

an amendment or modification should be presented the latter shall be discussed at once and shall not be referred to the respective Committee unless it be so decided by the Conference by a majority of votes. All amendments or substitutes shall be voted on before the article or proposition, the text of which they may tend to alter.—(Signed,) *L. F. Carbo.—F. Davila.—John Barrett.*

The Chair rules that the above report, just read, be printed and distributed among Their Excellencies the Delegates.

SESSION OF THE 20th., OF DECEMBER, 1901.

(Afternoon Session.)

Secretary Macedo.—The following motion has been presented: «Before discussing the report of the Committee on the Pan-American Railway commences, I move that the report of the Committee on Rules and Credentials on the amendment to article 17th. of the Regulations of the Conference be taken into consideration.»—(Signed) *Pablo Macedo.*

His Excellency Mr. Walker Martínez, Delegate from Chili.—According to my recollection, Mr. President, the amendment to the Regulations, lately approved, authorized His Excellency the President of the Conference to call a session at four o'clock in the afternoon, to last two hours, for the purpose of continuing any debate that might be pending from the morning session. It appears to me, Mr. President, that such being the scope of the resolution and as there may be several instances in which a session in the afternoon has to be called—I do not refer only to the present session—many Delegates may fail to attend the afternoon session, considered as a continuation of the morning session, thinking that the order of the day only will be discussed. If we establish the precedent of presenting, before the order of the day, any question foreign to it, we may find some difficulties, because there may be later on some discussion on a matter of great importance, without all the Delegates being present.

However, if His Excellency the President considers that the interpretation intended to be given to the above amendment is correct and it is unanimously approved by the Delegates, I will not insist on my suggestions.

His Excellency Mr. Pablo Macedo, Delegate from Mexico.—Mr. President: I think that the motion I have had the honor to present, is in no way contrary to our fundamental rules contained in the Regulations. The last amendment provided that a discussion beginning in the morning could be continued in the afternoon, and this provision does not evidently annul the remaining articles of the Regulations. It seems, however, rather strange to present a motion in the middle of a discussion, and to justify the motion I have had the honor to make, I take the liberty to call the attention of my honorable colleague and distinguished friend Mr. Walker Martínez, to the fact that we are, as far as the provisions of amended art. 17th. of the Regulations are concerned, in a rather anomalous position, which I hope may be defined at once.

Our present Regulations provide that any amendment proposed in the course of a discussion, must be referred to the appropriate Committee for its consideration; it has already been proved, and the Committee on Rules shares the same opinion, that such a provision tends to lengthen and present obstacles

to our debates. We are just about, as I understand it, to amend this provision in the manner proposed by the Committee on Rules, that is to say, such amendments as may be proposed in the course of a debate shall not be referred to the Committee, but will at once be taken into consideration by the Conference. This amendment has not been discussed immediately, because, according to the Regulations, when the report of a Committee has been printed, it cannot be discussed until the next session: for this reason the Chair has properly ruled that the report referred to, will not be discussed to-day.

The situation would be rendered rather anomalous, if, upon discussing the amendments that the Committee on the Pan-American Railway has submitted to the consideration of the Conference, some new amendments might be presented, as may possibly happen, what, then would the Chair do? It would suspend the discussion in order to refer said amendments to the consideration of the Committee. Now then, in order to obviate this difficulty, and believing that the intention of the Delegates is to approve this amendment of the Regulations, which tends to simplify our labors, I have taken the liberty to interrupt the order of our proceedings somewhat; but should there be any objection on the part of the Delegates, I am willing that the report of the Committee on Rules should continue under discussion.

His Excellency Mr. Davis, Delegate from the United States of America.—Mr. President: In my capacity of President of the Committee on the Pan-American Railway, I think that the motion of His Excellency Mr. Macedo is advisable and that preference should be given to it, not because it must be so, but with the unanimous consent of the Assembly, which will, doubtless, appreciate the reasons on which said motion is based.

We must remember that the project on the Pan-American Railway was sent back to the Committee on the 29th. ultimo, and nothing has been done on the matter since; the amendment which has now been proposed has for its object to avoid more delays of this kind, and I hope therefore that it will be approved.

