

remain, the faithful reproduction of our words, as well as the note that the resolution which this Assembly may take, is contrary to the ends that have brought us together here. The honorable members should keep well in mind that it would be a dark mantle cast over the history of our Assembly.

And now, gentlemen, permit me to formulate a personal observation.

When I vigil, when I exhort my honorable colleagues to guard the prestige and the seriousness of this Congress in order that it may not fail in its results, I am the smallest loser in the matter; there are others that ought to vigil more than I: the countries that invited us, the countries that received with enthusiasm from the first moment the initiative; but it is known (for it is no mystery to anybody) that Chili entertained fears that this Assembly would produce no result. Consequently, if naught issues from this Assembly, if it resolves nothing upon arbitration, who will be the losers? Those who invited us, those who entertained the idea, those who conceived great hopes. Chili was the last to perturb, in order not to break the concert of America; we have come with reservations, preserving an attitude of silence and expectation. Hence, if there is naught approved here, who will fail? Perhaps all, Chili the least.

For this reason, and terminating the consideration of concord invoked by the honorable representative from Mexico, His Excellency will see from the explanation that I have given, that while it was especially grateful to accede to his petition, since he can depend upon us as friends, recognizing his talent and even his admirers, yet we cannot sacrifice neither the instructions of our Government, nor the notion that we have of the object of this Assembly and its prestige, for which we ought to vigil.

*His Excellency the President.*—Messrs. Delegates: The constant censures of which the President of this Assembly is the object on the part of the very honorable and distinguished Mr. Walker Martinez, delegate from Chili, obliges the President to take once more the floor in this debate, not only for the purpose of fixing with all clarity the matter under discussion but also to make an interpellation direct to the very honorable Chilean delegates, since upon the reply to that question will depend the ruling that the Chair may have to make on the motion presented by said delegates.

I envy, gentlemen, the liberty possessed by all the members of this Congress, excepting the President, to take part in so elevated a debate as that which at the present moment occupies the attention of the Assembly; but the President has a strict duty to perform, to subject himself, and that duty is not compatible with pronouncing discourses. Therefore, I ask to be permitted simply as I have said, to make an important rectification to the interpellation made by the Chilean delegation.

His Excellency Mr. Walker Martinez has commenced by reclaiming the declaration of the Chair at the beginning of the session, in that the debate continue with regard to the ruling made upon the remittance of the fifteen delegations that subscribed the treaty of The Hague. His Excellency says that he has not reclaimed the ruling, that the ruling is not under discussion, and that the delegation of Chili will not vote against the ruling. If this were true, there would be nothing in debate, nothing

would justify the discussion of two days on this subject, and we would have lost the time absolutely, deviating from other important matters that ought to occupy the attention of the Assembly. But His Excellency forgets that in consequence of the reading of the note of the fifteen delegations, which terminated thus: «For such reason, said delegations have the honor of remitting to the Conference the text of the resolutions approved, in order that through the Secretary General, the same may be sent to the Department of Foreign Affairs of the United States of Mexico, with the object in view that by following the indispensable procedure by which the acts of the delegations represented in this Conference may obtain all obligatory efficacy with respect to the Republics that have designated them, said resolutions be duly executed.» His Excellency forgets that in consequence of this note of remission, the Chair dictated the ruling, in conformity with what is solicited: «That the project of treaty pass to the Secretary General to comply with the terms of fraction VII of Article 8 of the Rules.» Immediate Mr. Walker Martinez took the floor and combatted the ruling of the Chair.

