who compose this Honorable Assembly, or one Committee for each republic. The total number of members is one hundred and twenty-two. This will require the services of Delegates on two or more committees, but it is hoped that the meetings can be so arranged as not materially to interfere with the business of the committees.

The list of committees proposed differs somewhat from that adopted by the first Pan-American Con-

ference held in Washington in 1889-90. In the eleven years that have elapsed the subjects which some committees were then appointed to consider have passed away and new questions have arisen, which the present Conference will be called upon to consider. Among these are the questions which will be referred to the Committees on a Pan-American Tribunal of Equity of Claims and on Protection against Anarchy. The Washington Congress adjourned without providing for the meeting of the next Conference, which caused delay and long correspondence in arranging for this assembly. This, we think, can be avoided by the Committee on the subject provided for above.

This Conference having passed upon Article 8 of Chapter II, your Committee has incorporated it as Article 4 of the proposed substitute for this chapter.

Your Committee desires to state that this report is unanimous, and that it was greatly aided in its work by several written suggestions, including a valuable paper contributed by the Honorable Delegate from Brazil.

*Secretary Duret.*—The President orders that the Conference be asked whether the proposition which has just been read will be taken immediately into consideration. No one asks the floor. Said proposition is put immediately under discussion. The proposition is now under discussion.

*His Excellency Mr. Pardo, Delegate from Mexico.*—The division of the committees proposed by the Committee entrusted with the drafting of that part of the regulations, explains the subjects which are to be undertaken by said committees. I therefore think that there is no necessity for making any further explanation with regard thereto; but in said list I find a committee called Committee on General Welfare, and as such name expresses a misleading idea, I think that it needs to be explained; I would request the reporting Committee to kindly explain to the Conference what is the object of that Committee and what will be its principal labors.

*His Excellency Mr. Davis, President of the Delegation of the United States of America.*—The Committee on General Welfare, Mr. President, has for its object the consideration of matters which do not properly belong to other committees. For instance, to commemorate the centennial of the purchase of Louisiana, an Exposition will take place in St. Louis, and some of the members of this Conference thought that we ought to appoint a special committee for the purpose; well, the consideration of such a matter can be referred to the Committee on General Welfare, as well as to any other that might be offered and which may not properly belong to other committees. It will be a Committee which will take into consideration all matters of interest and general welfare to all the Republics.

*His Excellency Mr. Barret, Delegate from the United States of America.*—Mr. President: If the Delegates will allow me to supplement what has been said by our Chairman, I will be pleased to add just a word in regard to the scope of the Committee on General Welfare.

When we were in St. Louis the World's Fair Managers, who had the honor of entertaining many of you, suggested that in view of the fact that they intend to make their Fair a great international exposition, to which are to be invited all the nations of Central and South America, as well as the United

States, that they would be pleased to have its scope and its work carefully considered at this Congress. Moreover, as you may know, Mr. President and honorable delegates, our late lamented President McKinley, in a proclamation to all the world, having especially in view the South American and Central American countries, stated that he hoped all would cooperate in this great international affair.

Then, again, the attitude of our country has been that it should be a world's fair, where South American and Central America and Mexico should take part to almost as great a degree as ourselves.

In response so that suggestion on the part of the World's Fair Directors, it did not seem quite wise for us to say that there should be a special Committee appointed here on this matter, inasmuch as the Exposition referred to is supported and conducted by the United States alone; but we did hope, and do hope, that under the head of the Committee on General Welfare such a great international undertaking—greater, perhaps, than any other exposition that the world has ever had—may be carefully considered by you; and that possibly in that Committee resolutions might be adopted that will show your good will towards our country, and towards this international exposition. That is only one matter that may come before it. There may be matters, Mr. President, relating to other countries represented here, which can be well considered by the Committee referred to.

I have made this statement simply as supplementing what has been said by our chairman (Mr. Davis) to suggest the general scope of such a Committee as that, and hope that it will be so understood by the rest of the delegates here.

*His Excellency Mr. Pardo.*—According to the explanations that the Honorable Delegate from the United States has made to the Conference, I understand that the Committee on Welfare, which is called general welfare, and which ought to be more appropriately called Material Welfare, will consider such matters as are not assigned to the other committees; but I think it would be advisable to know whether this Committee must take into consideration the matters referred to it by express resolution of the Conference, or whether it must have the right of initiative and the authority to submit to the Conference reports on subjects which said Committee may deem advisable to be considered.

