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THE ISTHMUS CANAL AND AMERICAN CONTROL.

In the debate upon the Tehuantepec bill in the Senate in February, 1887, after stating what the Monroe doctrine was, and that every soldier and sailor, every life even, in the United States was pledged to its support, Senator Hoar said: —

"But this new gloss and perversion which we hear from Senators on the other side of the Chamber, and I am sorry to say on this side of the Chamber too, that the United States of America has the right to say to a weak South American republic, 'You shall not deal with your own territory as you choose; you shall not build a canal, or a railroad, or a public work in the interest of the commerce which goes from sea to sea, unless the United States shall take upon herself the control, shall dictate the terms, shall manage the future conduct of that enterprise,' is a declaration as repugnant to the law of nations, as repugnant to the purpose of George Canning and John Quincy Adams, and as repugnant to the genius and spirit and honor of the American people as it is to sound morals or sound international law."

In these terms the Massachusetts Senator protested against a doctrine which at the time the French started the undertaking at Panama got possession of public sentiment. It dominated the Republican party and also the Democratic. Based upon principles, or rather assumptions, inconsistent with our institutions, it is equally out of accord with their essence and tendency. The doctrine of American control deserves to be thus stigmatized. Unfortunately, it possessed for five years the favor and support of our government, from 1880 to 1885. In 1885, President Cleveland, in his first annual message, set it aside. Our government simply reverted to the principles which it had previously observed. It is a source of satisfaction that President Harrison said nothing about the doctrine of American control in his inaugural, though it had been propounded on several occasions by his predecessors. The eminently just and fitting statement which he made is that we expect no European state to exercise domination over an Americal canal. But it has been easier to insist upon this doctrine than to renounce such a right for ourselves. It is easier to say "Hands off!" to Europe than to practice that precept at home. We have not always been ready to maintain that the passage carved through the Cordilleras is to be, as far as use goes, the property of the whole world. And it is therefore gratifying that the inaugural of President Harrison contains no intimation that the doctrine of ineqality is to be revived.

In considering the probability or improbability of this revival the following circumstance has weight. Since the period during which American control was the doctrine of the state a great event

has changed the letter and prospects of international law. In October, 1888, the European powers signed at Constantinople a treaty which fixes the status of the Suez Canal. It establishes the same principles of equality and liberality which we have ourselves observed, save during the exceptional period referred to. A circumstance which cannot escape an American's attention is that the basic principle adopted by the European monarchies, that of equal rights, constitutes the substance of republican institutions. It was a great step for Europe to take. The contrary doctrine, for a time so inexplicably favored by ourselves, that one state, or two states, may establish over a passage to be used by the whole world a specific domination, and shut out every other from certain privileges, is essentially monarchical. It can be nothing else. Is it possible for us to accept a principle discarded by the absolutism of Europe, and imagine it to be anything else than an anachronism, however adroitly we may adapt it to American ideas? It is not for the New World to inaugurate a monarchical polity just as the Old is abandoning it and adopting the republican principle.

Aside, however, from the confidence inspired by President Harrison's inaugural, aside from such influence as the Suez Convention cannot but exert, another consideration makes in this direction. Unless we conclude to out-french the French and establish a character for instability like that ascribed to them, would it be possible for us to pursue such a shiftless, see-saw policy? A few days prior to the utterance quoted at the beginning of this paper, Senator Hoar said, deprecating a policy so contradictory that nobody could place confidence in it, "It does not comport with the honor of a great and free people to assert one thing yesterday and another to-day." Shall it be said that in 1850 we asserted principles of liberty and equality in accord with our institutions; that in 1880 we repudiated them, and adopted a monarchical doctrine; that in 1885 we reasserted the principle of justice and right; and that we exemplified the levity of our counsels by making a further change, and making it in the centennial year of the French Revolution? What a time for the assertion of such a doctrine! What a season in which to celebrate a return to the principle of monarchy! It would be hard to determine whether we had a policy or not. A maliciously disposed critic might assert that it was not a policy, but a weather-cock. Such sudden and radical changes might suit the whimsicalities of a despotism, but would be unworthy of an enlightened people. However, if we have a right, as no doubt we have, to change our minds at any stated moment, let us, above all, determine that the change take place from wrong to right, and not from right to wrong; from monarchical ideas to those of republicanism, never in the contrary direction.

These views should be taken for what they are worth. Some will accept them, some may not. But there is a position in which all will concur. As has been said, the matter of American control is not referred to in the inaugural of President Harrison. The members of his administration may not adopt identical views. It is scarcely probable that the Panama or the Nicaragua Canal will be finished in four years. As for the Suez undertaking, its status was not determined till nineteen years after it was opened. Similarly, there is no imperative need of haste in settling the question of the American water-way. But on the other hand, President Harrison may not choose to postpone a settlement. That he can decide this question, and in such a way that no further unsettlement can be thought of, is not improbable. Let us hope that such a settlement of one of the intricate problems of the day

is to redound to the honor, rather to the glory, of his administration.

Now, at all events, while uncertainty exists, is the time to inquire into this matter. What is American control? What are its limits? How has it been advocated? What attempts have been made to enforce it? What success have they met with, what failure? Now is the time to get at the root of the question. If upon a third occasion within ten years we propose to right about face, let us understand the purport of this attitude. Let us ask whether it is worth while to attempt to inaugurate a change which not a state in the entire world will ratify. Have we ground enough for the act?