The Chilean delegation has sustained the debate all day yesterday, against the declaration made by the President, at times accusing him in the most open manner of violating the Rules; at others maintaining that the ruling ought to be in conformity with Article 10, and that the protocol should not be remitted, as solicited by its authors, to the Department of Foreign Affairs; and at others proposing modifications to said ruling, as manifested in the last motion of the honorable delegate from Chili. I make this rectification, because it is my duty, to state that the Chair has been perfectly correct in this, and desires to be at all times, for the honor of the Assembly and of him who speaks, saying, upon continuing the session of yesterday and commencing that of to-day, that the ruling of the Chair was put to debate, for there was nothing else under discussion. Mr. Walker Martinez has insisted in declaring that the delegations do not number fifteen as appearing with their signatures on the document referred to in the note of remission, but fourteen, because the delegation of Venezuela was impeded from subscribing it, and that its signature ought to be considered as erased. It is not the place of the Chair to make remarks of any sort with respect to the arguments of His Excellency Mr. Walker Martinez; but has to cause to be noted that it is a fact that without the signature of Venezuela there are fifteen delegations that have signed the project, and in order that His Excellency have not have the least doubt, I would be permitted to read the list of Republics that subscribe the document: Guatemala, Mexico, Peru, Uruguay, Costa Rica, Haiti, Dominicana, Paraguay, Bolivia, Salvador, Colombia, Honduras, Nicaragua and the United States of America. Total: fifteen delegations, without Venezuela.

The interpellation to which I refer is the following: if what Mr. Walker Martinez declared is sustained by his delegation, that is to say, that it no longer opposes the ruling of the Chair, this declaration from the Chilean delegation will serve to terminate this debate, and then the corresponding ruling will be dictated.

*His Excellency Mr. Walker Martinez.*—I lament,

Mr. President, that Your Excellency has not comprehended the spirit that guides the delegation of Chili, and that in place of softening what it desires to soften, would carry it to harsher soil. I lament this, because Your Excellency, perhaps interpreting illy my words, has seen fit to qualify as loss of time the two sessions in which the colleagues of the delegation, despite their desire to do so, have not been able to maintain the ideas of Your Excellency.

I explain this, because neither spirit of the Chilean delegation nor the methods adopted by it to soften the asperity of the debate have been comprehended. Gentlemen, we do not retract. The more we read Article 10 of the Rules, we see greater clarity that there is a ruling prohibited to the Chair, in which it is ordered terminantly that every matter be sent to committee. Hence, we have made remarks upon the conduct of the Chair, as is customary in parliamentary practice when an article is interpreted in a manner contrary to the views maintained by other members of the Assembly. This legitimate right of which we make use, we maintain, Mr. President, and still maintain that Your Excellency cannot order the ruling as dictated, in as much as this document, like all those that reach a parliamentary body, are intended to be discussed by it, and because the ruling dictated by presidents are the result of accord, and they can never act on their own judgment, but with the general assent of the Assembly.

We have observed that the debate gyrated upon the conduct of His Excellency the President, but at the same time seeing that after the dissent that has been produced there might come about a disagreeable vote, we have appealed to the Chair in order to avoid that vote, that we might be spared the painful necessity of condemning with a vote the attitude of His Excellency, who forms the highest representative of the delegation of Mexico.

This position, this supplication, have been inspired by the consideration that His Excellency merits from us. Why? Because in parliament, above all in political assemblies, wherein the members may even propose a vote of censure against the president, His Excellency would have observed a very distinct attitude on my part; but as this is not a political assembly, Mr. President, my remarks have only extended to lament that the debate was being carried into other territory than I would have desired, and to procure that it be maintained at the altitude attained by Mr. Macedo, and then to this question: is our motion approved or not? It is evident, Mr. President, that if the discussion be reduced to this, the reglamentary question will have disappeared, and would have disappeared without rancor and without our being in the very sad situation in which we are placed, because, as I have said, if we exact that the Rules be respected, we do not wish on the other hand to arrive to a vote. We cannot reach a vote, because this would import nothing less than a censure to the delegation of the country that extends us hospitality. Such is our situation. We do not accept the procedure, and consequently, the time has not been lost debating upon it, and naught has been lost either in raising a debate, that otherwise would not have been.

Thus I trust that His Excellency comprehends well my works: we maintain our declaration; but we beg of him that if he encounters a door through which we can pass, in common accord, to effect American

amity, as Mr. Macedo has said, that he open it, without necessity of narrowing difficulties, for despite the triumph that His Excellency may obtain, it is sure that he will not feel satisfied with the observations that we have made. Has His Excellency not seen that in this debate only his honorable colleagues of delegation have come in to defend it? No other delegation, although several have taken part in the debate, have sustained the procedure. Let us avoid, then, disagreements; let us follow the debate and let us seek a solution that may elude the difficulty.

