

## CHAPTER IX.

### DEVELOPMENT OF AMERICAN OPPOSITION TO THE CLAYTON-BULWER TREATY, 1860-1895; END OF MOSQUITO RESERVE, 1894.

For many years subsequent to 1860 the United States paid little attention to Central America. This was partly due to preoccupation with the Civil War and the problems to which it gave rise, but other changes had also taken place which had decreased American interest in the isthmus: with the abolition of slavery was removed the chief demand for territorial expansion; and the building of the Panama Railroad and the completion of the transcontinental line to the Pacific for a time diverted attention from Central America as the solution for interoceanic transportation problems. Consequently for some time nothing arose clearly to reveal how the nation as a whole regarded the settlements made by the Wyke treaties, or to show whether it was satisfied to consider the Clayton-Bulwer treaty the future rule of conduct for the British and American governments in reference to Central America. Yet, in the first two decades of the period now under consideration, a few occasions arose which led first the United States government, and later the American people, to reveal their attitude towards the treaty and gradually to disclose and emphasize a new interpretation of it.

In 1866 Seward wrote to Adams, the American minister to London, regarding the need of the United

States for a coaling station between Panama and San Francisco. Tigre Island, he said, would be very desirable for the purpose, but the Clayton-Bulwer treaty stood in the way of its acquisition. Therefore Adams was instructed to "sound" Clarendon upon the subject, but to use only general terms and not let it be known that the American government particularly coveted Tigre. In this connection the Secretary of State remarked that, should the canal never be begun it was a question whether the renunciatory clauses of the Clayton-Bulwer treaty were to have perpetual operation. Technically speaking, he thought, the question might be decided in the negative; still, as long as it remained a question it would not be consistent with good faith for either of the nations to do anything contrary to even the spirit of the treaty.<sup>1</sup> These reflections of Seward contain the first definite hint of the view later emphatically stated by the American government.

A month after this Adams took occasion to approach the British foreign secretary on the subject, but avoided stating definitely to what territory on the Central American coast he had reference, on the ground that the terms of the Clayton-Bulwer treaty were not clear in his mind; and Clarendon also stated that his remembrance of the treaty was vague but suggested that both look into its stipulations.<sup>2</sup> Whether or not this was done, and the question again broached, is not evident, but Tigre remained a Honduran possession.

A little later the American government gave further evidence of its attitude towards the Clayton-Bulwer treaty. In 1862 Great Britain had taken advantage of

<sup>1</sup> *U. S. Docs.*, ser. no. 3853, doc. 194, pp. 155-157.

<sup>2</sup> *Ibid.*, doc. 237, p. 20.

America's embarrassment by the Civil War to place the Belize settlement on full footing as a British colony.<sup>3</sup> Though, technically, the colonization of the territory between the Sibun and the Sarstoon was a violation of the Clayton-Bulwer treaty, the American government paid no attention to the action. However, in 1872 the minister from Guatemala complained to the Washington authorities that the British in Belize were encroaching upon the territory south of the Sarstoon. Consequently, in April of the following year Fish, the American secretary of state, communicated with Schenck, the American minister to England, stating that if authorized or countenanced by the British government, such encroachments would be tantamount to a breach of the engagement not to occupy any part of Central America. Schenck was instructed to ascertain the correctness of the representations made to the American government, and should they prove to be correct, he was to remonstrate formally to the British foreign secretary against any trespass by British subjects with the connivance of their government, upon the territory of Guatemala, as an infringement of the Clayton-Bulwer treaty which would be very unacceptable to the United States.<sup>4</sup> The result of Schenck's execution of these instructions does

<sup>3</sup> Lucas, *Historical Geography*, II, 309; Gibbs, *British Honduras*, 134; Trendell, *Her Majesty's Colonies*, 349. In 1856 when the relations between the British and American governments were critical, there was a renewed attempt on the part of the Belize settlers to have the settlement declared a colony. Bell to Lahouchere, Aug. 8, 1856, C. O., Hond., vol. 93. For a time Clarendon thought of securing the view of the American government on the matter, in order to avoid misunderstanding, but finally it was thought inexpedient to do anything at that time in regard to it. Clarendon to Hammond, Oct. 28, 1856, F. O., Cen. Am., vol. 94; Merivale to Hammond, June 8, 1856, *ibid.*, vol. 93; Clarendon to the Admiralty Office, June 10, 1856, *ibid.*

<sup>4</sup> *U. S. Docs.*, ser. no. 3853, doc. 194, pp. 162-164.

not appear, but Fish's letter shows the American view that the first article of the treaty was still binding—at least as regarded the British government.

The attitude of Fish was consistently maintained seven years later by Evarts, when it was rumored that Great Britain was about to acquire the Bay Islands. Evarts wrote to Logan, American minister to Central America, that the Clayton-Bulwer treaty seemed unquestionably to preclude British acquisition of that territory. Therefore, the report of British intentions might well be discredited, though it should awaken the attention and excite the vigilance of the American government.<sup>5</sup>

From the first, however, there was a tendency on the part of the United States, acquiesced in or unnoticed by Great Britain, to ignore the eighth article of the Clayton-Bulwer treaty by which the contracting parties agreed "to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America", and provided that such canals or railways be open on equal terms to the subjects and citizens of Great Britain and the United States.<sup>6</sup> No such joint protection was extended to the Panama Railway, completed before 1860. Moreover, the American government negotiated two new canal treaties with Colombia which completely ignored the eighth article of the Clayton-Bulwer treaty. The first of these, negotiated in 1869, stipulated by its sixth article that: "As fast as the canal and its appendages and appurtenances shall be constructed, the control,

<sup>5</sup> Wharton, *Digest of International Law*, II, 209.

<sup>6</sup> *Parl. Papers*, 1856, *Coms.*, LX, "Correspondence with the United States respecting Central America", 52.

possession, direction, and government of the same shall belong to, and be exercised by, the United States of America."<sup>7</sup> The other, made the following year, contained the same stipulation.<sup>8</sup> Neither of the treaties was ratified, but they show a distinct tendency on the part of the American government away from the policy of internationalism in the control of a transisthmian canal, and towards an American canal controlled by Americans.

The formal opening of the Suez Canal in 1869 undoubtedly had a very strong influence in causing the negotiation of the treaties just mentioned. The successful completion of this first interoceanic canal roused great enthusiasm, and naturally inspired American desire to undertake a similar labor in the New World. This feeling was voiced in a report of the secretary of the navy on December 1, 1869, which emphasized the importance of constructing a ship-canal across Darien. Now that the Suez Canal had been opened, the report said, the United States was undoubtedly stimulated to such efforts as would lead to the success of its own great enterprise: "It would be a matter of lasting regret, if the people and government of the United States were anticipated in this great work." Investigations should be at once commenced for determining the most feasible route.<sup>9</sup>

Various surveys of the isthmus followed,<sup>10</sup> but nothing definite was accomplished before de Lesseps, in 1878, secured a concession from Colombia for building a canal across Panama. The news of such an

<sup>7</sup> *U. S. Docs.*, ser. no. 1885, doc. 112, pp. 34-38.

<sup>8</sup> *Ibid.*, pp. 38-46; cf. Arias, *Panama Canal*, 20.

<sup>9</sup> *U. S. Docs.*, ser. no. 1411, doc. 1, p. 24.

<sup>10</sup> Coolidge, *The United States as a World Power*, 272-273.

undertaking, by the successful builder of the Suez route, filled the American people with jealousy and alarm. Resolutions were introduced into both houses of Congress declaring that control over any trans-isthmian canal must be in the hands of the United States.<sup>11</sup> This opinion was shared by President Hayes and expressed by him in a special message to Congress, March 8, 1880:

The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. If existing treaties between the United States and other nations or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.<sup>12</sup>

The President's allusion to existing treaties which might stand in the way of the American canal policy evidently called attention to the Clayton-Bulwer treaty, for a strong movement promptly set in against that agreement. On March 22 a joint resolution was intro-

<sup>11</sup> *Cong. Record*, IX, 2312; X, 1392; XI, 107, 1568.

<sup>12</sup> Richardson, *Messages and Papers*, VII, 585-586.

duced into the House of Representatives requesting the President to notify the British government of the abrogation of the treaty.<sup>13</sup> This resolution was referred to the Committee on Foreign Relations, which, on April 16, returned a report<sup>14</sup> requesting that the President take immediate steps towards abrogating the treaty.<sup>15</sup> In connection with the demonstrations against the treaty<sup>16</sup> plans were discussed by Congress for defeating the aims of the French company.<sup>17</sup>

On June 24, 1881, Blaine took definite action for the execution of this newly-voiced policy. An excellent opportunity for this was offered by the report that Colombia desired to terminate the treaty made with the United States in 1846 and to secure from the powers of Europe a joint guarantee of the neutrality of the proposed Panama Canal.<sup>18</sup> Accordingly, the Secretary of State sent identical letters to the American diplomatic agents at the various European courts,<sup>19</sup> instructing them, that should the rumors take tangible shape, they were to call attention to the provisions of the treaty of 1846, and to intimate to the governments to which they were accredited that any attempt to supplement the guarantee contained in that treaty would necessarily be regarded by the American government as "an uncalled-for intrusion into a field where the local and general interests of the United States of America must be considered before those of any other power save those of the United States of Colombia alone." This position, the American ministers were reminded, was not the development of a new policy; it was simply

<sup>13</sup> *Cong. Record*, X, 1775.

<sup>14</sup> *U. S. Docs.*, ser. no. 1937, doc. 1121.

<sup>15</sup> *Ibid.*, ser. no. 1982, doc. 224.

<sup>16</sup> *Ibid.*, ser. no. 3853, doc. 194, p. 174.

<sup>17</sup> *Ibid.*, p. 7.

<sup>18</sup> *Ibid.*, pp. 1-40.

<sup>19</sup> *Ibid.*, 177.

the pronounced adherence to principles long since enunciated and firmly established as a part of the national policy, and should be so represented to the foreign governments.<sup>20</sup> It is noteworthy that Blaine's letter contained no hint of the existence of the Clayton-Bulwer treaty; that agreement was utterly unnoticed, and the declarations were directly contrary to its terms.

In his reply to Blaine's letter, Granville, the British foreign secretary, merely called attention to the fact that the position of the two nations, as regarded the canal, was determined by the Clayton-Bulwer treaty. The British government, he added, relied with confidence upon the American observance of all of the engagements of that treaty.<sup>21</sup>

But before Granville's communication was received, Blaine again wrote, this time with reference to the Clayton-Bulwer treaty.<sup>22</sup> That arrangement, he stated, had been made more than thirty years before, under temporary conditions which had long ago ceased to exist and could never be reproduced. The President believed that some changes in the treaty were necessary, and as the British interests in the question were slight as compared with those of the United States, it was hoped that a readjustment of the treaty terms might be reached in a spirit of amity and concord. Reasons for the desired modifications followed. Great Britain had a large navy and the United States had not; the treaty bound the United States not to use its military force for the defense of the interoceanic route, while it left the naval power of Great Britain unrestrained, ready at

<sup>20</sup> *Ibid.*, pp. 174-177.