The doctrine of American control was propounded in a special message, sent to the Senate, March 8, 1880. Referring to the Isthmus question, President Hayes said, "The policy of this government is a canal under American control." What this control means we shall see as we follow the manner in which the administration of President Hayes and the two succeeding ones tried to carry it out. It is enough to remark here — as implied in part in the quotation already cited — that American control meant, in the purpose of those who advocated it, *virtually* the control of an interoceanic canal by the United States, but in a legal, technical sense its joint control by the United States and the state through which it passed. It was never proposed by our government to admit any other state, whether of Europe or America, into this monopolized copartnership.

Simultaneously with the promulgation of the doctrine, namely, in the message of March 8th, a position was assumed without basis in justice or common sense. This was subsequently developed in the diplomatic correspondence of the United States, under Secretaries Blaine and Frelinghuysen, into a blunder of a positive, unquestionable sort. This blunder, easily demonstrated, consisted in the assertion that under the New Granada treaty of 1848 the United States of Colombia had no right to conclude like treaties with European states. The Executive of the United States, President Polk, in his message to the Senate, which accompanied the draft of the treaty, disclaimed any exclusive views on the part of our government. He explicitly recognized the right of Colombia to conclude such treaties. The only anxiety the President entertained was that the United States should have the honor of concluding such a treaty before equivalent ones were concluded by other states.[1] So much for the subsequent ulterior growth of the element referred to in President Hayes's message. In this document, although the New Granada treaty is not by name referred to, a claim of like character is advanced. The President refers to the investment of European capital in an interoceanic canal. This capital must look somewhere, he observes, for protection and security. "No European power," he adds, "can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible." Why inadmissible? Why should it be inadmissible that any power should be invoked by the Colombian government to protect property of vast value, property consecrated to the use of the entire world? Does the right to protect such property devolve upon one and not upon any or all of the states whose individual interest it is that the passage used by the ships of each shall forever remain open and free? As has been demonstrated, the republic of Colombia has as much right to conclude with European states

[1] President Polk's message should be consulted. The part referred to is given in The Isthmus Canal and our Government, in the March Atlantic. Here may be found likewise the requisite references to the dispatches of Messrs. Frelinghuysen and Blaine.

treaties similar to that of 1848 as it had to conclude that treaty with us. Under any such convention, the right of Colombia to invoke the aid of one or more European states would be as indisputable as the same under the agreement of 1848. The idea never occurred to any one, at the time that treaty was concluded, that an exclusive sense could attach to it. A contrary interpretation was assigned by the constitutionally appointed powers of the United States, the President and Senate, by whose joint action the proposed convention became one in fact. The endeavor at a later day to tack on to it another meaning has no basis in fact, justice, or common sense. Well may Senator Hoar, in speaking of this whole business of American control, refer to it as "this new gloss and perversion." It is nothing else.

One of the last authorities to be held impartial respecting the Panama Canal, Mr. J. C. Rodrigues, — the whole scope of his work entitled The Panama Canal, is hostile to that undertaking, — says, with reference to the New Granada treaty, page 228 : —

"As to the treaty of 1848 with Colombia giving the United States any particular advantages of a protectorate over the Isthmus transit, *it is simply an American illusion.* Nothing prevents Colombia from making identical treaties with England, France, and other powers; and when the troops from Washington will one of these days land in Aspinwall, they may find French or English troops already 'defending the passage' in virtue of treaty stipulations."

The above was written in 1885, three years prior to the conclusion of the Suez Convention. There is little reason to doubt that when a similar convention is concluded as to Panama the method provided in the former to secure the neutrality of Suez will be adopted here, — that is, as to essentials. If the Colombian government should not be able to suppress any insurrectionary movement, it would communicate with the signatory powers, and in conjunction with them take such measures as would be needful. There is no occasion for a conflict of interests, — no more at Panama than at Suez.

As regards the assumed right of the United States to object to the conclusion of treaties equivalent to that of 1848, it is perhaps noticeable that the message of President Polk, upon this point wholly conclusive, is not referred to by Rodrigues, nor, for that matter, by Lord Granville in his correspondence with Frelinghuysen and Blaine. The fact seems to be that the gloss which American diplomacy tried to fix upon the treaty is so inadmissible, not to say absurd, that neither Granville nor Rodrigues cared to go further than the text. To read Article 35 is sufficient.

An unfortunate element of another kind was introduced into the message of President Hayes. It hardly calls for discussion here. The claim is advanced that the Panama Canal would virtually constitute part of the "coast-line" of the United States. The untenable, in fact contradictory, character of this claim has been shown elsewhere.[1] The positions assumed in the message of March 8, 1880, were reiterated by President Hayes in his last annual message, nine months later. But the endeavor to establish American control was not confined to these messages. No empty announcement of the doctrine would suffice. It was to be embodied in and made part of the public law of the continent. A first attempt occurred in February, 1881, a few weeks before the retirement of President Hayes from office. If possible, American control was to be forced upon the government of the United States of Colombia. Not by following this fibrous negotiation,

[1] The Isthmus Canal and our Government, already referred to.

rather by tracing only the principal threads, we may learn what was meant by American control.