His Excellency Walker Martínez.—Mr. President: We have here two questions: one merely of form, and the other relative to the advisability of including the above amendment in the Regulations.

I have not opposed the advisability of adopting the amendment but I closed by saying that if the principle was accepted and there was a declaration from the Chair recognizing my interpretation of the matter as correct I would not insist on my remarks. Therefore, I was not attacking the essential part of the subject matter.

Permit me, however, to remind Mr. Macedo by calling his attention to this point, that there is not such great urgency, because even if the amendment that His Excellency has proposed is approved, it cannot be enforced until after approving the minutes of the present session, according to the resolution adopted at the last session. Therefore, there is no obstacle here; we will vote on the amendment, because it is advisable; I do not oppose it; what I want is only that an explanation be made as to whether the intention of the Conference is that the afternoon session be considered as a new session, where all kind of questions may be submitted, or whether the intention of those proposing the amend-

ment to art. 5th, was, as it may be inferred from its phraseology, that the afternoon session be considered as a continuation of the morning session. Whatever be the interpretation given thereto, I will accept it, because I do not intend that my ideas should prevail; the only thing I want to know is what rules shall govern the Conference.

His Excellency President, Raigosa.—As the Chair has been directly appealed to by the Hon. Delegate from Chili, I must reply to His Excellency that, in my opinion, his interpretation that the afternoon session must simply be the continuation of the morning session, is entirely correct.

His Excellency Mr. Walker Martínez.—I will now make no opposition, Mr. President, because I see that there is a unanimous agreement with regard to this point.

Secretary Macedo.—The Conference is asked whether the proposition of His Excellency Mr. Macedo will be taken immediately into consideration.

The Conference answered affirmatively by the unanimous vote of all the Delegations present.

Said proposition was put under discussion, and as no one desired to take the floor, the Conference was asked whether it would approve it. Upon taking up the votes, it was approved by the vote of all the Delegations present.

Secretary Macedo.—In view of the motion of His Excellency Mr. Macedo having been approved, the report of the Committee on Rules and Credentials on the amendment to art. 17th of the Regulations of the Conference is put under discussion, as a whole.

As no one requested the floor, the Conference was asked whether it would approve it, and after taking up the votes, it was unanimously approved, as a whole.

Said report having been put under discussion by separate articles, and no one desiring to speak on the subject, the Conference was asked whether it would approve it, which it did by the unanimous vote of all the Delegations present.

Secretary Macedo.—In view of the special circumstances of the case, His Excellency the President has ruled that the Conference be asked whether article 17th of the Regulations, as now approved by this Assembly, shall be enforced at once, or at the next session, after the minutes of this session shall have been approved.

His Excellency Mr. Davis.—I hope that the voting will be to the effect that the motion as approved shall take effect at once. We all understand it so, as that has been the object of the proposition.

Secretary Macedo.—The Conference is asked whether the amendment to art. 17th shall take effect at once, that is, whether it will be enforced immediately.

The Conference answered affirmatively by the unanimous vote of the Delegations present.

SUPPRESSION of Article 25th of the Regulations.—Resolution on the final text of the resolutions of the Conference, and translation thereof in English and French, and, if possible, in Portuguese.

SESSION OF THE 13th., OF JANUARY, 1902.

Secretary Macedo.—The following proposition has been presented: «The undersigned Delegations request the Conference to adopt the following amendment to the Regulations:

Article 25th. of the Regulations of the Second

International American Conference is hereby suppressed.—Mexico, January 13th., 1902. (Signed.) For the Mexican Delegation, *E. Pardo, jr.*—For the Argentine Delegation, *A. Bermejo.*—*Fernando E. Guachalla*, Delegate from Bolivia.—*Baltasar Estupinian*, Delegate from El Salvador.—*M. M. Galavis*, Delegate from Venezuela.—For the Peruvian Delegation, *Isaac Alzamora.*—For the Dominican Delegation, *Federico Henriquez y Carbajal.*—*William I. Buchanan*, *Charles M. Pepper*, Delegates from the United States.—For the Guatemalan Delegation, *Antonio Lazo Arriaga.*—For Hayti, *J. N. Leger.*—For the Delegations from Honduras and Nicaragua, *F. Davila.*—*Cecilio Baez*, Delegate from Paraguay.—*Juan Cuestas*, Delegate from Uruguay.»