<sup>21</sup> *Ibid.*, 178.

<sup>22</sup> It would seem from this that Blaine's failure to mention the treaty in his first letter was due to forgetfulness or ignorance of its terms, and not to a determination, later abandoned, to ignore it.



any moment to seize both ends of the canal, thus rendering its military occupation entirely within the discretion of Great Britain. Furthermore, the United States government would not consent to perpetuate any treaty which impeached the right of the nation to priority on the American continent. Should the Pacific coast be attacked, the United States would be handicapped in an attempt to protect it, for no discrimination was made by the treaty in favor of American vessels going through the canal to defend United States territory, as compared with vessels bent on a hostile errand. For purposes of self-protection the United States claimed the right to control the isthmiian transit, and offered by such control the absolute neutralization of the canal as respected European powers, which could in no other way be attained and perpetuated. The fact that since the Clayton-Bulwer treaty had been completed, commercial powers, other than the contracting parties, had developed, required a modification of the treaty; otherwise these powers might interfere with the transit. If the non-intervention enjoined upon the United States by the treaty should be applied to the canal projected by the French, it would prevent the American government from asserting the rights and privileges acquired from Colombia before the Clayton-Bulwer treaty was formed. Consequently, the United States wished the treaty so modified as to enable it to treat with all other nations seeking a foothold on the isthmus on the basis of impartial justice and independence. It was desired that the terms of the treaty be so changed as to give the United States a right to protect and control the canal, in conjunction with the country in which it was located. With the exception of the acquisition of sites necessary

for military and naval stations, no territory would be acquired in Central America by the United States. Finally, since the eighth article which was designed to extend the terms of the treaty to other practicable lines of communication between the two oceans had never been put into effect, the American government wished to consider it obsolete.<sup>23</sup>

Ten days later Blaine again wrote, replying to Granville's letter received a few days before. He denounced the Clayton-Bulwer treaty as a source of former misunderstanding and controversy, and declared that the eighth article did not stretch the guarantees of article one over the Panama route. That article was simply an agreement to extend, by treaty stipulations, the protection of both countries to that or any other practicable transisthmian waterway or railway outside of Central America. The obligations entered into by the United States with Colombia in 1846 required that the United States be freed from the unequal and unequitable obligations to Great Britain "under the vague and, as yet, unperfected compact of 1850".<sup>24</sup>

On January 7, 1882, Granville replied to Blaine's letter of November 19, defending the Clayton-Bulwer treaty. The principles upon which the Secretary of State's arguments were formed were, he thought, novel in international law. The British government could not believe that the changes in the treaty suggested by the American government would promote the object intended, or be beneficial in themselves. The principles which guided the negotiators of the treaty were sound, and still applicable to the present state of affairs. The

<sup>23</sup> *U. S. Docs.*, ser. no. 3853, doc. 194, pp. 178-184.

<sup>24</sup> *Ibid.*, pp. 184-190.

wish of the British government was that these principles be put into effect; and that other states be invited by the contracting parties to enter into similar stipulations with them. Great Britain would be glad to see the United States take the initiative in extending the invitation to other powers, and was ready to join or support and indorse it.<sup>25</sup>

A little later a reply came to Blaine's attack on the Clayton-Bulwer treaty. The differences which had formerly arisen between the two governments regarding it, the Foreign Secretary pointed out, did not relate to the general principles to be observed in reference to interoceanic routes, but to the acquisition of territory. During the controversy the United States had indicated no desire to fortify the canal or to exercise political control over it; on the contrary, she had disclaimed any wish for exclusive or preferential control. During the dispute Great Britain had contemplated the abrogation of the treaty, but only on condition of reversion to the *status quo*, a solution which was then possible though dangerous to the cordiality between the two nations, but which subsequent events had rendered impossible. However, a better and more conciliatory settlement had been made by the independent and voluntary action of the British government. The points in dispute were practically conceded by Great Britain and the controversy terminated in a manner declared to be "entirely satisfactory" by the President of the United States.<sup>26</sup>

Frelinghuysen, who became secretary of state on the accession of President Arthur, undertook to answer Granville by a new line of argument. Blaine had repre-

<sup>25</sup> *U. S. Docs.*, ser. no. 3853, doc. 194, pp. 191-194.

<sup>26</sup> *Ibid.*, pp. 194-203.

sented that a wholly new situation had risen since the conclusion of the Clayton-Bulwer treaty, and had urged that Great Britain recognize the changes wrought by thirty years and consent to alterations in the treaty. Blaine's efforts proving vain, his successor turned to technical argument, with the idea of justifying independent American action. In 1859, he wrote, Great Britain had formed a treaty with Guatemala, in which what had been called the *settlement* at Honduras, in the declaration made on the exchange of ratifications of the Clayton-Bulwer treaty, was styled "Her Britannic Majesty's settlement and possessions." The United States had never given its consent to the conversion of this settlement into a British possession with British sovereignty. This step on the part of the British government, Frelinghuysen intimated, was a violation of the Clayton-Bulwer treaty. Moreover, it was understood that the British had spread beyond the boundaries made with Guatemala. If Great Britain had violated the Clayton-Bulwer treaty and continued to violate it, that agreement was, of course, voidable at the pleasure of the United States. When President Buchanan spoke of an amicable and honorable settlement of the dispute as having been made, he had referred not to the colonization of Belize, but to the adjustment of the Mosquito controversy.<sup>27</sup>

As to the provision in article eight of the Clayton-Bulwer treaty, no such "treaty stipulation" as was therein proposed had been made or suggested by Great Britain for the purpose of joining the United States in the protection of the canal or railway by the Panama route. After thirty years of independent protection of

<sup>27</sup> *Ibid.*, pp. 9-16.

the Panama railway, the American government was convinced that such joint protection was not needed. Moreover, the Clayton-Bulwer treaty was subject to the provisions of the treaty of 1846 with New Granada, while the latter treaty bound the United States to the sole protectorate of any transit by the Panama route. Furthermore, as the persons who had the concession for the canal—which the United States understood to be accepted by the two governments, under the provisions of the treaty—had not carried out the proposed enterprise, the United States felt justified in refusing to afford its joint protection to any other persons or company; and it felt free to protect any interoceanic communication in which it or its citizens might become interested, in such a way as treaties with the local sovereign powers might warrant and their interests might require. The American government could not take part in extending an invitation to other powers to participate in an agreement based on the convention of 1850, and it would look with disfavor upon an attempt at concerted political action by other powers in that direction. There was no provision in the Clayton-Bulwer treaty to invite, or obliging the United States to accept, the aid of other nations to protect or guarantee the neutrality of the Panama route.<sup>28</sup>

This letter brought a reply from Granville, showing that by the eighth article of the Clayton-Bulwer treaty the contracting parties had intended to establish a "general principle" applicable to "*all* interoceanic communications, and not to any one particular scheme or schemes". The correctness of this view, he declared, was proved by the character of the treaties made by

<sup>28</sup> *U. S. Docs.*, ser. no. 3853, doc. 194, pp. 16-25.

Great Britain with Honduras in 1856, and with Nicaragua in 1860, and by treaties made by the United States with Honduras in 1864 and with Nicaragua in 1867. Moreover, in its treaty with Nicaragua the American government had not only agreed to extend its protection "to all such routes of communication (between the Atlantic and Pacific oceans), and to guarantee the neutrality and innocent use of the same", but did further agree to employ its influence with other nations to induce them to guarantee such neutrality and protection. The government of the United States having, therefore, since the conclusion of the treaty of 1846 with New Granada, entered into treaties of a more recent date with Great Britain and other powers, carrying out the "general principle" established by the Clayton-Bulwer treaty, it could hardly now appeal, without inconsistency, to its treaty with New Granada as giving it exclusive rights of protection over the projected canal across the Isthmus of Panama. Besides, there was nothing in the treaty with New Granada which conferred on the United States any exclusive right of protection, or which was inconsistent with the joint protection of Great Britain and the United States.<sup>29</sup>

Granville next turned to the American allegation that such acts had been committed by Great Britain in British Honduras in violation of the Clayton-Bulwer treaty as would entitle the United States to denounce the agreement. The United States was not justified in any claim to abrogate the treaty on such grounds, for the treaty was not intended to apply to British Honduras. That territory had become British by conquest, and was possessed by Great Britain long prior to the conclusion

<sup>29</sup> *Ibid.*, doc. 237, pp. 411-413.

of the Clayton-Bulwer treaty; and, furthermore, by a postal convention made between Great Britain and the United States in 1860 the latter had recognized British Honduras as being a British "colony". Consequently, the contention of the American secretary of state was not sound.<sup>30</sup>

Some further correspondence took place upon the subject in the following year, 1883,<sup>31</sup> which, however, added little to the arguments already given, and the discussion was brought to a close by Granville, who felt that a prolongation of it would be useless.<sup>32</sup>

An examination of the arguments presented shows clearly that Great Britain had decidedly the best of the controversy, for by incontrovertible evidence she had shown that the treaty by its eighth article established a general principle applicable to all transisthmian routes, and, therefore, to Panama. The defense offered by Granville in regard to Belize was obviously defective in part; but the charges made by Frelinghuysen were scarcely less so. Though Belize was not British by conquest, a long, unchallenged occupation of the territory gave Great Britain a strong title to it. Moreover, the United States by acquiescing in the Sarstoon boundary made by Wyke had virtually agreed to a British occupation of the territory between the Sibun and the Sarstoon, and, consequently, was scarcely entitled to object to its formal establishment as a colony. Finally, though the colonization had taken place twenty years before, until 1882 the American government had not thought fit to criticise the step.

The determined effort made by the American government from 1880 to 1883 to secure the right to protect

<sup>30</sup> *U. S. Docs.*, ser. no. 3853, doc. 237, pp. 413-417.

<sup>31</sup> *Ibid.*, pp. 417-425.

<sup>32</sup> *Ibid.*, p. 423.

all transisthmian lines of communication, and the attack on the Clayton-Bulwer treaty, which obstructed this exclusive policy, raises a question as to the cause of the American attitude. The question is practically answered by the fact that since the completion of the Clayton-Bulwer treaty thirty years of growth and progress had taken place in the United States. Shortly previous to 1850 the nation had annexed the Oregon Country and the Southwest. During thirty years this vast region had been settled and its resources were being rapidly developed. The population of the country as a whole had doubled, and there had been a tremendous increase in wealth and prosperity. These changes made inevitable a new feeling of dignity and a greater degree of self-confidence in the nation. Moreover, the conduct of most of the European powers during the Civil War inclined the United States more fully to realize that these nations were not to be trusted in matters involving American welfare.