Early in 1881 it was plain that the building of an interoceanic canal was to commence. The responsibility which we had incurred in guarantying the neutrality of the Isthmus and sovereignty of Colombia over it would be increased. Our government urged the need of defining, through supplementary stipulations, what this responsibility was and how it should be discharged. This necessity the Colombian government did not recognize. It held that the existing treaty, that of 1848, was sufficient. It was ready, however, to agree to certain additional stipulations, and appointed General Santo Domingo Vila as its plenipotentiary. Mr. Evarts, our Secretary of State, was the negotiator on our part. Each party presented a project of protocol. Even the comparatively moderate one submitted by Santo Domingo, which embodied in part the views of Mr. Evarts, the Colombian government subsequently disavowed. Its envoy, it alleged, had exceeded his instructions. Let us inquire what were the points conceded by Santo Domingo of which his government did not approve. His protocol provided that the two governments should select two places upon the Isthmus where fortifications "permanent or temporary" might be built. Another stipulation provided that these should not be occupied by United States forces except upon occasions when Colombia required our assistance. The first query is whether any necessity existed for considering the erection of fortifications. The Clayton-Bulwer treaty prohibited the building of fortifications upon or in the vicinity of the route to which in particular it referred, the Nicaragua. In the Suez Convention, concluded in October, 1888, precautions are in like manner taken (Article 8) against the erection of fortifications. The tendencies of civilization work undeniably in this direction. Should fortifications be built ostensibly to furnish posts where garrisons might be stationed, so that any insurrectionary disturbance might be promptly suppressed, still the very existence of fortifications would offer a temptation. To this one state or another might yield. Such works might be seized or held to control the passage in the interest of one commonwealth, and against that of another. The Clayton-Bulwer treaty, on the other hand, determined that any such passage should be "forever open and free." The one essential thing in any negotiation was to say nothing about fortifications *except to prohibit them.* The Colombian government was in the right. Why it objected to such a stipulation appears more distinctly when we ascertain what the counter-protocol presented by Mr. Evarts was. The first article provided that the government of Colombia should grant in future no concession for an interoceanic canal, and make no change in any existing one without the consent of the United States. Here was an attempt to encroach upon, to appropriate in part, one of the most valued prerogatives of all governments, the treaty-making power. That such an attempt should have been made is to be explained only by supposing that Mr. Evarts imagined he was dealing with a state so feeble, so devoid of any proper sense of independence, that a little judicious insistence on his part would be enough. He was mistaken. Santo Domingo refused even to discuss such a proposition. Upon this point, at least, he understood his instructions. On the 10th of February, 1881, he addressed Mr. Evarts a note conveying distinctly his views and purpose. In this he observes that when he handed him his protocol "he did not even imagine that the enlightened American government proposed to discuss the right of Colombia as an independent and sovereign nation to conclude conventions of the nature of that which she had con-

cluded with Lucien N. B. Wyse for the construction of an interoceanic canal through her own territory." He continued: —

"Although the 'whereases' of the draft presented to him are based upon the very obligations contracted by the United States in Article 35 of the treaty of 1846, that is to say upon obligations designed to guaranty the sovereignty of Colombia over the Isthmus, Article 1 of the draft prepared by his excellency the Secretary of State is, in the opinion of the undersigned, in direct derogation of the very sovereignty which it is proposed to guaranty, when it proposes to Colombia to agree that before granting a privilege similar to that which it has granted it needs to secure the consent and approval of a foreign state."[1]

The above is equally straightforward and clear.

Although Santo Domingo had stated that he could not discuss such a proposition, Mr. Evarts was not ready to yield. At first, it is true, he proposed to waive the discussion of Article 1, but he promptly returned to it and urged its acceptance. Santo Domingo, on the day following his first note, addressed him a second. He said: —

"The undersigned is sorry not to have succeeded in conveying to his excellency's mind the idea which he had in view, viz., that inasmuch as the draft submitted to his consideration is based upon its first article, and as the undersigned interprets it as not being in harmony with the sovereignty of the country he represents, he has thought that without fresh instructions from his government he cannot continue the discussion touching so important and grave a matter. The government of Colombia could not foresee, when it gave him his instructions, the possibility that when the amplification of the treaty of 1846 should be considered, with a view to specifying the manner and providing the means for the fulfillment of the obligations contracted by the American government in connection with the guaranty of the sovereignty of Colombia over the Isthmus, it should be sought, even remotely, to jeopardize or even to call in question its national sovereignty, as, in the opinion of the undersigned, it would be jeopardized if he were to accept as a basis of the discussion of a treaty anything similar to what is contained in Article 1."

The Colombian envoy was a Colombian senator, and referred, at the close of his note, to the necessity of his return to South America. While this consideration may have influenced him, one cannot help surmising that he wished to cut the negotiation short. He was dealing with a government which, whatever its defective knowledge as to the Spanish or even French tongue, did not or would not understand the Anglo-Saxon "no." This information he proposed to impart. In his final note to Mr. Evarts, referring to his departure, he observed that he should be glad to call at the State Department at three o'clock that afternoon, should the Secretary have no prior engagement. He added that he should be "still more glad, on taking leave for the time being, once more to hear the assurances of the fraternal feelings entertained by the great American nation towards its sisters on this continent."