Art. 25th., the suppression proposed, reads as follows:

«Art. 25th. The day before the closing of the sessions of the Conference shall be devoted to discussing and approving the minutes, written and printed in Spanish, English, Portuguese and French, wherein shall be contained the resolutions or recommendations that the Conference may have discussed and approved during the debates. The original minutes shall be signed by all the Delegations.»

His Excellency Mr. Pardo, Delegate from Mexico.—In accordance with the provisions of art. 16th. of the Regulations, I propose that the Conference be asked if the proposition which has just been read will be taken immediately into consideration.

Secretary Macedo.—The Conference is asked if, in accordance with the motion of His Excellency Mr. Pardo, the proposition submitted will be taken immediately into consideration. The vote will now be taken.

His Excellency Mr. Walker Martínez, Delegate from Chili.—As the proposition is signed by a majority of thirteen Delegations, what is the use of voting? I think it is useless to vote.

His Excellency the President.—Permit me to inform the Hon. Delegate from Chili, that the Chair must comply with the Regulations.

It was unanimously decided that the proposition be taken immediately into consideration, and thereupon it was unanimously approved by the vote of all the Delegations present, with the exception of that from Ecuador which abstained from voting.

Secretary Macedo.—The following proposition has been presented: «The resolutions or recommendations, which the Conference shall have discussed and approved during its deliberations, and such documents as under the Regulations of the Conference are to be transmitted to the Department of Foreign Relations, shall be drawn up in Spanish, English, Portuguese and French.—(Signed.) *E. Pardo, jr.*»

His Excellency Mr. Pardo.—I ask that the provisions of the Regulations, be also dispensed with, in regard to the above proposition, because it seems to me to be entirely obvious. The article which has been suppressed provided that the day before the closing of the sessions of the Conference should be devoted to discussing and approving the minutes written and printed in Spanish, English, Portuguese and French, etc. As said article has been suppressed, it is necessary that we should establish another provision whereby the resolutions or recommendations which the Conference may approve during its deliberations and such documents as are to be transmitted through it, to the Department of Foreign

Relations be drafted in Spanish, English and French.

His Excellency Mr. Walker Martinez.—Mr. President: I claim that the hour has passed; it is one o'clock.

Secretary Macedo.—The Conference is asked whether the proposition of Mr. Macedo will be taken immediately into consideration.

His Excellency Mr. Walker Martinez.—Mr. President: I claimed that the hour had passed. Is the article of the Regulations which provides that the time of the sessions shall not exceed three hours valid or not? I want time to consider the proposition, as I have not been able to thoroughly understand what has been proposed.

His Excellency Mr. Blest Gana, Delegate from Chili.—As my colleague, Mr. Walker Martinez, spoke individually, I desire to state, that the opinion which he has just expressed, is that of the Chilean Delegation.

His Excellency Mr. Pardo.—The remark which His Excellency Mr. Walker Martinez, has just made, is well founded; he has a perfect right to demand the application of the Regulations which designate a certain duration for the sessions; but it seems to me, that the scruples of the honorable Delegate from Chili, perhaps would be satisfied, if he would consider the provisions of Art. 16th. If he would demand the application of that provision, he would have the time necessary for reflecting on the proposition which I have just presented, and the same, could nevertheless be taken into consideration immediately.

Art. 16th. says: The propositions offered by the delegates shall be referred by the Chair to the respective Committee; unless it be ordered by a vote of two thirds of the delegations present, that they be taken into consideration immediately. In this case, the proposition will be discussed and voted on as a whole and in detail at once; but in case that a delegation should ask that the discussion in detail be postponed until the next session, the Chair will so rule.