With regard to the rectification made by His Excellency with regard to the number of delegations signing the document, arriving even to the reading one by one of their names, as supposing that I ignored the rectitude of the Chair, and I ought to say that I employed the word fourteen, deducting the signature of Mr. Galavis, because fifteen was the word that had sounded in the debate. I had not counted the signatures, for if there were sixteen, then fifteen would remain. If there had been twenty, then nineteen would remain. I am not here to make a question of numbers; but the word fifteen resounded in the debate, I took the current word and deducted Venezuela from that sum.

I beg that His Excellency will take into consideration the inconvenience of longer continuing this course of interpellations and to extreme the difficulties. His Excellency knows in what manner we object to the procedure: when occasion arrives to cast the vote, our vote will be excused; but meanwhile, our objection stands and has to be carried forward.

*His Excellency Mr. Buchanan.*—Mr. President, I desire, first of all, to extend on behalf of the American Delegation our most sincere appreciation of the very courteous and kindly reference made to our Government by the distinguished Delegate from Mexico. If I understand the situation at this moment, it is this: there has been pending since yesterday morning a ruling of the Chair with regard to a document which has been transmitted by certain Delegations with the request that that document should be sent to a certain point, outside the Conference. The Chair has had the courtesy, and I wish to bear testimony, to the extreme kindness with which he has listened to the arguments pro and con, to hold in abeyance that ruling. I understand now that the ruling is challenged by the Honorable Chilean Delegation; that is a right they have, and one which I entirely respect, and if at any time this Delegation should find itself in a position of not being in accord with a ruling of the Chair, it will say so and vote against it, and its grants that right to any of the Delegations in this Conference. It appears to me that we are, possibly, not keeping quite clear the character of the work upon which we are engaged. This is not a congress of plenipotentiaries, brought together here with plenipotentiary powers. This is a Conference called by the Republics of the Americas, by their own freewill. A Conference means to confer; a Conference means that we should come together, as we have, in amity, in good will and fellowship, with an earnest purpose to do whatever we can to remove any obstacle that may be in the way of that good understanding and friendliness which we believe should exist between each and all of the countries represented here, and to avoid, in so far as may be possible, the discussion or touching upon topics that may be objectionable, or that may be pending be-

tween any of the countries represented here. No Delegation in this Conference, as far as I am advised, would have any authority to pass upon such questions, and I apprehend that should such a thing be done, the Delegation so doing would be promptly reprimanded by its Government.

It has been said here, that there is a great deal at the bottom of this question; that is entirely true. It has also been said that this Conference should discuss, and give preferential attention, to the subject of arbitration. This Conference, through its Delegates has practically done nothing else for the past two months, and to-day every Delegate knows precisely the opinion of his colleagues with regard to that subject. In this manner every Delegate knows at this moment, without having wounded the sentiments of his colleagues, without having brought up anything of ill-will, precisely the attitude of each Delegation here represented, regarding this subject. I would be delighted, myself, to listen indefinitely to discussions upon the subject; but they would be valueless in so far as their supplication went to the case we have here, and I feel it is well at this time that a reasonably clear understanding should be had between us all as to the exact situation regarding the subject.

It is well known to every one of us, and is a matter, I think, of common notoriety among all the Delegates here presented, that there are Delegations represented in this Conference, who have given expression to a desire and belief on their part that certain phases of the subject of arbitration, which might arise in a discussion of the subject, should, in the general interests of that harmony and good will that should exist and remain between us all, be eliminated from discussion in this Conference. With that belief I am in entire accord. Starting with that belief, the Delegations who have signed the protocol which has been presented, and which they have asked should be sent to the Minister of Foreign Affairs of Mexico, and with that end solely, in view, decided upon the course taken, these Delegations have in this manner sought to evade, to avoid, all manner of discussion, difficulties and, in a word, everything that might endanger that good will and cordiality which now exists, and which will continue to grow and exist among them, and, of their own free will, and within their clear rights, they have signed among and between themselves, a protocol covering their views with regard to the subject of arbitration. They grant an equal right to any other Delegation in this Conference; no one here can ask for himself that which he is not willing to grant to another. The United States Delegation reserves the right to its views with regard to the application of the principle of arbitration, and is equally ready to grant that right to any other Delegation here present. Had it been found desirable, in the interest of the general good will of this Conference, to have had the widest possible discussion of this subject, such would have been most satisfactory to the American Delegation. Every one in this Conference knows that would not have been desirable; that that would have endangered the feeling of cordiality and that spirit of friendliness which exists between all the Delegates here present; and the work of the Delegates who have signed this protocol has been the cordial result of that belief on their part, and no other.