The proposed leave-taking Mr. Evarts accepted. Singular as the conduct of the American Secretary may appear, he persisted, almost as he took the hand of the Colombian envoy, in urging him to stay yet a little longer. He hoped, he said, that they might reach an understanding. As, however, he declined to state *what the basis should be* of a renewed discussion of the subject, the envoy could only refer again to the necessity for his departure. His pur-

[1] The treaty referred to as that of 1846 was ratified in 1848, and by the latter date we prefer to designate it.

pose, he remarked, was to proceed to New York, there to take the South American steamer on the 18th. Mr. Evarts, failing to compass the objects in view, determined by a fresh effort to obtain what part he could. The envoy having departed, he sent a telegram after him. In pursuit of his telegram he dispatched a gentleman in the employ of the Department, Mr. Trescot, of South Carolina. Mr. Trescot was instructed to sign the most favorable protocol it was possible to procure. A final conference occurred in New York. On the 17th, the day before the sailing of the steamer, the signatures were affixed. From this protocol were excluded the objectionable features. In it was inserted the stipulation respecting fortifications to which the Colombian envoy had from the start been ready to agree. Even this moderate instrument, as has been stated, the Colombian government refused to ratify. Reasons have been assigned which seem to justify the decision of the Colombian authorities. One thing was of paramount importance in any such negotiation, — not fortifications, but the prohibition of them.

Though the rupture of the negotiations was due specifically to the attempt to encroach upon the treaty-making power, there were other points on which the negotiators could not agree. One had reference to this matter of fortification. Santo Domingo accepted in principle the establishment of such works. These, as we have seen, were to be erected at two points, to be selected by the two governments. Under the terms of Santo Domingo's protocol, however, Colombia might have insisted that these works should be erected neither on the canal nor in its vicinity. Such a course would have accorded with the stipulation of the Clayton-Bulwer treaty. But Mr. Evarts's plan was to plant them upon the canal itself. His design was that these works should be held by the United States and Colombia conjointly, and that the military control of the passage should be vested in these states to the exclusion of every other, either of the eastern or the western hemisphere. All this was in his protocol. In the article which refers to fortifications, Article 3, it is stated that the United States "shall have the right to occupy and fortify such places" at either terminus of the canal and along the line as the United States "may deem necessary." Only further on is the participation of Colombia introduced with reference to the selection of the exact spots. According to this provision, Colombia would have had no power to forbid fortifications upon the canal. It was impossible to see in such a stipulation, in the wording used, anything but that purpose of aggression and encroachment already manifest in the attempt to break the treaty-making power. In the one case it was as plain as in the other. Insistence as to the latter point ruptured the negotiation.

We have not presented every point which the negotiators discussed. What seemed requisite we have produced: points conceded by Santo Domingo, but subsequently disavowed by his government; points urged by Mr. Evarts which Santo Domingo refused even to discuss.

It may be added that in Mr. Evarts's protocol were stipulations which traversed and contradicted others in the convention concluded by the Colombian government with Lucien N. B. Wyse; that is, the Panama Canal Charter. An attempt was made to commit the Colombian government to two contradictory instruments. Such a fact could hardly have encouraged the representative of Colombia to continue the negotiation. Could a state with any sort of self-respect so stultify itself? Santo Domingo observes, in his report to his government, that the United States government had "at last determined to disclose its pretension" to revise the Wyse concession. "This pretension,"

he adds, he "could not allow, without humiliating the sovereignty" of the state he represented. To convince Mr. Evarts that "it was out of the question to hope that Colombia would consent to such an act of abdication" he wrote the first of the notes already quoted.[1]

If we consider the nature of the proposals submitted to Colombia, we cannot wonder that she declined to enter into such a compact. According to its terms, the authority conferred was to be joint. But the character of such an agreement between a strong state and a weak one is manifest. Where the genuine authority and control rested was plain. Colombia had no thought of entering into a partnership like that where the beasts went hunting with the lion. It is possible, however, that the Colombian government was actuated by divers motives. Broader views may have been entertained. Such views had been already incorporated by the Colombian government into the charter of the Panama Canal, and it was wise and just to adhere to these.

The course pursued by our envoy at the Colombian capital, Mr. Dichman, was scarcely more satisfactory to the Colombian authorities than the proposals of Mr. Evarts. Mr. Dichman represented at Bogota what Mr. Evarts did in Washington. Mr. Dichman's course became finally so distasteful, not to say offensive, that a request for his recall was forwarded to our State Department. The Colombian government thus took a step analogous, though under circumstances less significant, to that recently taken by this country in the case of an envoy of Great Britain, — Lord Sackville.