At all events, I think that there would be no objection in substituting for the name «general welfare,» «material welfare.»

*His Excellency Mr. Davis.*—Mr. President: In our opinion, the term material welfare, is not as comprehensive as general welfare, and we think it preferable to use the one that has the broadest meaning.

Our intention was that this committee, as well as all the others might have the right to consider any matters which may in any way come within their jurisdiction, and general welfare covers many things, «a multitude of sins,» as we some times say in our country. And by the way, it is proper to remember that the Constitution of the United States contains what we call a clause relating to General Welfare, which has proved most advantageous in the interpretation of many matters or in adding others which have been absolutely necessary, both for the well being of the Republic and of the community in general.

*His Excellency Mr. Corea, Delegate from Nica-*

*ragua.*—As His Excellency the Delegate from Mexico has asked whether the above Committee will have the right of initiative, I will give my opinion without overlooking the words «material,» or «general.» I think it must be «general» because it must embrace matters of interest to all the Republics, and with regard to the right of initiative, I think it has such a right and must have it, as all the other committees, have and as was enjoyed by the Committee of the same name at the previous Conference.

*Secretary Duret.*—No one has the floor. The Conference is asked if article 2 is approved.

*His Excellency Mr. Guachalla, Delegate from Bolivia.*—Mr. President: Notwithstanding the fact that in my opinion the proposed committees are too many, I will respect the vote of the majority which has deemed it advisable to give a very large scope to the labors of the Conference. Although I believe that the results will not answer that scope, I will not object to art. 2.

My vote, perhaps, will be different from the others; but at least it will go on record as not accepting a committee made up, fully, of all the members of the Conference, because it is no longer a committee. A committee charged with the consideration of any matter so as to submit a report, ought not to be made up, I repeat it, of the total number of the members who are to vote on said report, because, what would be the result? In my opinion, the situation would be rendered entirely anomalous. The majority of that committee, formed by all the members of the Conference, would decide the matter; what, then, would be brought before the Conference? A vote taken up among the members of the committee and which would be considered as final.

The sessions when the whole Conference discusses a matter secretly is some times called Committee of the whole; but that is not what the article in question refers to. Therefore, I will confine myself to calling attention to the inconsistency of appointing a committee composed of all the members of the Conference. I think that this matter can be reconsidered, because although it is true that the article referred to has been approved at the previous session, we are now discussing it for the second time, and as there is an article of the Regulations, already approved, which provides that every proposition will have to be referred to a committee, I would request the Hon. Mexican Delegation, which has seconded such proposition, to think for a minute of its drawbacks, and perhaps that Delegation will be the first one to suggest a better way.

I would venture to suggest an idea that may perhaps reconcile all opinions. My belief is that the suggestion of proposing so large a Committee on Arbitration has been to avoid, as far as possible, difficulties that might arise. My opinion is that it would be better to deposit in the ballot-box the names of all the Delegations and that a ballot be drawn by each one of the Delegates. In this way it could be agreed that the first seven, eight or nine members, or else the last ones, should form the committee. In other words, that the Committee on Arbitration be constituted by lot, taking a number of seven, eight or nine members. I believe that in this manner, the matters would be calmly considered and would also be calmly discussed.

As this is the first time I have the honor of addressing you, I must declare that the stand the De-

legation from Bolivia will take in the Conference will be entirely unimpassioned, tranquil and loyal; I am not here to discuss, in the name of my country, any question that may be disagreeable to any one, but I come to sustain abstract as well as general principles. Therefore, any fears that unpleasant discussions might take place should disappear, because they will have to be as tranquil and serene as are exalted the sentiments which, we all know, inspire the honorable members of the Conference.

*His Excellency Mr. Davis.*—Mr. President: Your Excellency will remember that the Conference approved the provision relative to the Committee on Arbitration, that it was determined that the Committee ought to be composed of one member for each Republic, herein represented. The Committee had not, therefore, the power to change that resolution. If had not, indeed, the right to do so, because it had been approved by the Conference; but the Committee believed, at the same time, that as the subject in question was open to discussion and affected all the Republics, it would be advisable that every one of said Republics should be represented in said Committee.