I am unaware of the peculiar species of logic by which the statement is made that some of those who

have signed this protocol had no right so to sign. If the plenipotentiary powers, which my distinguished colleague and good friend Mr. Walker Martinez, has read, and which covers the Chilean Delegation, are as wide as they seem to be within their meaning, they certainly must include the right to do the lesser things included within the greater. If a Delegation is a Delegation Plenipotentiary «ad hoc» and can do the things other Delegations have no authority to do, it seems but reasonable to assume that they can do the lesser things which others may do.

This protocol that has been signed, has been challenged by the Honorable Chilean Delegation, first, because it was not the work of the Conference; second, by the same Delegation, because it was in the Conference, and hence subject to the regulations of the Conference; and third, that it should be brought into the Conference; three distinct reasons. This project is a protocol signed between Delegations answerable for their acts only to their different governments, and not to this Conference. In other words, the Delegation of the United States does not answer to this Conference for its acts, nor to any of the Commissions of this Conference. This Delegation was sent here in the interest of good will and cordiality, with a desire on the part of the United States, to do whatever we might to avoid anything that in any way, shape, manner or form might bring into the Conference anything of discord. Our instructions are explicit in this regard, and I believe that what has been done up to this time by the Conference as a whole, and by the different Delegations, has been done with that end only, in view. It was thought best, therefore, by those who signed this protocol, and who know all the conditions existing with regard to the subject, and the Honorable Chilean Delegation is perfectly familiar with the entire situation,—to do as they have done with the sole purpose and aim of avoiding, in the slightest possible degree, any shadow of reason for debate upon the subject at issue. As I have said before, the views of every one here are known; there need be no hesitancy in making that statement; it is a matter of common knowledge among us all; what need is there, then, for discussion upon such a subject? No good could be attained thereby, or accomplished, that has not been done in the simple manner adopted in the protocol in question, which has been open to the signature of every Delegation here. I think, however, a proper question is before the Conference, and that is as to whether or not the Delegations of this Conference have a right to send to the desk of this Conference anything signed between them, and to respectfully ask that it be read and transmitted in such manner as they may direct, outside the Conference. If no request is made for the transmission of such document, to some point or office outside the Conference, the criticism made by the Chilean Delegation would be entirely proper. I should like to understand by what species of reasoning it could be said that if I, on behalf of this Delegation, were to send to the Secretary's desk this book I hold in my hand, and request that it should be read and transmitted to the National Library of Mexico, any one could oppose that motion or request. That is exactly the question before this Conference at this moment. A completed protocol signed between certain Delegations here, has been sent to the desk with the request on the part of those signing it, that it be sent to the Mexican For-

eign Office; that is the only question before this Conference at this moment. I regret that my knowledge of mathematics is so limited that I am unable to follow the reasoning by which it is adduced, that with fourteen Delegations,—if there are only fourteen, that being immaterial,—or with fifteen Delegations, who have signed a protocol and presented it to this Conference with the mere request that it be read and sent to a certain Department, and with the two Delegations who have not signed, giving their adherence to the document, as they have publicly done here, that that is not the unanimous expression of this Conference. Nothing would give this Delegation greater pleasure, and I am quite certain when I say this, that my distinguished friends in the Chilean Delegation appreciate the truth of what I am saying, than to be able to see the Chilean and Ecuadorian Delegations members of the Hague Tribunal, but if within their authority they are not able to sign this protocol, they have open to them methods by which they can adhere thereto, and thus the thing they desire to do, would be an accomplished fact. We should be most heartily pleased, on our part, if they could find a way within the powers they have, to adhere to the protocol as presented; if not, the loss of their valuable company for the moment is ours, and we sincerely regret it.

