

munication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus which connects North and South America, and of securing for ever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

Four years later, in 1839, the House of Representatives, by unanimous vote, adopted a resolution requesting the President:

To consider the expediency of opening or continuing negotiations with the Governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the Isthmus and of securing for ever, by suitable treaty stipulations, the free and equal right of navigating such canal by all nations.

In the treaty between the United States and New Granada, ratified on the 12th day of December, 1846, Article 35, it was agreed that New Granada and the United States should have similar privileges as to the transit of passengers and merchandise over any canal that might be completed under the treaty. In commenting on this treaty President Polk said:

The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal rights of passage over the Isthmus.

Mr. Clayton, Ambassador to London, in a letter to the Secretary of State, September 25, 1849, stated:

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

Again he says:

That the United States would not, if they could, obtain any exclusive right of privilege in the highway which naturally belongs to all mankind, that while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other commercial power.

In 1850 the famous Clayton-Bulwer treaty, for the construction of a canal, was made

between Great Britain and the United States. It provided that neither the United States nor Great Britain should exclusively control the canal or build any fortifications along it; that they should guard the safety and neutrality of the canal and invite all other nations to do the same, that they should give aid and support to any satisfactory company which would construct the canal.

(Art. 1) That neither Great Britain nor the United States would grant the citizens or subjects of the one, any rights or advantages as regards commerce or navigation to the said canal, which shall not be offered on the same terms to the citizens or subjects of the other.

Mr. Secretary Fish, during the administration of President Grant, wrote:

We shall . . . be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy conclusion of an interoceanic communication which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantage to one over another of those who guarantee its assured neutrality.

Secretary of State Blain, in his instructions to Mr. Lowell, said:

Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time in conjunction with the Republic on whose soil the canal may be located that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine and every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations.

President Cleveland, in his message of 1885, his first message to Congress, said:

These suggestions may serve to emphasize what I have already said on the score of the necessity of the neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

From Secretary of State Olney's memorandum, 1896:

That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike.

On December 13, 1888, the De Lesseps Company, that undertook to construct the