These facts in themselves are sufficient to explain the American policy, but it seems desirable to consider others in connection with them. In the first place, it should be remembered that long-established British influence in Central America was what produced the treaty of 1850, which admitted Great Britain to a partnership with the American government in the regulation of transisthmian communication. The settlement of the dispute by such a treaty was encouraged by the lack of sufficient American capital to build the canal.<sup>33</sup> But the treaty from the first was unpopular because it compromised with the Monroe doctrine. Even as early as 1856 the United States was averse to extending the

<sup>33</sup> *Ibid.*, pp. 229-230.



provisions of the eighth article to the Panama route.<sup>84</sup> The stand of Blaine and Frelinghuysen was, consequently, a definite voicing of an attitude long held in silence rather than the presentation of a new interpretation of the treaty.

The great interest roused by the opening of the Suez Canal has been mentioned, and the consequent desire of the American nation to be the leader in a similar undertaking in the New World. Closely following this stimulation of interest, came news of de Lesseps's contract with Colombia. Though hitherto various foreign nations had directed attention to projects for routes across the Central American isthmus, never before, since growth in prosperity had made possible the construction of a canal by American capital, had a dangerous rival appeared. De Lesseps's success at Suez seemed to guarantee success at Panama. Such a situation was bound to reveal a bold and exclusive policy on the part of the United States.

Although worsted in argument, the United States gave little sign of acquiescing in the British view; and in 1884 she proceeded again to ignore the Clayton-Bulwer treaty by negotiating with Nicaragua a treaty for a canal to be entirely under American control, built by the United States and jointly owned by herself and Nicaragua.<sup>85</sup> This treaty was still before the Senate for ratification upon the accession of Cleveland, who withdrew it and reverted to the policy of a neutralized canal under international guarantee.<sup>86</sup> But Cleveland's action only caused a temporary check to an

<sup>84</sup> See above, pp. 233-234.

<sup>85</sup> Sparks, *National Development*, 225-226.

<sup>86</sup> Richardson, *Messages and Papers*, VIII, 327.

irresistible national movement; with the Harrison administration the former policy was resumed. The growing likelihood that de Lesseps's undertaking would prove a failure, however, somewhat abated American enthusiasm, and also again turned attention to the Nicaragua route.<sup>87</sup> The Maritime Canal Company, in 1887, obtained a concession for the construction of a canal on this line. Work was begun two years later,<sup>88</sup> but as the

1895,<sup>43</sup> attention was called to it in the House of Commons, but the reply of Grey, the under secretary of state for foreign affairs, was that there was no reason to believe that the American government did not intend to keep its treaty engagements." This confidence in American integrity was justified by the stand taken in 1896 by Secretary of State Olney. In a memorandum upon the Clayton-Bulwer treaty he declared Frelinghuysen's contention—that the treaty referred to a particular canal—to be "ingenious rather than sound", and held that the treaty was still in force. "If", he wrote, "changed conditions now make stipulations, which were once deemed advantageous, either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty or to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter."<sup>44</sup> This stand of Olney was substantially a return to the attitude of Blaine.

A second element of the old Central American dispute attracting attention during the period now under consideration was the relations between the English and the Mosquitos. The treaty of Managua, negotiated by Wyke in 1860, failed to banish British influence as completely as had been expected. Many foreigners, particularly English, continued to reside in the old Mosquito territory, and were the controlling power, advancing their own interests with little regard to the welfare of the Nicaraguans or Indians. This foreign element produced discord between the Mosquitos and

<sup>43</sup> *Parl. Debates*, 4th ser., XXX, 745-746.

<sup>44</sup> *Ibid.*, XXVII, 16; XXX, 746.

<sup>45</sup> Moore, *Digest of International Law*, III, 208-209.

the Nicaraguan government, and quarrels were frequent. The dissensions led to appeals to England, and the consequent interference of the British government. A dispute soon developed regarding the meaning of the treaty of Managua.<sup>46</sup>

Nicaragua was finally persuaded by the British government to submit the dispute to the arbitration of the Emperor of Austria. His award, given in 1880, favored the British interpretation of the treaty; it made Nicaraguan sovereignty over the reserve merely nominal, and practically established the right of the British to interfere in behalf of the Mosquitos.<sup>47</sup> However, there is no reason to believe that either previous or subsequent to the award the interference of the British was such as to constitute a violation of the Clayton-Bulwer treaty. If it had been, it is pretty certain that this lack of good faith would have attracted American attention.<sup>48</sup>

There is no available evidence that the American government took any notice of British relations with the Mosquitos from 1860 until 1888; and the interest finally then roused was largely due to the renewed popularity of the Nicaragua route, and to the project of the Maritime Canal Company.<sup>49</sup> In October, 1888, the Nicaraguan minister at Washington presented to Secretary of State Bayard a letter from the British

<sup>46</sup> *Brit. and For. State Papers*, LXXXI, 752.

<sup>47</sup> *Ibid.*, LXXII, 1212-1213.

<sup>48</sup> Travis, *Clayton-Bulwer Treaty*, 208-210, gives the British interference in Mosquito as one of the causes for the American attack on the Clayton-Bulwer treaty in 1880; but this view scarcely seems sound, for had such interference attracted the attention of the United States, a point would undoubtedly have been made of it by Blaine or Frelighuysen in their correspondence of 1880-1883.

<sup>49</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 69-70, 96.

minister in Central America to the Nicaraguan government, complaining that the Nicaraguans had infringed upon the boundaries of the Mosquito reserve and had also established a post office at Bluefields,<sup>50</sup> "thus interfering with the domestic affairs of the Reserve". The establishment of forts, arsenals, post offices, etc., in the reserve by the Nicaraguans, was, in the opinion of the British government, inconsistent with the treaty of Managua as interpreted by the award.<sup>51</sup>

In consequence of this communication, Bayard wrote to Phelps, the American minister to England. Had the United States anticipated, he said, that under cover of the treaty of Managua the British government would continue to attempt any interference with the affairs of the Indians, it would not have hailed that treaty as a solution and termination of disputes concerning the British protectorate over the Mosquitos, but would have regarded the arrangement as a serious obstacle to any such settlement. However, he declared, nothing in the treaty of Managua or in the Austrian award was incompatible with the right of Nicaragua to establish post offices in the reserve or military posts for the common defense. Such a right was an essential incident of paramount sovereignty, and could be properly exercised only by Nicaragua. It was important to the United States as to all other powers that Nicaraguan sovereignty exist in fact over the Mosquito reserve, for with the sovereign alone could diplomatic relations be maintained, and to it alone could the powers look for redress of possible wrongs to their citizens.<sup>52</sup>

<sup>50</sup> Bluefields was the residence of the Mosquito government.

<sup>51</sup> *Brit. and For. State Papers*, LXXXI, 758-759.

<sup>52</sup> *Ibid.*, 746-754.

But more important than the question of Nicaraguan authority in the reserve, was the general question of the right of the British government to interfere in disputes between Nicaragua and the Mosquitos. The President could not but regard the continued exercise of the claim on the part of Great Britain to interfere on behalf of these Indians as the assertion of a British protectorate in another form; more especially when this effort was directed to preventing Nicaragua from exercising military jurisdiction in the immediate neighborhood of the Atlantic mouth of the projected canal. The United States could never see with indifference the reestablishment of such a protectorate. It would not only be contrary to the Monroe doctrine, but also to the terms of the Clayton-Bulwer treaty, the binding force of which Great Britain had hitherto so emphatically asserted. The history of the former controversy with regard to the same subject should admonish the British and American governments to spare no effort to avoid misunderstandings and to promote cordial co-operation and good intelligence between the two countries. With this purpose in view the American government desired that its attitude be made known to Great Britain.<sup>58</sup>

Salisbury, the British foreign secretary, replied in a reasonable and conciliatory manner. Because of complaints from the Mosquito chief, he explained, the British agent in Central America had been instructed to make friendly remonstrance to the Nicaraguan government and to draw its attention to the wording of the treaty of Managua and to the interpretation given it by the Austrian award. If Mosquito rights were infringed upon by Nicaragua, by whom could remon-

<sup>58</sup> *Ibid.*, 754-758.

strance be made if not by Great Britain, with whom Nicaragua concluded the convention defining these rights? However, the British government did not claim the right to intervene in every dispute between the Mosquitos and their sovereign; the extent of the intervention was indicated in the report annexed to the award. Moreover, the British government had no desire to assert a protectorate, or anything in the nature of a protectorate over the Mosquitos, and it would give that government the greatest possible satisfaction if Nicaragua and the Indians would come to an amicable arrangement for the incorporation of the latter into the Nicaraguan republic, thus relieving Great Britain from any further responsibility.<sup>54</sup> This explanation was evidently satisfactory to the United States, for with it the correspondence ended.<sup>55</sup>

The Austrian award practically established Mosquito independence of Nicaragua, and after it was given foreign influence increased. Extensive banana plantations were established by American immigrants, and a thriving commerce developed, particularly with the United States.<sup>56</sup> The peaceful prosperity of the territory roused the jealousy of the disorganized, poverty-stricken remainder of Nicaragua, and led the Nicaraguan government to determine to extend its influence over the reserve.<sup>57</sup> Consequently, in 1893, a Nicaraguan

<sup>54</sup> *Brit. and Foreign State Papers*, LXXXI, 754-758.

<sup>55</sup> Four years later Lincoln, the American minister to London, addressed a letter to the British foreign secretary, reopening the discussion, but no reply was given him. *U. S. Docs.*, ser. no. 3275, doc. 20, p. 28.

<sup>56</sup> Keely, "Nicaragua and the Mosquito Coast", in *Pop. Sci. Mo.*, XLV, 164-165. In 1894 it was reported that ninety-four per cent. of the wealth, enterprise, and commerce of the reserve was American. Bluefields was "American to the core". *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 70, 87.

<sup>57</sup> *Ibid.*, p. 37.

commissioner, General Lacayo, was appointed,<sup>58</sup> with instructions to assert the sovereignty of the republic over the reserve and to use his influence to secure its incorporation into Nicaragua.<sup>59</sup> Lacayo's efforts, however, were vain.<sup>60</sup>

This was the situation in 1893 when war broke out between Honduras and Nicaragua.<sup>61</sup> As a result of rumors of a Honduran invasion of the reserve, the Nicaraguan government sent troops there who established martial law.<sup>62</sup> Immediately great excitement prevailed and the Americans in the reserve petitioned their government for protection by a war vessel.<sup>63</sup> The Nicaraguan commissioner meanwhile had meddled with Mosquito affairs in various ways, and had placed a duty on bananas sent out of the reserve.<sup>64</sup> In February, 1894, Bingham, the British consul, warned him that should he persist in his course, the British war vessel in the harbor would interfere.<sup>65</sup> Finally, however, because of the danger to life and property in the reservation, the commissioner himself and the foreign consuls requested protection from the British vessel *Cleopatra*; <sup>66</sup> and, on March 5, marines who were landed from the ship compelled the Nicaraguans to raise the siege laid upon

<sup>58</sup> *Ibid.*, pp. 37-38, 84. The appointment of a Nicaraguan commissioner was permitted by the treaty of Managua. *Brit. and For. State Papers*, LXXII, 1212.