The diplomate who took Mr. Dichman's place was a man of another cast. He introduced a new and not uninteresting feature into our diplomatic correspondence. Lovers of the picturesque in nature, who appreciate descriptions of it, might read some of the dispatches of Mr. William L. Scruggs with satisfaction, even with zest. In giving an account of his journey to Bogota, perched 8000 feet above the sea, and of the country in general, he observes as to Colombia, "For boldness and grandeur of natural scenery it is probably without a rival on the globe." So much æsthetic taste, such a growth of refined feeling, as certain dispatches evince — we may refer to his description of certain ranges and the appearance of the moon and stars in a tropical sky, in the dispatch of December 20, 1882 — furnish an element as finished and graceful as it is rare in a diplomatic document. Mr. Scruggs was as useful a diplomate as Mr. Dichman. He was perhaps instructed by his government that instead of forcing upon the authorities of Colombia a doctrine as new as it was unpalatable, he should descant rather upon the sights about him. There were the December sunsets, the Southern Cross, the waterfalls of the Andes. Such diplomatic methods, if novel, may have had a desired effect. Thus may in some degree have been effaced memories of the "late unpleasantness" between the governments. Mr. Scruggs was the man for the place.[2]

Such was the negotiation of 1881; such were certain effects. There is not, perhaps, in the diplomacy of the century an attempt to encroach upon the prerogatives of a free state more to be regretted. It was made, not in the interest of broad and liberal views, but of egoistic prejudices. No sort of excuse for it can be alleged.

[1] The Report of Santo Domingo was published by our government, together with the other documents relating to the negotiation. Resort has been had, in preparing this sketch, to no source outside the official publications of the United States.

[2] One of the early appointments of General Harrison was that of William L. Scruggs as our minister at Caraccas.

It is true, however, that when an attempt is made by a powerful state to possess itself of the prerogatives, diplomatic or territorial, of a weak one, there are those who apologize for it. There is hardly a political crime in history — even that most heinous of all, which put the civilized world to shame, the partition of Poland — but has its apologists and defenders. The doctrine of American control has its adherents. But when Senator Hoar averred that American control was "repugnant to the genius and spirit and honor of the American people" he spoke the truth. Besides this he took a stand which is in the highest sense patriotic. To do right, to advocate the right, is always patriotism.

This consideration — the injustice of an attempt on the part of a powerful state to impose domination upon a lesser — bears so striking a relation to the ideas of the time that it ought to be pointed out. Such aggressions used to be the rule. But a movement of a reverse character has distinguished the present century: not the subjection to greater of lesser nationalities, but their emancipation. Mazzini regarded this movement or tendency as possessed of so radical a character that he predicted it would give its name to the present century. The way in which this prophecy has been fulfilled in the case of his own country, in that of Roumania, recently in Bulgaria, even in the case of Belgium, and largely in Hungary speaks for the sagacity and grasp of truth which the great Italian possessed.[1] Unfortunately, the attempt inaugurated by our government in 1881 ran counter to this principle, — respect for the prerogatives, the independence, of minor states. Ought we to think of Europeanizing America, when in so striking a sense Europe has been Americanized? It is a matter for congratulation that the tentative and yet persistent effort described — the attempt to establish in a Spanish-American state a control or domination contrary to the will of the people — resulted as it did. It is a fact of weird significance that this endeavor should have taken place in the very year in which, with just circumstance and pomp, we celebrated the downfall of British domination upon this continent. Could the Muse of History have favored us with a smile other than bitter as she recorded the circumstance? Instead of such a policy we ought rather to use a cautious, a persistent vigilance. The United States, the one illustrious commonwealth of America, should set an example consistent, vigorous, and honorable as regards respect for others.[2]

In connection with this point of view an incident in our policy of 1881 has been omitted. It has reference to the Monroe doctrine. In the instructions given to Santo Domingo it was stated that in the proposed amplification of the treaty of 1848 a reaffirmation of the Monroe doctrine might be inserted. To this doctrine — so the instructions state — "the United States of Colombia *adhere without the slightest reservation.*" To this suggestion — if the Colombian envoy made such use of this element of his instructions as they allowed — our government gave no heed. The reasons which induced the Colombian government to initiate such a proposal are manifest. That government was aware that the United States was proposing to disregard and set aside those very rights of sovereignty which, according to the Monroe doctrine, it was our province to conserve. The purpose of the Colombian government was to introduce

[1] Another case, that of Greece, preceded Mazzini's prediction. That of Belgium was contemporaneous.

[2] As for the relation of the nationality principle to the nineteenth century, and the prediction of Mazzini, the Life, Writings, and Political Principles of Mazzini may be consulted, page 87. An Introduction by William Lloyd Garrison commends this work to American readers.

into the proposed convention professions of respect for Colombian sovereignty. These would make the design of the United States more obvious. Nor were the motives of the American Secretary in objecting to such a juxtaposition open to doubt. Could it be for his interest to exhibit in one article of a protocol a purpose to disregard Colombian sovereignty, and at the same time insert a clause so significantly suggestive? According to such insertion, Mr. Evarts would profess a design to protect Colombia from suffering at the hands of others just what he proposed to have her suffer at his own. The case was plain. The American Secretary was in a dilemma. But it was not hard to get out of. He put the Monroe doctrine in his pocket. The Monroe doctrine is one as to which we frequently express ourselves with sincerity and earnestness. At other times it is the most inconvenient luggage to be imagined. At certain junctures we are ready to bestow a tripartite anathema upon the Monroe triumvirate, as we may call it, Canning, Adams, and Monroe, all together. We do what Mr. Evarts did: we put the whole thing in our pockets.

Those who sincerely wish to see the prerogatives of all American states respected can scarcely follow the negotiation of 1881 with satisfaction. The Colombian envoy escaped at last from the wiles of his fellow-diplomate. He reached home, however, only to be denounced by his countrymen, because he had put into the strenuous hand of Mr. Evarts a few crumbs of comfort which he found, after all, he had no right to part with. The protocol was torn up, the whole business brought to a fitting end.