His Excellency Mr. Walker Martinez.—If it were not evident, Mr. President, as we all have just noticed in this session, that an amendment of the Regulations came signed by thirteen delegations, for which it is asked that the rules be dispensed with, showing that it was adopted beforehand, I would have had no objection to accept the motion of Mr. Pardo; but in view of this evident fact, His Excellency Mr. Pardo will excuse me, if I refuse to immediately accept a proposition, the scope of which I cannot plainly perceive, notwithstanding that, as I understand, it refers to the rendering of the minutes in different languages. For this reason, as the hour fixed by the rules has arrived; when the proposition, although it may be adopted, could not produce any effect whatever today, and when I see this precipitation, I ask that the Chair, permit me to make these observations and to demand my rights and preserve that which Art. 17 of the Regulations gives me, in order to exercise it at the next session.

Secretary Macedo.—The Chair Rules, that the Conference be asked whether the proposition of His Excellency, Mr. Pardo be considered.

His Excellency Mr. Walker Martinez.—That is to say, that Your Excellency does not take into consideration the suggestion I make, that there is an article in the Regulations, which determines the du-

ration of the sessions, and, in spite of it, you prolong the session?

His Excellency the President.—Replying to the question put by the very honorable Mr. Walker Martinez, I take the liberty to refer him to the provision of Art. 5 of the Regulations, which stipulates that the duration of the sessions shall not exceed three hours.

The session commenced after half past ten in the morning, so that the three reglamentary hours have not elapsed. The Chair, however, has no special desire that the session be prolonged any further, and I submit the ruling which I have made to the decision of the assembly.

His Excellency Mr. Walker Martinez thereupon withdrew from the Hall.

His Excellency Mr. Blest Gana.—Mr. President: I beg to observe, that the computation of the time should not be made mathematically; if the Regulations provide that the sessions commence at ten, they must commence at ten sharp; but if some day they were to commence, for example, at 12.30, will this mean that we must remain here for three hours after 12.30? Consequently it is not the fault of the Delegates, if the session has commenced at 10.30, and I beg to state to the Chair, that one o'clock is the hour, fixed by the Rules for terminating the sessions, and all and everyone of the Delegates present have the right to defend personal privilege by demanding that the Regulations be observed.

But I have an additional observation to make: I believe that if we wish to work in a fraternal spirit, if we are here really with exalted purposes, every motion which has the appearance of a surprise, should be inadmissible owing to the loyalty and the upright judgment of all those here present. If one of the Delegates, who has contributed with all his might, with all his good will to the success of the Conference, demands the necessary leisure to be able to reflect on certain words, which possibly may have a scope which we at this moment are unable to measure, I believe, that as dealing fraternally and fairly that right should be granted him. This is all I have to say.

His Excellency the President.—I have the honor to reply to the very Honorable Mr. Blest Gana, and will address a few words to him.

It is far from the intention of the Chair to exercise pressure of any kind; the Chair had thought that by invoking the second part of Art. 16, His Excellency Mr. Walker Martinez, as well as the Conference, had all the time necessary to reflect upon the proposition offered, because the vote which was to have been taken, referred merely as to whether the proposition was to be considered or not, and the discussions might have been reserved for the following session. Consequently, it was not a question of curtailing the right of obtaining information which all Delegates have, as His Excellency Mr. Blest Gana has observed with so much force and justice.

But I repeat, that the Chair has no intention of exercising any pressure upon the Delegates, and consequently has no objection to suspend the session until next Wednesday at the usual hour, in order that the Delegates may reflect on the scope of the proposition of his Excellency Mr. Pardo.

SESSION OF THE 20th OF JANUARY, 1902.

The proposition of His Excellency Mr. Pardo, offered at the session of the 13th., was put under discussion; it provides that the Resolutions and Recommendations of the Conference and the documents which are referred through the reglamentary channels to the Department of Foreign Relations of Mexico, be drawn up in Spanish, English, Portuguese and French.

His Excellency Mr. Pardo, Delegate from Mexico.—Mr. President: When I had the ill fortune to offer the proposition which has probably caused the sole painful incident that has taken place during the deliberations of this Assembly, my purpose was exclusively to give support to a suggestion most justly and opportunely made by his Excellency the Delegate from Hayti.