<sup>59</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, p. 84.

<sup>60</sup> *Ibid.*, pp. 11-12, 84-85.

<sup>61</sup> *Ibid.*, pp. 10-11. A clear and interesting account of the Mosquito coast in 1893 may be found in *Pop. Sci. Mo.*, XLV, 160-175.

<sup>62</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 19, 20-23.

<sup>63</sup> *Ibid.*, pp. 12-13. The *Kearsarge* which was sent was lost on the way. When the loss became known the *San Francisco* was ordered from Brazil to Bluefields. *Ibid.*, p. 68.

<sup>64</sup> *Ibid.*, p. 38. This was a violation of the Austrian award. *Brit. and For. State Papers*, LXXII, 1213.

<sup>65</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, p. 14.

<sup>66</sup> *Ibid.*, p. 36.



Bluefields.<sup>67</sup> Following this, a provisional government was formed for the reservation by Captain Howe of the *Cleopatra*, the British consul, Lacayo, and the commander of the Nicaraguan troops. The American citizens and Braid, the American consul, refused to have any part in the arrangement.<sup>68</sup> The Americans were strongly opposed to the provisional government for they felt it to be a step towards Nicaraguan rule in Mosquito, which they believed would be fatal to industry and commerce.<sup>69</sup> What they desired was local self-government based on the lines laid down in the treaty of Managua.<sup>70</sup> Thus it appeared that the interests of American citizens in Mosquito were at variance with the contention of the American government as to the rightful control of the territory.

An account of the occurrence at Bluefields was promptly telegraphed, and later written, to the American government by Baker, the American minister at Managua;<sup>71</sup> and immediately upon receiving the telegram, Gresham, the American secretary of state, telegraphed to Bayard, then minister to England, instructing him to investigate and report the cause for Captain Howe's action.<sup>72</sup>

A telegram from Bayard, dated March 15, stated that the British government had given no instructions for the landing of the troops, and was waiting for further information regarding the matter. As soon as additional intelligence should be received, it would be promptly communicated to the United States. Kimber-

<sup>67</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 15, 36. Thanks were formerly extended by the Americans to the captain of the *Cleopatra* for his protection. *Ibid.*, pp. 32, 45.

<sup>68</sup> *Ibid.*, pp. 32-34.

<sup>69</sup> *Ibid.*, pp. 32-33.

<sup>70</sup> *Ibid.*, pp. 32-33, 43.

<sup>71</sup> *Ibid.*, pp. 17-18.

<sup>72</sup> *Ibid.*, p. 26.

ley, the foreign secretary, had assured Bayard, however, that the British government had no desire or intention to establish a protectorate in Central America. Bayard himself believed that the troops had been landed merely for protection to the residents.<sup>73</sup> Some time later Bayard sent further details regarding the incident which went to show that his opinion had been correct.<sup>74</sup>

A telegram from Gresham to Baker, sent on March 14, had brought no further details;<sup>75</sup> but on April 19 Captain Watson, of the American vessel *San Francisco*, which had been sent to Bluefields to protect American interests, telegraphed a statement to the Navy Department. The landing of the British troops, he said, was justifiable, and permission of the Nicaraguan commissioner had been first obtained. The troops had been believed necessary to the protection of life and property. Later, however, the British force had retired and now the Nicaraguans were in full control.<sup>76</sup>

By April 30 a fairly accurate account of the affair had reached Washington, and on that date Gresham wrote to Bayard, objecting to the joint assumption of authority in Mosquito by the British and Nicaraguan agents, as incompatible with the terms of the treaty of Managua. The stipulations of that treaty, Gresham stated, left no room for foreign intervention, or for the administration of affairs in the reserve by aliens. The arrangement for a provisional government would tend to strengthen the assumption that Mosquito was a territorial entity with sovereign rights. Such government could have no support from the United States. While the American government was pleased to learn that the British forces had been landed simply for the

<sup>73</sup> *Ibid.*, pp. 26-27.

<sup>74</sup> *Ibid.*, pp. 34-40.

<sup>75</sup> *Ibid.*, p. 26.

<sup>76</sup> *Ibid.*, p. 50.

protection of life and property, the President hoped that the anomalous situation in the Mosquito reserve might speedily cease, and that no foreign agency would be permitted to dictate or participate in the administration of affairs there.<sup>77</sup>

Bayard, on May 22, telegraphed a reply to this. In an interview just concluded with Kimberley, the latter had again assured him that Great Britain had no intention or desire of forming a protectorate over any part of Nicaraguan territory; instead it wished to act thoroughly in concert with the United States, and to continue the treaty of 1850 "in unbroken force and effect". The British consul, Kimberley had stated, had acted without instructions in helping to form a provisional government, but had done so because he believed the lives and property of the residents to be in danger. It was the wish of the British government to consult with the United States in order to guard against Nicaraguan violence to British and American interests. The British minister at Washington had been instructed to this effect.<sup>78</sup>

Later, a letter from Bayard expressed the belief that the British government had no desire for the abrogation of the Clayton-Bulwer treaty, or to do anything inconsistent with its provisions, or to interfere in any way with the plans or works of the United States in relation to the proposed canal. They desired, he believed, to have only the most friendly and mutually accommodating relations with the American government.<sup>79</sup>

<sup>77</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 68-69.

<sup>78</sup> *Ibid.*, p. 91.      <sup>79</sup> *Ibid.*, pp. 96-97.

Gresham replied, on July 19, that to accept the implied invitation to join with Great Britain for the purpose of settling the questions originating in the recent incident at Bluefields might indicate a willingness on the part of the existing American administration to depart from the policy of its predecessors in dealing with Central American questions. The government in the reserve was not Mosquito, but alien, especially at Bluefields. No matter how conspicuous the American or other alien interests which had grown up under the fiction of Indian self-government, neither the United States nor Great Britain could fairly sanction or uphold this abuse of Nicaraguan sovereignty. American rights in the reservation must be treated by the United States like similar rights in other parts of Nicaragua, and, should these be invaded, the American residents could look only to the Nicaraguan government for redress.<sup>80</sup>

Meanwhile, the provisional government, supported by the Nicaraguan authorities, had acted in a very arbitrary manner and had become unpopular. Encouraged by the aliens—especially the Americans of poor reputation<sup>81</sup>—the Indians and Jamaica negroes revolted, drove out the Nicaraguans, and restored Clarence, the Mosquito chief, to his office.<sup>82</sup> The two contending parties at first displayed considerable violence, but the presence of marines from the American vessel *Marblehead* helped restore order.<sup>83</sup>

The Nicaraguan authorities, however, soon regained control of the reserve, and by tactful treatment of the

<sup>80</sup> *Ibid.*, pp. 126-128.

<sup>81</sup> *Ibid.*, pp. 128, 158-161, 163, 164, 168, 169.

<sup>82</sup> *Ibid.*, p. 128.

<sup>83</sup> *Ibid.*, pp. 128, 132, 137-142.

Indians won their confidence.<sup>84</sup> In a short time, at the express desire of the Mosquitos, steps were taken towards their incorporation into the Nicaraguan republic. Delegates from the leading tribes met in convention, voted for incorporation, and formally recognized the constitution of Nicaragua. The Mosquitos were given all of the rights of other Nicaraguan citizens and also some special privileges. The former reserve became the department of Zelaya in the republic.<sup>85</sup>

The fact of Mosquito incorporation, made known to the American government through a telegram from Baker, was received with much satisfaction.<sup>86</sup> The arrangement was equally gratifying to Great Britain. On December 22, 1894, Bayard sent the following announcement:

Her Majesty's Government are well pleased with the prospect of having "Clarence" and his fortunes eliminated from their political responsibility.

There was the most open expression of satisfaction at the foreign office upon the reported voluntary incorporation of the

<sup>84</sup> The foreigners who were suspected of having incited the Mosquitos to revolt escaped less fortunately. Two American citizens and twelve British subjects, including Hatch, the British vice-consul at Bluefields, were arrested and after rough treatment were sent to Managua. *Ibid.*, p. 173. Upon protest being made from their government, the Americans were soon released; but the release of the British, and particularly of Hatch, was long delayed, as was also the redress demanded by the British government. *Ibid.*, pp. 190-195. Finally, by seizure of the harbor of Corinto, Great Britain forced Nicaragua to restore Hatch and to pay an indemnity of seventy-five thousand dollars. Travis, *Mosquito History*, 31. This roused some Americans who believed that the British were trying to gain control of the Nicaragua canal route; but the American government itself took a more reasonable view, as did the majority of the population. Colquhoun, *The Nicaragua Canal*, 293-295.

<sup>85</sup> *U. S. Docs.*, ser. no. 3275, doc. 20, pp. 204-206. The firm stand of the American government for the rights of Nicaragua in the reserve was a very important factor in producing this final settlement; and the friendly action of the United States was fully appreciated by Nicaragua. *Ibid.*, p. 205.

<sup>86</sup> *Ibid.*, p. 201.

Indians with the rest of Nicaragua, for it was a consummation devoutly to be wished, and they were glad to be free from the subject.<sup>87</sup>

Thus, in a manner agreeable to all concerned, was at last settled the famous Mosquito question, which had been a source of disagreement between the United States and Great Britain for nearly fifty years, and between the latter and Central America for more than two centuries.

<sup>87</sup> *Ibid.*, pp. 203-204. By a treaty with Nicaragua, ratified in 1906, Great Britain formally recognized the abrogation of the treaty of Managua and the incorporation of the Mosquitos into the Nicaraguan republic. *Parl. Papers*, 1906, CXXXVI, "Treaty between the United Kingdom and the Republic of Nicaragua with regard to the Mosquito Territory", 1-6.

## CHAPTER X.

### THE NEW CANAL TREATIES, AND NEW CONDITIONS IN CENTRAL AMERICA.

For many years a growing desire had existed in the United States for a transisthmian canal owned and controlled by Americans, but up to the close of the last century there seemed little prospect of its prompt realization. Though the less responsible element in Congress frequently urged abrogation, the members with a clearer sense of international honor felt with Olney that the Clayton-Bulwer treaty could not be set aside except by joint action with England. Such action seemed but a remote possibility, for the British government had expressed its satisfaction with the treaty and its firm determination to stand by it.