Apropos of the congress of all American states, to meet in Washington in October, a competent writer lately referred as follows to the qualifications of Spanish-American diplomates, and to the disposition, the animus, they may be expected to bring to such a conference.[1] After speaking of the public men of the United States, he said: "They will have to encounter a sentiment of nationality as proud and strenuous as our own, quick to resent any attempt to disregard or override it. They will meet delegates fully their equals in education, skilled in diplomacy and versed in economic law." Such words might call to mind, were it not in our remembrance, the manner in which the result of the Evarts-Domingo negotiation was received in Colombia. The recall of our minister, Mr. Dichman, was solicited at this time.

Our sketch of American control has been brought down through about a year, from March, 1880, to March, 1881. The protocol signed by Mr. Trescot was dated February 17, 1881. About two weeks remained of President Hayes's administration. General Garfield, the President elect, and Mr. Blaine, his Secretary of State, were aware of the negotiation just concluded. Had President Garfield fully sympathized with the policy of his predecessor — one equally opposed to the views of all American states, except the United States, and to the views of Europe — it would not have been expedient to make an obtrusive statement. The isolated position of the United States counseled reserve. Especially might this be said after the issue of the negotiation just finished. Let us give President Garfield credit, however, for wider views. May not his purpose have been, in the reference to the subject which occurs in his inaugural, while not breaking abruptly with the precedent of his predecessor, to lift our policy towards a more liberal level? It may have been his design to bring the views of the United States more into accord with those of civilization at large. But the change should not be quick or glaring. We may imagine, at any rate, that such was his intent. Assuming this, the

[1] New York Nation, May 9, 1889.

declaration made would not be explicit. And it was not. In his inaugural he said, "We will urge no narrow policy, nor seek peculiar or exclusive privileges in any commercial route." This is wholly in accord with the Clayton-Bulwer treaty. These words are followed, however, by others not equally distinct. "But," the President continues, "in the language of my predecessor, I believe it to be 'the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests.'" This language might admit of diverse interpretations. Professor T. J. Lawrence, of Cambridge University, England, in discussing the status of the Panama Canal, observes, respecting the entire statement of President Garfield, — of which the earlier part disclaims any intent to seek exclusive privileges, and the latter seems not to agree with it, — that it is perhaps possible to construe the declaration in accordance with the Clayton-Bulwer treaty.[1] What in fact is "such supervision and authority" as would "protect our national interests"? Might it not accord with a joint "supervision and authority" exercised by the maritime powers as prescribed in the Suez Convention? Would not this interpretation agree better than any other with the disclaimer made by President Garfield of any purpose to acquire exclusive rights? This was apparently the judgment of Professor Lawrence. At all events, it may be conceded that the position of President Garfield was in advance of that of his predecessor. It indicated a departure from those impassioned views which at first the American people were disposed to harbor. The excitement which had existed and had led to a sort of outburst against the canal was on the wane. Aside from such an explanation, President Garfield seems to have had a better understanding than others of the principles involved, and a greater readiness to have them carried out. His step was in the right direction.

As much cannot be said of the step taken by Mr. Blaine a few months later. In his dispatch dated June 24, 1881, the position was explicitly taken that our government would regard any attempt on the part of European states to negotiate treaties with Colombia equivalent to that of 1848 as unfriendly to the United States. Such a step, Mr. Blaine said, "would partake of the nature of an alliance against the United States"! This position, as has been demonstrated, antagonized the understanding and purpose of the United States and New Granada alike at the date of the conclusion of the treaty. The occasion of writing this dispatch was a report that the United States of Colombia were about to conclude such treaties with European states. The purpose was to head her off, to inhibit the exercise of her sovereign rights. This dispatch was the starting-point of a diplomatic discussion between the United States and Great Britain which lasted over two years. This document, of unfortunate historic augury, was written almost at an historic epoch. It was penned only a few days before the second of those fateful shots which within twenty years twice struck down the chief magistrate of the United States. More or less they transformed our policy. As regards the Isthmus question, however, the end of President Garfield's administration and life made no change. For obvious reasons President Arthur did not choose to retain Mr. Blaine as Secretary of State. But Mr. Frelinghuysen, his successor, was directed to continue the correspon-

[1] Essays on some Disputed Questions in Modern International Law, page 86. It may be said that some of these questions are less disputed now than in 1884, when Professor Lawrence wrote. In 1888 the Suez Convention was concluded.

dence. This he did, in the spirit and for the purpose with which it was begun.[1] The discussion had branched off almost at once from the convention of 1848 to the Clayton-Bulwer treaty. For over two years the not edifying spectacle was presented of an attempt on the part of the United States to get rid of a treaty of which Senator Hoar said — and William H. Seward said the same before him — that it constituted one of the great steps in the world's progress! To such obliquity of judgment, lack of moral grasp and moral sense, had the "perversion" of the Monroe doctrine brought the government of the United States. Here, at least, as far as this element of American policy went, a radical change was wanted. Fortunately it occurred.