When the amendment of the Regulations, consisting in the suppression of art. 25, was presented, the Delegate from Hayti observed to me that such provision ought to be substituted by some other, wherein it would be stipulated that the documents, which with an official character should be issued by this Conference, should be rendered in the four languages spoken by the nations here represented. Without any hidden motive of any kind, and with the greatest possible candor, I presented this proposition, and it appeared to me so obvious, that I did not even take the trouble to consult any other Delegate, not even those of my own country. It appeared to me, Mr. President, that it was necessary to establish in the Regulations of this Assembly a provision, which would sanction the obligation to render all the official acts of the Conference in the four languages which I have mentioned, and as I foresaw, that besides Resolutions and Recommendations, there would be other documents, such as Treaties, Conventions, etc., I included them in the proposition.

The Delegate from Hayti, as disconcerted as myself over the unfavorable reception accorded to the proposition, suggested to me, that for his part, he had no objection, that the portion relating to the documents last mentioned, which are to be referred to the Foreign Department, should be withdrawn; but it is evident, that we are already dealing with a case of documents, that are not Recommendations, but on the contrary, possess already the character of Conventions and must necessarily and officially have to be referred to the Department of Foreign Affairs.

This circumstance compels me to insist on the proposition submitted to the Assembly, in the very terms in which I have proposed the same, and to request, because the matter appears to me of obvious importance, that the rules be dispensed with.

If there should be any objection on the part of the Delegates from Chili in this regard, with the greatest pleasure I am ready to withdraw the motion, so that the proposition may pass through the regular routine.

His Excellency Mr. Walker Martinez, Delegate from Chili.—Inasmuch as the Honorable Delegate from Mexico has alluded to the previous debate, I am compelled to say a few words relative thereto.

I must recall the fact that this proposition was presented after another amendment of the Regulations: I believed at that moment, that it was intended to stipulate that the documents were to be rendered in different languages, because it appeared to me that such an obvious suggestion could have been

stated in the article, which stipulates that the Spanish and English languages shall be used in the minutes of the Conference, by simply adding French and Portuguese to the same.

Besides, Mr. President, I noticed a defect in the proposition, and it is that it refers to the Portuguese language. There is a Delegate, a representative in this Conference, who speaks French; but there is not one who speaks Portuguese. This proves, that the proposition was prepared very hastily, because it includes Portuguese, when there is no one who speaks it, as Mr. Duarte Pereira is dead and has not been substituted so far.

But there is more: The proposition spoke of documents, which may be or have to be referred, to the Department of Foreign Relations. By this term, which is familiarly used in Mexico, everybody understands that the Department of Foreign Affairs of Mexico is meant; but in a Conference, in which the representatives of all the nations of America are assembled, and as the proposition was worded as I have pointed out, we would not know, to which of the different Departments it referred.

And if this merely had occurred, still I might have accepted the proposition without especially calling the attention of this Assembly to the same; but it appeared to me that I discovered in it an act of undue pressure upon this Conference, as I could not conceive, and still cannot conceive, how certain documents can pass through the hands of the General Secretary, without being first acted upon here.

For this reason, I congratulate and thank His Excellency Mr. Pardo, for having asked that the article be referred to the Committee, so that this latter may at least word it in a proper manner.

His Excellency Mr. Pardo.—I have no objection that my proposition should be referred to the Committee.

Secretary Duret.—The proposition of His Excellency Mr. Pardo is referred to the Committee on Regulations.

His Excellency Mr. Leger, Delegate from Hayti.—I regret to be compelled to state, that if the resolutions and other documents are not prepared in French, which is the official language of my country, I can neither sign them, nor transmit them to my Government.

The report of the Committee on Patents and Trademarks having been offered for discussion as a whole, it was adopted without discussion by fifteen votes, the Delegate from Hayti having abstained from voting, stating, that as long as it was not determined to translate the resolutions of the Conference into French, he would have to refrain from taking part in the proceedings.

Art. 1 was put under discussion in detail.

His Excellency Mr. Walker Martinez.—I ask for the floor, not for the purpose of discussing this article, which I accept, Mr. President, but to address myself to the honorable representative from Hayti, who appears to connect the present debate with the former one, by declaring that he would abstain from voting in the same.

It has been the invariable custom to submit all propositions in Spanish and English, and the honorable representative from Hayti has discussed them and has been pleased to vote on them.

With respect to the question, that every Treaty should be written in a certain language, it is a un-