The last few years of the century, however, brought a change in British and American affairs which profoundly affected the relations of the two governments. The Boer War and the events immediately preceding it had given rise to a coldness between England and other European powers. England felt herself isolated, and therefore sought support beyond Europe.<sup>1</sup> This new policy undoubtedly influenced the British attitude towards the United States during the Spanish-American War. English sympathy probably would have been

<sup>1</sup> Coolidge, *The United States as a World Power*, 275; Barral-Montferrat, *De Monroë à Roosevelt*, 239.

on the American side in any case, but, as it was, an unusual cordiality accompanied the sympathy.<sup>2</sup>

The friendliness of Great Britain was reciprocated by the Americans, but the British government fully realized that such unusual cordiality would not long survive if the Clayton-Bulwer treaty were maintained as an obstacle to an American transisthmian canal. The long cruise of the *Oregon* around Cape Horn in 1898, for the purpose of joining the Atlantic squadron, had called attention to the need for a canal, while the acquisition of the Philippines and Hawaii, in the Pacific, and of Porto Rico, which strengthened the American position in the Caribbean Sea, further increased the arguments in favor of it.<sup>3</sup> The time was fully ripe for the undertaking, and, in order to place on a secure basis the new Anglo-American relations, Great Britain was inclined to humor the United States in her long-cherished desire.

Accordingly, after the presidential message of December, 1898, had again called attention to the need of the nation and urged action, Pauncefote, the British ambassador at Washington, approached the secretary of state in order to learn the exact attitude of the American government. This was frankly given. The President, Pauncefote was emphatically assured, had no intention of ignoring the Clayton-Bulwer treaty, and would faithfully observe its stipulations; but, in view of the demand for a canal, the United States wished,

<sup>2</sup> Coolidge, *The United States as a World Power*, 275; Latané, *America as a World Power*, 63-64.

<sup>3</sup> Coolidge, *The United States as a World Power*, 274; *Parl. Papers*, 1901, [Cd. 438], "Correspondence respecting the Convention Signed at Washington relative to the Establishment of a Communication by Ship-Canal", 4; Keasbey, "Terms and Tenor of the Clayton-Bulwer Treaty", in *Annals of the American Academy*, Nov. 1899, pp. 1-26.



by friendly negotiation with England, to secure such modification of the treaty as would, without affecting the "general principle" therein declared, enable the enterprise to be undertaken by the American government.<sup>4</sup>

The British government expressed a willingness to consider the matter, and, in consequence, a draft convention was drawn up by Secretary of State Hay, and handed to Pauncefoot in January, 1899. However, just at this time the Joint High Commission, to which had been assigned the settlement of the Alaskan boundary and other questions between the two governments, had come seriously to question whether an adjustment of these difficulties could be effected, because of the unwillingness of the American government to yield regarding the contested boundary. In consequence, Great Britain hesitated to make concessions on the question of the Clayton-Bulwer treaty, and for some months nothing was accomplished with regard to it. But early in 1900 the British government was again stirred to activity. A bill was before Congress empowering the President to acquire from Nicaragua and Costa Rica the control of territory for a canal route, and directing the secretary of war to construct the canal and make provision for its protection. It seemed likely that the bill would pass, and thus cause embarrassment between the two governments. To obviate such a possibility the British government decided to accept the convention as presented by Hay.<sup>5</sup>

This convention, signed February 5, 1900, gave the American government full power to direct the construc-

<sup>4</sup> *Parl. Papers*, 1901, [Cd. 438], "Correspondence respecting the Convention signed at Washington . . .", etc., 4.

<sup>5</sup> *Ibid.*, 4-5.

tion of the canal and to provide for its regulation and management. In order to preserve the "general principle" of neutralization established by the Clayton-Bulwer treaty, the following rules for the free navigation of the canal, substantially those agreed upon in 1888 for the Suez route, were adopted:

(1) The canal was to be open in time of war as in time of peace to vessels of commerce and war on terms of entire equality.

(2) The canal was never to be blockaded, or any right of war exercised, or any act of hostility committed within it.

(3) War vessels of a belligerent should not revictual or take any stores in the canal, except so far as was strictly necessary; and the transit of such vessels should be effected with the least possible delay. Prizes were to come under the same rule as war vessels.

(4) No belligerent should embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, in which case the transit should be resumed as quickly as possible.

(5) War vessels of a belligerent should not remain in the waters within three marine miles of either end of the canal longer than twenty-four hours, except when in distress, in which case they should depart as soon as possible. But a war vessel of one belligerent should not depart within twenty-four hours from the departure of a war vessel of the other belligerent.

(6) The works, etc., necessary to the construction, maintenance, and operation of the canal were to be considered part of the canal and should enjoy complete immunity from hostile attacks.

(7) No fortifications should be erected to command the canal or the adjoining waters, but the United States was free to maintain such military police as would protect it against lawlessness and disorder.

Immediately after the ratification of the treaty the contracting parties were to bring the arrangement to the notice of other powers and invite them to adhere to it.<sup>6</sup>

The treaty was promptly presented to the Senate, but ratification of it was not accomplished before Congress adjourned, though the bill for the American construction and defense of a canal was passed by a large majority, on May 2. When Congress resumed its session in the autumn, the treaty formed by Hay and Paunceforte was ratified, but only after three amendments, seriously changing its meaning, had been added: the Clayton-Bulwer treaty was declared to be superseded by the new arrangement; a new clause was added to rule five stating that the first five rules should not apply to measures which the United States might find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order; the provision for inviting the adherence of other powers to the treaty was entirely omitted.<sup>7</sup> These changes were practically an elimination of the neutralization policy, and would place the canal in control of the United States with the protection of the route for the use of other powers left entirely to American discretion.

<sup>6</sup> *Parl. Papers*, 1900, [Cd. -30], "Convention between Her Majesty and the United States Supplementary to the Convention of April 19, 1850", 1-2.

<sup>7</sup> *Ibid.*, 1901, [Cd. 438], "Correspondence respecting the Convention signed at Washington . . .", etc., 2-5.

From the first it seemed hardly possible that the British government would favor the amended treaty. Though the British press fully admitted that fifty years of change justified the American demand for modification of the Clayton-Bulwer treaty, it declared that the draft signed by Hay and Pauncefote accomplished this, and denounced the amended treaty.<sup>8</sup> The President also was criticised for permitting its ratification, after being so amended.<sup>9</sup>

A letter written on February 22, 1901, by Lansdowne, the British foreign secretary, to Pauncefote, after calling attention to the conciliatory spirit which had led the British government to resume negotiations, presented the British view of the Senate amendments. The Clayton-Bulwer treaty, Lansdowne wrote, was an international contract of unquestionable validity, and, according to well-established usage, should not be abrogated or modified except with the consent of both parties to the contract. In spite of this, the British government had been confronted by a proposal from the American Senate—without any previous attempt to ascertain British views—for the abrogation of the treaty. But the second and third amendments were even more objectionable. The second, giving the United States control of the canal in time of war, was a distinct departure from the principle hitherto acceptable to both governments. The change proposed by the United States would presumably permit warlike acts, on the part of that government, in or near the canal—acts clearly inconsistent with the neutral character which it had always been sought to give the canal, and

<sup>8</sup> *London Morning Post*, Dec. 5, 14, 1900; *London Daily News*, Jan. 17, 1901; *London Times*, Jan. 16, 18, 1901.

<sup>9</sup> *London Times*, Dec. 24, 1900.

which would deny its free use to the commerce and navies of the world. Such an arrangement would strike at the very root of the general principle of neutralization upon which the Clayton-Bulwer treaty was based. But the import of the second amendment was peculiarly emphasized when considered in connection with the third. If the adherence of the powers were given, the neutrality of the canal would be secured; without that adherence, it would depend only upon the guarantee of the two contracting parties. The last amendment, however, not only removed all prospect of the wider guarantee, but also placed the British government in a position of marked disadvantage, compared with the other powers, which would not be subject to the self-denying ordinance which Great Britain was desired to accept.<sup>10</sup>

In view of these facts, the British government could not accept the amended convention, and, under existing circumstances, preferred to retain the Clayton-Bulwer treaty. The British government, Lansdowne concluded, had shown an earnest desire to meet the views of the United States, and would have been ready to consider in a friendly spirit any amendments—not inconsistent with the principles accepted by both governments—which the United States might have desired to propose; and it would sincerely regret a failure to come to a friendly understanding in regard to this important subject.<sup>11</sup>

The British refusal to accept the amended treaty immediately produced a Senate resolution for the abro-

<sup>10</sup> *Parl. Papers*, 1901, [Cd. 438], "Correspondence respecting the Convention signed at Washington . . .", etc., 5-7.

<sup>11</sup> *Ibid.*, 7.

gation of the Clayton-Bulwer convention.<sup>12</sup> Hay, however, promptly proceeded to form a new draft, which, on April 25, 1901, Pauncefote transmitted to Lansdowne.<sup>13</sup> This draft was similar to the former treaty as amended by the Senate in that by separate article it declared the Clayton-Bulwer treaty to be superseded and made no provision for inviting other powers to adhere to the stipulations agreed upon; but the rules for the regulation of the canal were modified with the aim of meeting British objections and yet preserving the principle contended for by the United States. From the first rule were omitted the words, "in time of war as in time of peace"; rule seven prohibiting the fortification of the canal by the United States was omitted, but to rule two was added the reservation: "The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder"; finally, the clause added to rule five in the former draft was entirely omitted.<sup>14</sup>

The changes made by Hay rendered the arrangement more acceptable to the British government, but certain further modifications were proposed by Lansdowne. In order to preserve the "general principle" stipulated for in the Clayton-Bulwer treaty, a new article was added reaffirming this general principle and asserting that the rules governing the use of the canal should as far as applicable control all interoceanic communications across the isthmus connecting North and South

<sup>12</sup> *Cong. Record*, XXXV, 8, 13-22, 23-28.

<sup>13</sup> *Parl. Papers*, 1902, [Cd. 905], "Correspondence respecting the Treaty signed at Washington relative to the Establishment of a Communication by Ship-Canal", 1.

<sup>14</sup> *Ibid.*, 1-2.