It was not, however, through diplomatic correspondence with England alone that an endeavor was made to get rid of these principles. One of the last acts of President Arthur was the negotiation of a treaty with Nicaragua, by means of which it was proposed to abrogate the convention of 1850. One of the principles which England and the United States had agreed to observe in the case of any interoceanic canal, and especially in the case of one at Nicaragua, was its neutrality. In the proposed Nicaragua treaty of 1884, not a word about neutrality occurs. This element was dropped out. The second of the foundation principles of the Clayton-Bulwer treaty was that of equal rights. This likewise it was proposed to disregard. One of the stipulations of the Nicaragua treaty provided that United States vessels, if proceeding from one United States port to another (and this traffic would manifestly absorb the larger part of that in American bottoms), might be favored respecting tolls. These ships might be charged less. No reason seems to exist for establishing a lower rate for this class of vessels; one sure result would be that the commerce of the United States would enjoy a specific and valuable privilege of which most states would be deprived. Let us suppose, however, that a foundation does exist for such a distinction, — one between ships engaged in the coasting trade, so called, and those bound for foreign ports. It was a distinction which, according to the principles of the Clayton-Bulwer treaty, should apply to all states alike. Mexico and Colombia, even the Dominion of Canada, might claim its possession. But the proposed treaty did not grant them any such right. This privilege was reserved exclusively for the United States, and that appendage of the United States as far as the treaty went, the state of Nicaragua. After this fashion, as regards the bottom principles of neutrality and equal rights, it was proposed to abrogate the Clayton-Bulwer treaty. The pledges of 1850 were to be flung to the winds. It was with reference to this convention that Senator Hoar said: "Unless this government chooses to abandon her ancient policy, her ancient honor, her ancient faith, we cannot enter upon this great public transaction in Central America in defiance of the obligation of the Clayton-Bulwer treaty."[2] Fortunately, the United States Senate and the American people were to be spared the disgrace which the conclusion of this convention involved. It failed to receive the requisite two-thirds vote. A few weeks later the term of President Arthur expired.

Concerning the abrogation of the Clayton-Bulwer treaty, the position of paramount importance is that such an abrogation would be an insult to civilization. In this treaty are embodied the higher essence of civilization, its nobler tendencies. The convention of 1850

[1] President Arthur, in his first annual message (December, 1881), indorsed the strange error of Mr. Blaine. Mr. Frelinghuysen's first dispatch was dated May 8, 1882.

[2] Speech in the Senate, February 11, 1887.

deserves the encomiums which Senator Hoar and Mr. Seward passed upon it. The question whether in law and technics it may be held that the treaty has been broken by Great Britain, and that accordingly on that ground we might declare it void, if it have significance, is nevertheless subordinate. As long as Great Britain officially adheres to the treaty, — not only adheres to its basic principles, neutrality and equal rights, but has applied these to the Suez Canal by joint convention with the European powers, — we ought unhesitatingly to adhere to it ourselves. We should not listen for an instant to any pretext according to which a power, having signed it, might annul her seal. If there be points concerning its observance by Great Britain as to which doubt may be entertained, why should not these be submitted to arbitration? Far the most important matter ever settled by arbitration was determined not long since. Great Britain and the United States were the litigants. Here is a case which ought to be settled in the same way, if the parties interested fail to come to an agreement by diplomatic methods. Besides, we should remember, respecting the asserted infraction of the treaty, that among our own statesmen unanimity of opinion is not found. The administration of President Cleveland held the treaty to be in force. Senator Hoar and authorities of like weight take the same position. At least, no infraction, they say, has occurred since the declaration of President Buchanan in 1860. The Executive then declared that the United States was wholly satisfied with the steps taken by Great Britain in consequence of the complaints of the United States.[1] In his speech of February 10, 1887, Senator Hoar referred to the two reasons usually alleged in the Senate for considering the treaty void, — the occupancy of Belize by Great Britain, and the fact that the treaty related to a special canal then expected to be built, but which was not. He said, "From Clayton himself and his immediate successors through Mr. Seward down to the time of Mr. Blaine, the American government *has estopped itself* from asserting either of those two reasons in any diplomatic discussion." In his judgment, it would not be honorable on our part to try to escape the obligation of the Clayton-Bulwer treaty. We could not do so without violating "the ancient honor and ancient faith" of the United States.

With reference to the allegation that Belize is a part of Central America, and not of Mexico, Mr. Clayton's speech in the Senate, March 8, 1853, should be consulted. It is conclusive. If there be points, however, as to which the statesmen of England and the United States cannot agree, let arbitration decide. Let us employ methods of conciliation and civilization. Let us not think of setting aside one of the noblest landmarks of the century because we may not see all of its appendages with the same eyes.