*His Excellency Mr. Blest Gana, Delegate from Chili.*—The Chilean Delegation, Mr. President, regrets its inability not to accept the ideas of the Hon. Representative from Bolivia. It believes that the article referring to the Committee on Arbitration is, so to speak, the key-stone of the edifice which the North, Central and South American Republics want to build while considering all that may tend to their aggrandizement and welfare. Therefore, it would be an anomaly that a committee which is to undertake the most vital, the most important and the most delicate matter of those submitted to the consideration of the Conference, should be formed of so limited a number of Delegates. It is said, gentlemen, that a committee made up of one member for each Delegation would be the Congress itself. In the first place, it is to be noted that the question is not to constitute a committee with all the Delegates, and, secondly, I do not see the least objection that it should be so, since discussion on a matter that is of interest to all of us would be informally carried on and without the solemnity of a regular session, and in a manner in which the difficulties which are some times met with at the Conference may be lessened.

I am, therefore, gentlemen, in favor of the article under discussion.

The other suggestion made by our Hon. Colleague the Representative from Bolivia, consists in submitting to chance the election of the members of the Committee. My opinion is that in questions of such importance as these the election of the members cannot be left to hazard; it behooves each Delegation to entrust its representation to the person that it may deem proper. Consequently, I oppose the idea that this election should be decided by chance, and more so, when it is possible that in the drawing two or three members of the same Delegation may be drawn.

On the other hand, I am in perfect accord with the ideas, which the Delegate from Bolivia has expressed as to the stand he takes in this matter. I believe that we all have come to discuss in a tranquil frame of mind, not only questions of commerce and means of communication, and others which pertain to the different committees, but especially and prin-

cipally this question of Arbitration. I understand, that we aim not to say anything which might offend or be disagreeable to any of the nations here represented; consequently, in view of the circumstance that the Committee is composed of a member of each delegation, I do not believe that anything is likely to occur which might be disagreeable to any of the Delegations.

Besides, I wish to say in conclusion, that it appears to the Chilean Delegation, that any subject, once discussed by numerous persons in Committee, very likely will meet with the unanimous approval of the different delegations, and will thereby prevent discussion on such a fine point; the subject then, would come to us perfectly digested, and in this way we could vote on it with entire justification.

*His Excellency Mr. Guachalla.*—Mr. President: I respect as much as any one the opinions of others, and even more so, when they are expressed by such a distinguished member of the Conference, as the one who has just spoken. I have asked the floor for the sole purpose of calling attention to a detail that I had the honor to propose. I did not intend, that all the members of the delegations should be drawn by lot, but only the delegations themselves; so that if the lot should fall to the Delegation of Chili, for example, its members would not again figure in the drawing to constitute the Committee. It appears that I did not express my opinion very well, hence I failed to be understood.

I conclude by stating that my attention was attracted in the organization of the Committee by the fact that either two discussions have to take place, one in the committee and the other in the Conference, or all the arguments will have to be repeated, producing precisely what it was intended to prevent, that is to say, to prolong the discussion and perhaps cloud it with something which may not be agreeable. But I repeat, that I shall have to abide by whatever the Conference may determine in this matter.

*His Excellency Mr. Matte, Delegate from Chili.*—I desire that the Chair state, whether or not that article was adopted at the last session.

*His Excellency the Secretary General.*—The Secretary takes pleasure in stating, His Excellency Mr. Matte requests, that on motion of the American Delegation, the appointment of a Committee was adopted, charged with informing the Conference of the number of committees, into which it would have to be divided, so as to accomplish its work, taking as a basis, that the Committee on arbitration would have to be composed of one member for each delegation.

*Secretary Duret.*—None of the delegates desire to speak further on the question.—The Conference is asked, whether Art. 2 of the project is to be adopted.

*His Excellency the President.*—It is adopted.

Art. 3 and 4 were adopted without discussion.

Secretary Duret stated: The discussion of Chapter III of the project of the Regulations will be continued. Art. 17 (he read the same.)

*His Excellency Mr. Pablo Macedo.*—Mr. President: At the last session, an amendment to Art. 17, offered by the Delegation from Peru, was referred to the Mexican Delegation. An agreement between the Delegations of Mexico and Peru, and some others that had the kindness to attend the private meeting of yesterday, has been reached; and I would like to request, that the Chair please order that the addition