America; and that no change of territorial sovereignty or other change of circumstances should affect such general principle or the obligations of the contracting parties under the treaty. The first rule for regulating the use of the canal was so modified as to admit to it only the vessels of those nations which should agree to observe the rules above described; and to the same rule was appended the stipulation that the conditions and charges in connection with the use of the canal should be just and equitable.<sup>15</sup>

The American government objected to the first change mentioned. This, it claimed, repeated what was already stated in the preamble, and seemed to give a wider application to article eight of the Clayton-Bulwer treaty than was originally intended. Instead of the article added by the British government, Hay suggested a simple statement providing that no change of territorial sovereignty or of the international relations of the country or countries traversed by the canal should affect the general principle of neutralization, or the obligation of the contracting parties. The second change was also objected to, because of the strong American aversion to inviting other powers to become contracting parties to the canal treaty; in its place were proposed the words, "the canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules".<sup>16</sup>

These modifications were accepted by the British government, which suggested a slight further alteration in the wording of the preamble and of the first article,

<sup>15</sup> *Parl. Papers*, 1902 [Cd. 905], "Correspondence respecting the Treaty signed at Washington relative to the Establishment of a Communication by Ship-Canal", 2-7.

<sup>16</sup> *Ibid.*, 7-8.

in order to make it perfectly clear that the treaty was meant to apply to all other canals across the American isthmus as well as that through Nicaragua.<sup>17</sup> These changes were in turn accepted by the American government, and the treaty was signed on November 18, 1901,<sup>18</sup> by Hay and Pauncefote. The next month it passed the Senate by a vote of seventy-two to six,<sup>19</sup> and ratifications were exchanged between the two governments in the following February.<sup>20</sup>

In view of the modifications which Great Britain had permitted in the rules providing for the neutralization of the canal, it is difficult to see how neutralization was guaranteed in the case of war between the United States and any other power.<sup>21</sup> The new treaty, however, met the approval of both nations. As Great Britain seemed to think her interests secured by this treaty, she had no objection to giving up some of the earlier measures for which she had contended, or to setting aside the Clayton-Bulwer treaty, which both countries acknowledged to be outgrown.<sup>22</sup> Moreover, the British felt that the right to protect and control the canal was only a reasonable demand, considering that the whole cost of construction was to be borne by the American nation.<sup>23</sup> In fact, the satisfactory completion of the treaty was regarded as the conclusion of a long period

<sup>17</sup> *Ibid.*, 8-9.      <sup>18</sup> *Ibid.*, 10-11.      <sup>19</sup> *Ibid.*, 11.

<sup>20</sup> *Ibid.*, [Cd. 1007], "Treaty between the United Kingdom and the United States of America for the Establishment of a Ship-Canal", 1.

<sup>21</sup> For a discussion of the neutralization provisions of the treaty, see Latané, "Neutralization Features of the Hay-Pauncefote Treaty", in *Am. Hist. Assn., Annual Report, 1902*, I, 289-303; also Woolsey, "Suez and Panama—a Parallel", pp. 305-312 of the same volume.

<sup>22</sup> *London Daily News*, Nov. 18, Dec. 17, 1901; *London Times*, Nov. 19, 1901.

<sup>23</sup> *Parl. Papers, 1902*, [Cd. 905], "Correspondence respecting the Treaty signed at Washington . . .", etc., 4.



of controversy and misunderstanding, and the opening of a new era of more friendly feeling between the two governments.<sup>24</sup>

Even before the ratification of the Hay-Pauncefote treaty the American government had taken steps towards the construction of a canal. In 1899 it appointed a commission which was instructed to examine into all practicable routes. The following year the commission reported in favor of the Nicaragua route, as the French company which had the franchise for the Panama route seemed unwilling to sell all of its rights to the American government.<sup>25</sup> This report, however, led the French company to change its attitude, and in 1902 it offered to sell out to the United States for forty million dollars. In consequence of the offer, the canal commission altered its decision and advised the adoption of the Panama route.<sup>26</sup> On June 28, 1902, the President was authorized to purchase the French company's property, and to obtain from Colombia the control of the territory traversed by the canal route. If reasonable terms could not be obtained from the company or from Colombia, the President was empowered to form a canal treaty with Nicaragua and Costa Rica.<sup>27</sup>

Negotiations with Colombia followed, and the Hay-Herran treaty of January, 1903, was the result; but the Colombian Senate refused to ratify the agreement,<sup>28</sup> and for a time it seemed as though the United States

<sup>24</sup> *London Times*, Dec. 18, 1901.

<sup>25</sup> Lindsay, *Panama and the Canal Today*, 88; Johnson, *Four Centuries of the Panama Canal*, 116, 120-121; Edwards, *Panama*, 464.

<sup>26</sup> Johnson, *op. cit.*, 121-126; Edwards, *Panama*, 464-465.

<sup>27</sup> Lindsay, *Panama and the Canal Today*, 89-90; Johnson, *op. cit.*, 126-128.

<sup>28</sup> Lindsay, *Panama and the Canal Today*, 90-91; Johnson, *op. cit.*, 130-149; Edwards, *Panama*, 465-467.

would again turn to the Nicaraguan route. However, a revolution which the United States was accused of fomenting,<sup>29</sup> soon took place in Panama, and that province declared its independence of Colombia, in November, 1903, and established itself as a separate republic.<sup>30</sup> A speedy recognition of the new government by the United States followed, and within a month a new canal treaty, which was promptly ratified, was formed between the United States and Panama.<sup>31</sup> Further investigation led to a decision in favor of a lock canal,<sup>32</sup> and in 1907 the American government itself determined to undertake the construction. The commission, with Major G. W. Goethals at its head, was put in control of the enterprise, and work was promptly begun.<sup>33</sup>

By 1912 it was evident that the canal would soon be ready for use; therefore it was necessary that Congress pass measures for its regulation. The Panama Canal bill, originating in the House, was framed for this purpose. Among other provisions it fixed the tolls to be paid by vessels passing through the canal, but exempted all American vessels from such payment.<sup>34</sup> The bill went to the Senate and while it was before that body,

<sup>29</sup> Lindsay, *Panama and the Canal Today*, 92-93. For the part played by the United States in this connection, see the source collections, *The Panama Canal Question*, and "I Took the Isthmus", also *U. S. Docs.*, ser. no. 4587, doc. 51; ser. no. 4588, doc. 95.

<sup>30</sup> Edwards, *Panama*, 467-476; Arias, *Panama Canal*, 64-68.

<sup>31</sup> *Sen. Doc.* no. 456, 63 Cong., 2 sess., pp. 74-84. In consequence of the attitude of the United States, much bitterness has been displayed by Colombia towards that country. This seems likely to be wiped out by a treaty, now ready for the ratification of the American Senate, by which the American government agrees to pay Colombia twenty-five million dollars for the loss of Panama and the transfer of the canal zone to the United States. *Cong. Record*, LI, 12676, *passim*; LII, 403-405.

<sup>32</sup> Edwards, *Panama*, 488-490; Johnson, *Four Centuries of the Panama Canal*, 316-325.

<sup>33</sup> Edwards, *Panama*, 505-510.

<sup>34</sup> *New International Year Book*, 1912, p. 495.

a protest was presented by the British government against such exemption in favor of the United States, on the ground that it was a violation of the Hay-Pauncefote treaty.<sup>35</sup>

The canal bill was the subject of a long, sharp debate in the Senate,<sup>36</sup> and finally the exemption clause was so modified as to include only American vessels engaged in coastwise trade. In this form the bill was passed by the Senate on August 9 and was promptly signed by President Taft.<sup>37</sup> On November 13 the President issued a proclamation fixing the rates of tolls to be paid by vessels using the Panama Canal.<sup>38</sup> On the following day the British foreign secretary instructed Bryce, the British ambassador at Washington, to present to the American government a protest against the canal legislation. This protest, which was presented December 9, was an amplification of that of the preceding July. "The intention of the Hay-Pauncefote treaty", the protest stated, "was that the United States was to recover the right to construct the transisthmian canal upon the terms that when constructed the canal was to be open to British and United States ships on equal terms." If any American vessel were permitted to pass through the canal toll free, British vessels would be forced to bear more than an equal share of the cost and current expenses of the canal. The British government, the communication intimated, expected the United States either to repeal the objectionable part

<sup>35</sup> *Sen. Doc.* no. 11, 63 Cong., 1 sess., pp. 10-11.

<sup>36</sup> *Cong. Record*, XLVIII, 1818-1825, 9168-9189, 9221-9227, 9231-9239, 9278-9284, 9359-9365.

<sup>37</sup> *New International Year Book*, 1912, p. 495.

<sup>38</sup> *Sen. Doc.* no. 11, 63 Cong., 1 sess., pp. 10-11.

of the canal act or to submit the matter to arbitration.<sup>39</sup>

The reply of the American government was evasive and its arguments unsound. The protest of the British government, it implied, was premature, as the canal was not yet complete and no unfair tolls had yet been paid by Great Britain; consequently, there was nothing to arbitrate. After all, the remission of tolls to American ships was only a subsidy for which America had to pay, and not Great Britain. The protest of the British, the reply intimated, was really an attempt to read into the Hay-Pauncefote treaty a surrender by the American government of its right to regulate its own commerce. The letter concluded, however, with an expression of willingness to submit the matter to arbitration.<sup>40</sup>

But it early became evident that the American government by no means had the undivided support of the nation. Expressions of disapproval came from all over the country, on the ground that such discrimination in favor of the United States was inexpedient as well as a violation of treaty obligations.<sup>41</sup> In the face

<sup>39</sup> *Ibid.*, pp. 11-19. The protest also called attention to the fact that vessels of Panama had been exempted from the payment of tolls by the canal treaty with Panama in 1903, and intimated that discretion seemed to be given the President to discriminate, in fixing the tolls, in favor of American vessels in general as against foreign vessels. *Ibid.*, pp. 16, 18.

<sup>40</sup> *Ibid.*, pp. 3-10. The toll controversy was probably influential in rousing a fear in the United States that Great Britain or some other foreign power, dissatisfied with American regulation of the Panama Canal, might determine to construct a rival route. In an effort to guard against this, a treaty, now ready for ratification by the Senate, was formed with Nicaragua. This treaty secures to the United States a perpetual and exclusive right of way across Nicaragua for an interoceanic canal, and also establishes a virtual American protectorate over the Nicaraguan republic. *Nation*, XCVII, 92-93; *Outlook*, CVI, 20-21.

<sup>41</sup> *The "Coastwise Exemption": the Nation Against It; Cong. Record*, XLIX, 1818-1825; Root, "Panama Canal Tolls", in *World Peace Foundation Pamphlet Series*, III, no. 3; *Nation*, XCVI, 26; *Outlook*, CIII, 249-253; *Independent*, LXXIV, 224-226; *Century Magazine*, LXXXV, 630-631; *Literary Digest*, XLV, 1165-1166; LXVI, 220.

of opposition from home and protest and criticism from abroad it seemed unlikely that the toll legislation could long stand. A definite attitude of disapprobation on the part of President Wilson shortly after his accession to office hinted at an early reversal of government policy regarding the question; and on March 5, 1914, in an address delivered at a joint session of the houses of Congress the President asked for the repeal of the Panama Canal Act, on the ground that exemption of American vessels from the payment of tolls constituted a mistaken economic policy and was a "plain contravention of the treaty with Great Britain".<sup>42</sup> On the day following, a bill for repealing the exemption clause of the canal act was introduced into the House, and it was passed by the House a few weeks later. In the Senate the measure was hotly debated, but it was finally passed on June 11, with an amendment attached. The amendment provided that the repeal of the exemption clause should not be regarded as a relinquishment of any right which the United States might have under the Hay-Pauncefote treaty or the treaty with Panama, or otherwise, to discriminate in favor of American vessels by exempting them from the payment of tolls; or as impairing any right of the United States under those treaties, or otherwise, with respect to the sovereignty over or the control of the canal.<sup>43</sup> The House promptly concurred in the Senate amendment, and President Wilson signed the repeal bill on June 15.<sup>44</sup> Thus was removed the latest cause for friction between England and the United States with relation to the Central American isthmus.