The attempt, which lasted five years, to subvert our traditional policy suggests reflections of an unfortunate cast. If ever a political party originated in a great principle, and through steadfast adherence to it achieved a triumphant recognition of its validity by the world, that party is the Republican party. The origin of no political organization has been more to its credit. But near the close of the twenty-four years during which this party remained in power it did what it could to overthrow principles of equality and justice which concern, as regards this question, all states and nationalities. These principles the people and government of the United States had, up to the beginning of the undertaking at Panama, recognized and observed. It is true that the Democratic party — this view might

[1] The giving up of the Mosquito protectorate and the surrender of the Bay Islands to Honduras are referred to.

be easily enforced — was, especially at the outset, by no means without responsibility. But as the period approached which for the first time in a quarter of a century was to witness a radical change of government, the Republican party became even more rabid in favor of egoism and reaction. The Democratic party became less so. The last measure which, prior to its relinquishment of power, the Republican party made an energetic effort to carry was the Nicaragua treaty of 1884. Five weeks before the 4th of March, 1885, the vote occurred. As a body, the Republican Senators voted for the convention, the Democratic Senators against it. There were exceptions on both sides. If we compare the Republican party in its origin with the party when, as the limit of its ascendency approached, it sought to asperse and annul its former record, the contrast is humiliating. One word tells the story, — a falling from moral principle; a falling to the level of temporary expedients and the struggle for advantage. May we not hope that the brief return of the Democratic party to power has produced this good effect, an arrest of further recklessness and degradation?

It is not necessary to analyze the purposes of the Democratic party. We need not decide how far its course was due to motives of expediency or considerations of justice. It may perhaps be said that, having been shut out from power for a quarter of a century, it was ambitious, on resuming ascendency, to appear as the protagonist of doctrines which concerned the welfare of the whole world and possessed its sanction as well. Whatever the motive, this course the Democratic party took. It should have been taken by the Republican party, but that party refused.

As we have been obliged to criticise with severity the course of President Arthur, it is with satisfaction that we quote from one of his messages, that of December 4, 1882. Referring to the correspondence, not then concluded, between Great Britain and the United States, he said, "It is likely that time will be more powerful than discussion in removing the divergence between the two nations, whose friendship is so closely cemented by the intimacy of their relations and the community of their interests." Precisely this occurred. Time did it. Nor was much time needed. President Cleveland, the successor of President Arthur, possessed one sterling Yankee quality, — common sense. He knew what required to be done, and did it. Through his action Great Britain and the United States were brought into accord. At a breath he swept away the whole tissue of assumptions, the absurd pretenses, by which American control had been bolstered up. In place of an egoistic policy he established, or rather reëstablished, one by which all states should be entitled to equality of right. Once more it was declared that the Interoceanic Canal of America should be "forever open and free." Never should it become "a point of invitation for hostilities or a prize for warlike ambition."

To the views of President Cleveland may be added those of Mr. Bayard, his Secretary of State. Shortly before Mr. Bayard's retirement they were given to the public as follows: —

"Another favorite theme with Mr. Bayard is the neutralization of certain localities which are useful to all the powers, and incapable of defense without disproportionate cost by any one. He instances the neutralization of the Suez Canal by the common consent of the European powers as an example of the important benefit to be secured by the application of this principle. Some similar arrangement would have to be entered into to protect the interests of this country, if a ship canal across the Isthmus of Panama is built. It would not be sufficient protection for the

United States to have control of such a canal. The only adequate protection is to be secured by neutralization of the canal by consent of all the powers."

This is the exact truth. Fuller security would thus be acquired than if we should pursue a course out of accord with the judgment of other states. American states, as well as European, would repudiate any such policy. Are we voluntarily to place ourselves in antagonism to civilization? Are we to assume the attitude of a state dissatisfied with progress? Shall we turn our backs on the very principles upon which our government is founded?

The mention of President Cleveland and Secretary Bayard ought not to mislead us as to the political significance of these doctrines: their advocacy can be ascribed in no exclusive sense to the Democratic party or Democratic leaders. The honor of believing in them and saying, "These are world-wide doctrines of justice; inevitably they are to prevail," is the property of no party. In all parties those able to take in the significance of progress, the necessities of international comity and right, are believers in and advocates of these principles. We have referred already to the testimonies, as emphatic as any ever uttered, of Senator Hoar and William H. Seward. To their views may be added those of another illustrious American. Admiral Ammen was the intimate friend of General Grant. Widely known through his interest in the interoceanic question and his advocacy of the Nicaragua route, no authority stands higher in the judgment of Americans. In his work upon The American Interoceanic Ship Canal Question he says, "Peoples have arrived at that intelligence that the government of a nation may in its relation to another rather seek to discover and promote common interests than hope to obtain and maintain mean advantages."

In this admirable statement — one of the best expressions of sentiment upon the subject — we are asked not to be upon the watch for "mean advantages;" rather, to make the object of our endeavor benefits which shall be mutual and common, — benefits for all. Of a famous poem it has been said that it stood at the high-water mark of the poetry of the present century. It may be said in like manner of the statement of Admiral Ammen that it stands at the high-water mark of the moral declarations of the time. It is not possible that the United States is to depart from a policy so liberal and enlightened.

Stuart F. Weld.

THE GOLD HEART.

When the events occurred which I am about to narrate, I was ignorant of the superstitious veneration with which so many of the Northwestern Indians regard the symbol of the heart. A heart-shaped leaf or pebble is never held in the hand if it can be avoided. The rude figure of a heart traced in red ochre on a rock or tree-stump commemorates some event of peculiar solemnity, and commands the respectful obeisance of every Indian who sees it. The same form outlined with boulders, on the prairie or hillside, marks the scene of a great battle and victory or the death of some great chief. The area within the encircling stones is holy ground.

But, as I have said, I knew nothing of all this five years ago, when, in the first days of the Cœur d'Alene mining craze, I was working on my claim on Eagle Creek. Nor do I pretend to have