I think, therefore, Mr. President and colleagues, that if there is but one question before this Conference, the ruling of the Chair upon a given point, that we should let the ruling be voted upon, and if the ruling does not stand, let us then proceed; if it does stand, let us also proceed.

*His Excellency Mr. Bermejo, Delegate from the Argentine Republic.*—Mr. President: It has been said that it was a happy circumstance that led us to treat this subject, which while it may not be the fundamental question that has brought us to this Assembly, it related incidentally to it, with veritable moderation, maintaining it on that level pertaining to men of culture and to an assembly of plenipotentiaries. For my part, Mr. President, I need not assert, for I believe that on every occasion on which I have taken up the attention of this Assembly, if my language has lacked interest, I have never exceeded either in expression, or even in attitude, or in the manner or form of diction; I need not assert, I repeat, that I will treat the matter as a mathematician would treat one of those problems that have naught entertaining. This long debate involuntarily brings to mind the expression employed by Voltaire to characterize the metaphysical: when a man, he said, who does not understand himself, speaks to another who does not understand him, and they deal in metaphysics: and the more I seek to get at the bottom of it, the point of this prolonged reglamentary incident, I confess, Messrs. Delegates, I cannot see, I do not comprehend.

The matter, it has been said, is very important; it is no longer a matter that might be postponed to form a project of pecuniary subsidy for the International Bank, a treaty of extradition or the recommended exchange of publications; really, the matter in all that it relates to arbitration, is worthy of our attention, and although this may be an incident or question of mere form, it seems calculated to rouse our passions. That it will not alter my habitual serenity, you may be sure, Messrs. Delegates, as you will see in the course of my statement.

Even the Rules seem contaminated with this jettatura of the subject of arbitration, since for the purpose of interpreting the same, we have deliberated here several hours, listening to discourses more or less vehement, and finally, we ask ourselves: what is a rule in an assembly of plenipotentiaries?

I observe, with certain surprise, the inexplicable confusion incurred by hampering an international congress. One might go so far as to say that international congresses have no rules, they do not need them, they ought not to have them. Look at the Hague, which is a model of its kind, and there you encounter no rules, and the rule is very simple: because these assemblies do not vote in the sense that the majority imposes an obligation upon the minority, and consequently, in them the precautions are not taken that are taken in parliamentary bodies to impede the pressure of the first upon the second.

But someone will say: the rules in fact exist here. Why are they not carried out? That is the question. I am going to clear this point, frankly assuming the attitude that is proper in me in this incident, as representative of a country, and for the participation that I have taken in union with various delegations that have intervened in the course of this affair.

Undoubtedly, as recalled a moment ago by the Honorable Delegate Mr. Walker Martinez, this Conference, prior even to being constituted, found itself undermined, combatted and menaced with defeat. We all know the fact, there is no reason by it should be held secret; we all know the attitude of the Bureau of the American Republics in Washington, with respect to the modification of the programme of this conference, and the resistance of several Republics to concur, according as that restriction was or was not maintained. I have before me the telegrams exchanged between the Argentine Republic and Mexico, the first manifesting that for any restriction that might be made in the programme, it would fail to concur; in the same situation were other nations. The response of the Mexican government was that it maintained the invitation and the former programme and that the Assembly would resolve if it should be modified or not.

Thus it proved a glassy subject for some, and this question naturally arises: why was it judged thus? why do men like those here united, gifted with certain talents in greater or less degree, very scanty on my part, why with certain notions of what life is, with practical knowledge in public affairs and experience acquired in positions more or less elevated that they have occupied in their respective countries, should we not try to solve this problem with serenity, with calmness, placing ourselves on a plane of practical criterion in order to arrive at its solution? I cannot explain this even to myself, and here comes in the metaphysical, of which I spoke a moment ago.

But gentlemen, there is a mode that cannot fail to give results when loyally followed, and that is to respect the opinions of others, and for each one to do that which his own best convictions counsel him to do. And in this problem, when we have tried to solve it, as I have thought to myself, what resolution can there be upon this point? either the arbitration of The Hague, more or less facultative—because it is necessary to study its reach before determining upon it—or obligatory arbitration, whether it be in absolute terms or with certain restrictions; or on the other hand, no pact of arbitration.