<sup>42</sup> *House Doc.*, no. 813, 63 Cong., 2 sess.

<sup>43</sup> *Cong. Record*, LI, 5895-11214, *passim*.

<sup>44</sup> *Nation*, XCVIII, 711, 712.

The abrogation of the Clayton-Bulwer treaty by the Hay-Pauncefote agreement removed the former restraint upon British and American relations in connection with Central America. Upon Great Britain this change had merely a negative influence; she reduced her garrisons in the West Indies and withdrew her war vessels, thus practically recognizing American supremacy in the Gulf region.<sup>45</sup> But with the United States the case was quite different. The large investment of American capital in Central America and the proximity of the region to the Panama Canal Zone was bound greatly to increase American interest in the Central American states, and to cause the United States government to assume a decided policy towards them.

In consequence, a system of interference in Central American matters, resembling tutelage, developed. Repeatedly the United States stepped forward to prevent the states from meddling in one another's affairs, and to prevent or end war between them.<sup>46</sup> Nicaragua, because of her disorganized condition, has received the largest share of attention. In December, 1907, under the auspices of the United States and Mexico, a convention of Central American delegates met at Washington and formed a treaty providing for the arbitration of all international differences.<sup>47</sup> However, Zelaya, the Nicaraguan dictator, refused to abide by the arrangement, and while the convention was still sitting he planned an invasion of Salvador.<sup>48</sup> The American government prevented the execution of the plan,<sup>49</sup> but

<sup>45</sup> Coolidge, *The United States as a World Power*, 276.

<sup>46</sup> Palmer, *Central America and its Problems*, 291-292, 294-295; Calderon, *Latin America: its Rise and Progress*, 292.

<sup>47</sup> Palmer, *Central America and its Problems*, 292-293, 307-330.

<sup>48</sup> *Ibid.*, 294-295.      <sup>49</sup> *Ibid.*, 295.

shortly afterwards a revolt, aided by American citizens, was started against Zelaya's rule. Two American captives from the revolutionary army were shot at the order of the dictator. This act, and Nicaragua's failure to observe the arbitration convention, caused the suspension of diplomatic relations between her and the United States. In consequence, Zelaya, realizing that his position was hopeless, fled from the country.<sup>60</sup> Anarchy in Nicaragua followed, and the United States again interfered, for the purpose of promoting a free general presidential election and the establishment of a stable government.<sup>61</sup>

The Nicaraguans, however, failed to follow the plans of the American government, and confusion and disorder increased to such an extent that Nicaragua finally appealed to the United States for aid. In response, the American government appointed Thomas C. Dawson, who had had much diplomatic experience with the Latin-American republics, for the purpose of aiding the disorganized state to establish itself politically and economically on a sounder basis. Under Dawson's influence the political leaders pledged themselves to agree upon a presidential candidate in 1913.<sup>62</sup> Dawson's financial plans were similar to those which he had recently put into execution in San Domingo;<sup>63</sup> Nicaragua's debt was to be taken over by New York bankers and her customs houses were to be put under American protection.<sup>64</sup> This arrangement was approved by the

<sup>60</sup> Palmer, *Central America and its Problems*, 296, 330-335.

<sup>61</sup> Hale, "With the Knox Mission to Central America", in *World's Work*, XXIV, 184; Hale, "Our Danger in Central America", *ibid.*, 446.

<sup>62</sup> *American Review of Reviews*, XLVI, 572.

<sup>63</sup> *Ibid.*; Hale, "With the Knox Mission to Central America", in *World's Work*, XXIV, 183-185.

<sup>64</sup> *Ibid.*, 184.

Nicaraguan government, but the American Senate refused to ratify the treaty.<sup>55</sup>

The actions of the United States in San Domingo and Panama, however, had roused general suspicion in Latin America against American designs. In Central America this suspicion was aggravated by constant interference by the Washington authorities, and by the Dawson mission. Annexation to the United States was feared and a strong faction opposing all American interference had developed.<sup>56</sup> In order to allay these fears, Secretary of State Knox went to Central America in 1912, while the Dawson treaty was still before the American Senate. The aim of the visit was to explain that the United States wished merely to establish such conditions of peace and security as would remove all necessity for direct intervention.<sup>57</sup> However, aside from revealing the full extent of dislike and suspicion felt by the Central Americans for their northern neighbor, the Knox mission appears to have accomplished but little.<sup>58</sup>

Following the Senate's refusal to ratify the Dawson treaty,<sup>59</sup> war broke out in Nicaragua between the partisans of the United States and the foes of American intervention. American naval forces took part in the struggle and defended the capital against the anti-

<sup>55</sup> *Ibid.*; *Outlook*, CI, 845-846.

<sup>56</sup> Hale, "With the Knox Mission to Central America", in *World's Work*, XXIV, 184, 190; *Current Literature*, LIII, 377.

<sup>57</sup> Conant, "Our Mission in Nicaragua", in *N. Am. Rev.*, CXCVI, 63; Hale, "With the Knox Mission to Central America", in *World's Work*, XXIV, 179-180.

<sup>58</sup> *Ibid.*, 182, 186, 190-193; *Literary Digest*, XLV, 286.

<sup>59</sup> Though the treaty failed, Nicaragua voluntarily placed the administration of her customs in the hands of an American, to decided advantage, and obtained a loan of New York bankers, so she was soon on a better basis financially. *Outlook*, CVI, 21-22.



American party, which was led by Mena, the former secretary of war.<sup>60</sup> During this disturbance, in September, 1912, a note of warning was issued from Washington, setting forth the policy of the Taft administration towards Central America. Under the Washington convention of 1907, the note declared, the United States had a "moral mandate" to exert its influence for preserving peace in Central America. Its aim was to foster true constitutional government and free elections, and to this end it would support established governments against revolutions based upon the selfish designs of would-be despots. Force would be used, if necessary, to maintain free communication with American legations, and to protect them.<sup>61</sup> The announcement of the moral mandate was an exposition of what was denounced as "dollar diplomacy" by opponents of the Taft administration. These claimed that it was the policy of the administration to support Central American leaders favorable to the United States government or friendly to American business interests in Central America.<sup>62</sup> The situation formed an interesting contrast to that existing in Central America in 1848 and 1849. At that time Great Britain was practicing "dollar diplomacy".<sup>63</sup>

As the Panama Canal approached completion the constant confusion in Central America gave rise to serious questions regarding future relations between the United States and the Central American Republics, and in this connection the Monroe doctrine became the

<sup>60</sup> *Current Literature*, LIII, 376; *Literary Digest*, XLV, 286.

<sup>61</sup> *Outlook*, CII, 150-151; *Literary Digest*, XLV, 505.

<sup>62</sup> Palmer, *Central America and its Problems*, 304-305; *N. Am. Rev.*, CXCVII, 58-61; *Current Literature*, LIII, 376; *Literary Digest*, XLV, 505-506.

<sup>63</sup> See above, pp. 55 ff. Also see above, p. 313, note 40.

subject of considerable discussion and criticism, in the United States as well as in Europe and Latin America.<sup>64</sup> Many Americans felt that the doctrine had outlived its usefulness, for while it no longer aided Latin America, it caused the United States to be hated and feared by her neighbors to the south.

Within the preceding few months, however, a decided reaction has developed in favor of a "new Monroe doctrine". President Wilson is a strong exponent of this doctrine, which carries with it a less selfish and more helpful Latin-American policy than that which has existed during the past decade.<sup>65</sup> Coincident with this change of attitude has developed the idea that the rapid progress of Argentina, Brazil, and Chile, and the degree of stability and culture displayed by these states, entitle them to a voice in the management of the affairs of the Western World. Consequently, the conviction is growing that the United States should invite these republics to become partners with her in supporting the Monroe doctrine and in promoting peace and progress in the weaker parts of Latin America. The American acceptance of mediation offered by representatives of the "A. B. C. republics" in the difficulty with Mexico in the spring of 1914 was in conformity with the new attitude of the United States towards her southern neighbors. And this mediation not only relieved the

<sup>64</sup> Calderón, *Latin America: its Rise and Progress*, 298-312; Palmer, *Central America and its Problems*, 284-287; Crichfield, *Rise and Progress of the South-American Republics*, II, 632-644; Winter, *Guatemala and her People of Today*, 226-227; Bingham, *The Monroe Doctrine: an Obsolete Shibboleth*; Hale, "Our Danger in Central America", in *World's Work*, XXIV, 443-452; *Literary Digest*, XLIV, 583, 978-979, 1151-1152; XLV, 412, 1117-1118.

<sup>65</sup> Brown, "A New Era of Good Feeling", in *Atlantic*, CXV, 99-111; *Current Opinion*, LIV, 3-5.

strained situation between the United States and Mexico, but it also established a new precedent by recognizing these powers as equals of the United States; and it virtually admitted that "differences which gravely menace the relations of individual American states are matters of concern to all the American nations".<sup>66</sup> The recent appointment, by the Pan-American Union, of a commission to consider the problems of international law which have risen in consequence of the great war in Europe is another noteworthy step in the same direction.<sup>67</sup> If this policy is continued, genuine Pan-American friendship and understanding are bound to result, and solidarity upon questions of Western international interest. The Central American states, with the remainder of Latin America, will participate in the benefits resulting from the change.

<sup>66</sup> Moore, "Is there a Latin America?", in *Independent*, LXXXI, 91-93.

<sup>67</sup> *Nation*, XCIX, 702.

## CHAPTER XI.

### GENERAL RÉSUMÉ.

In the preceding chapters has been traced a century of British-American diplomatic relations regarding the Central American isthmus, with the purpose of showing the changes in attitude which have taken place between the two governments and also of determining the causes producing these changes. This has necessitated—in addition to a consideration of the main question—a study of the relations of the Central American states to each other, as well as notice of the attitude of the British and American governments regarding other matters whenever an influence upon the question under consideration was evident or probable.

For more than a century and a half previous to the formation of the American Union, Great Britain encroached upon Central America; and for more than four decades after the establishment of the United States, the aggressions continued in a fluctuating manner without rousing any feeling between the two countries. But British suspicions of American opposition were roused by the publication of the Monroe doctrine. Consequently, for the following twenty years, through a desire to avoid trouble with the United States, as well as because of a temporary waning of governmental interest in Central America, Canning's anti-American policy was neglected; British encroachments were slow and were initiated largely by British agents in the region. With the rapid movement of the

United States to the southwest, however—insuring the acquisition of California as well as other Mexican territory—the British government became fearful that the Americans meant to seize the isthmus, and, by monopolizing the transisthmian routes, to strike a blow at British commerce. As a result, under governmental direction, British interest in Central America now greatly increased. The weakness and subsequent dissolution of the Central American republic, produced partly by the intrigues of the British agents, particularly favored foreign interference.

When California became an American possession, the interest of the United States in Central America was for the first time thoroughly roused. This was largely because the Nicaraguan isthmus was then believed to supply the most feasible route to the Pacific coast. Attention thus being directed to Central America, the nation came to realize the predominance of British influence there, and promptly showed resentment at finding the eastern terminus of the San Juan route across Nicaragua controlled by the British in the name of the Mosquitos. Determination to eliminate British control from Central America was influential in producing a more aggressive version of the Monroe doctrine by President Polk; but plans to assert America's leading position on the isthmus, delayed by the Mexican War, were as yet unrealized at the close of the Polk administration. The discovery of gold in California greatly increased American demand for a transisthmian highway, as well as added to the resentment at apparent British intention to monopolize the best route.

This situation faced the new Whig administration and led it to take definite steps, primarily for securing

1 a neutral transit route, but also with the aim of forcing the British to withdraw from Central America. With this in view, negotiations were begun early in 1849, but under unusual difficulties. Though at the time neither nation desired to monopolize the Nicaragua route, each suspected the other of such a purpose. After such suspicions were partially removed, there remained the serious difference of opinion concerning the British protectorate over the Mosquitos; but since feeling in America was so strong as to threaten a hostile outbreak between the two nations, it was decided to negotiate for the guarantee of neutrality of the interoceanic transit and to avoid discussion of the Mosquito question, on which an agreement was little likely to be reached. The Clayton-Bulwer treaty, which violated the spirit of the Monroe doctrine, was the result. This agreement contained self-denying clauses with reference to Central American territory, and stipulations intended to secure the entire neutrality of the prospective Nicaragua canal, as well as articles for extending the guarantee to all other practicable routes across the American isthmus. But as Clayton had labored to secure such wording as would force British withdrawal from Central America and as Bulwer had endeavored to preserve the Mosquito protectorate, the language of the treaty was vague, and augured future trouble.

Promptly after the ratification of the Clayton-Bulwer treaty, the British government began negotiations for adjusting its Central American relations in conformity with the new treaty; but the disorganized condition of affairs in Central America, the unwillingness of the British to make sufficient concessions, and the lack of interest of the Fillmore administration in securing a

just and final settlement, all tended toward delay, and no result was reached after two years of effort.

When Pierce became president a more aggressive American policy was asserted, since the Democrats were more favorable than the Whigs to a stiff tone in foreign relations—especially as regarded England. British action served to increase this attitude; shortly before the accession of Pierce, the Bay Islands, contrary to treaty engagements, had been formed into a British colony. A dispute over the interpretation of the Clayton-Bulwer treaty followed. The American government declared that the treaty required British withdrawal from the Mosquito protectorate, the Bay Islands, and the Belize territory between the Sibun and the Sarstoon rivers. The British government in reply assumed the untenable stand that the treaty was merely prospective in its operation and did not affect existing British possessions in Central America.

The emphatic presentation of these conflicting points of view produced a deadlock in Central American relations lasting for more than a year. During this time the American government displayed an active determination to stand upon its own view of the treaty, and to force Great Britain to recede from her extreme interpretation.

In the autumn of 1855 the question became complicated with the recruiting dispute; suspicion increased on both sides, and the situation grew more serious. The British government, however, somewhat relieved the tension early in 1856 by a formal offer to submit the Central American controversy to arbitration. But the evident determination of the American government to dismiss Crampton, and the growth of suspicion in

both countries that each nation was interested to some degree in the filibustering movements in their relation to the Central American dispute gave a bad turn to affairs, so that by the last of May, 1856, the possibility of war was freely discussed by both nations.

But the British government had no intention of provoking war with the United States. It had come fully to realize how unjustifiable was its position upon the Central American question and was convinced by the determined attitude of the United States that an attempt to maintain this position would be likely to end in open hostilities between the two nations. The British government knew, moreover, that it would lack the support of the British people in a war over such a question. Finally, Great Britain, government and people alike, was anxious to avoid a conflict with the United States, under any circumstances, because of the resulting damage to commerce between the two countries—especially commerce in raw cotton and cotton products. Consequently, the British foreign secretary quickly responded to the firm but conciliatory tone assumed by the American government during the height of the crisis, and the relations of the two countries took on a more friendly appearance.

In a spirit of good understanding negotiations were resumed, and produced the Dallas-Clarendon treaty. This was a compromise arrangement, providing for British withdrawal from Mosquito Shore and the Bay Islands; but by it the United States acquiesced in the Sarstoon as the southern boundary of Belize. The treaty failed of ratification, however, largely because an earlier treaty made between Great Britain and Hon-



duras for the transfer of the Bay Islands was rejected by the Honduran Senate.

After the failure of the Dallas-Clarendon treaty, a strong movement towards the abrogation of the Clayton-Bulwer treaty by congressional action was manifested in the United States. In order to avert this, and consequent hostile relations between the two governments, Great Britain determined to settle the question by direct negotiation with the Central American states. The American government was notified of this plan, and in order further to allay unfriendly feeling in the United States, the offer of arbitration was renewed. The aim of the mission to be sent to Central America, the British government explained, was to carry out the general tenor of the American interpretation of the Clayton-Bulwer treaty as reflected in the Dallas-Clarendon arrangement. President Buchanan, however, was not satisfied with such an adjustment; he showed little cordiality towards the plan, and in his message of 1857 evinced a strong inclination towards abrogation.

This attitude on the part of the American government and the British determination not to take any action until an answer had been received to the offer of arbitration produced a deadlock which lasted for several weeks.

Meanwhile, the American government was officially notified by Napier, the British minister, that Great Britain would consent to an unconditional abrogation of the Clayton-Bulwer treaty, which would mean a return to the *status quo*, Great Britain retaining her former possessions, including the Bay Islands. This communication was influential in bringing the American government to a decision, and it replied by reject-

ing arbitration and expressing a preference for direct settlement by a special British commissioner. Therefore, the British government determined that Ouseley, the British commissioner, who had lingered at Washington pending a decision on the part of the American government, should proceed immediately to Central America. But Ouseley's original instructions were modified, because of the attitude of the United States, and he was authorized only to arrange for the disposal of the Mosquito protectorate, of which Great Britain had for some time been anxious to free herself.

The American government, when it realized that Great Britain would not consent to abrogation of the Clayton-Bulwer treaty, in addition to abandonment of her Central American claims and possessions, soon assumed a more cordial manner and displayed a friendly interest in the British plan of settlement. The inclination of Congress, however, was still strongly towards the abrogation of the treaty, and there was danger that if the dispute was not settled before December, 1859, Congress, which would then meet, would attempt to set aside the arrangement. Consequently, the British government, in order to expedite matters, appointed Wyke, who had already formed a treaty with Guatemala, defining the Belize boundaries, to take the place of Ouseley. The latter, indeed, had conducted his mission in an unsatisfactory manner and had accomplished nothing towards the settlement of the Central American question. Wyke, accordingly, made a treaty with Honduras for the transfer of the Bay Islands and the sovereignty over the Mosquitos within the limits of Honduras to that republic; and by treaty with Nicaragua he transferred to her Greytown as well as the

remainder of the Nicaraguan part of the Mosquito Shore. The arrangements made by Wyke were declared by President Buchanan, in his message of December, 1860, to be entirely satisfactory.

During the years 1856 to 1860 a shifting of interests had taken place in Great Britain and the United States; the former lost her territorial interest in Central America and, with it, her jealousy of the United States; the latter, on the other hand, had become convinced that Central America must eventually be hers—a conviction which probably would have become a fact had not the Civil War swept aside slavery.

Shortly after the close of the war the United States began to show a tendency—hinted at by her actions in 1856 and 1857—to regard the terms of the Clayton-Bulwer treaty as not applying to the Panama route. This tendency became an open declaration with the granting of the Panama concession to de Lesseps, and with it came the demand for an American canal controlled by Americans. In order to obtain this, a strong effort was made, from 1881 to 1883, by the United States to secure the modification or abrogation of the Clayton-Bulwer treaty. This attempt was resisted by the British government, which showed that the American arguments were unsound, that the Clayton-Bulwer treaty by its eighth article had established a general principle of neutralization for all routes on the American isthmus, and that this principle had been recognized by the American government in subsequent treaties.

Following the vain attempt against the Clayton-Bulwer treaty, the United States still manifested a determination to secure an American canal; but with the failure of de Lesseps's undertaking interest was

shifted from the Panama to the Nicaragua route. This called attention to the fact that Great Britain, in spite of the treaty of Managua, was still interfering with the Mosquito Indians. American jealousy was roused because of the proximity of the Mosquito reserve to the canal route; and the opposition of the American government to the British policy was influential in producing the incorporation of the Indians with Nicaragua in 1894, which removed all further cause of dispute over the Mosquitos.

In the closing years of the nineteenth century an unusual feeling of friendliness developed between the United States and Great Britain. The British government, in particular, was anxious to preserve this cordiality. Therefore, in 1901 it consented to the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer arrangement and made possible an American transisthmian canal, controlled and protected by Americans. When the canal was nearing completion the American government passed an act for regulating its use which discriminated in favor of American coastwise vessels. The act was protested against by the British government as a violation of treaty engagements and was disapproved by a large proportion of Americans. In consequence of this, the objectionable clause was repealed, June, 1914.

The Hay-Pauncefote treaty produced a marked change in British and American relations towards Central America; British interest lessened, while that of the United States increased; and there developed a system of American interference in Central American affairs which has become objectionable to the Central American states and has seemed little productive of

good. The unsatisfactory nature of the situation, however, has come to be realized in the United States, where a distinct revolution in Latin-American policy has begun, which seems likely to terminate in more satisfactory relations between the United States and her southern neighbors, including Central America.

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Public Record Office, London. By far the most valuable source was found in the British manuscript archives, which contain a vast amount of material not printed in the *British and Foreign State Papers* or in the *Parliamentary Papers*. The following is a complete list of the records consulted for the years 1815 to 1860, inclusive:

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