

## THE CLAYTON-BULWER TREATY

**I**N the probability that the relation of this government to the construction of an isthmian canal by the Niagara route will be among important subjects for consideration at this session of Congress, it is well to recall the terms of the Clayton-Bulwer treaty, admitted, so long as it exists, to constitute a veto on the project. This treaty, concluded on April 19, 1850, by Secretary Clayton and Sir Henry Bulwer, then British minister at Washington, had for its purpose the protection of private enterprise in the construction of any waterway or railroad across the American isthmus. The motive of this government in negotiating it was to stop British aggression in Central America, which at that time, under cover of protecting the king of the Mosquito coast, threatened to end in the acquisition of the entire region between Mexico and Colombia. To avert this danger, the United States was willing to concede to Great Britain joint control of any isthmian canal, and the first article of the treaty provides that neither power shall ever obtain exclusive control of such waterway, nor fortify it. Other provisions are that in the event of war between the two nations, the vessels of either shall pass through the canal, that the canal, when constructed, shall be neutralized, that all other powers shall be invited to enter into similar stipulations respecting it, etc. In return for the concession to Great Britain involved in the convention, that government pledged itself not to acquire any more territory in Central America; though follow-

ing the signing of the treaty, the British minister notified this government that it was not intended to destroy the timber-cutting rights long enjoyed by British subjects in the Belize. To this construction Secretary Clayton assented, an exchange of opinion which, of course, did not effect the binding force of the treaty, and which, moreover, was followed during our Civil war, by the extension of British sovereignty over the Belize and its conversion into a Crown colony. Although the treaty is by its terms intended to be a permanent one, Mr. Blaine held that as England had thus violated the consideration for which it was negotiated—that she would not annex any part of Central America—it had become invalid, an opinion shared by Secretary Frelinghuysen, who notified the London government that it would be so regarded by the United States. But President Cleveland having subsequently treated it in official correspondence as operative, whatever view the present administration may take of it, its provisions are, therefore, still binding, and must be abrogated before any Nicaragua canal can be built. For it is safe to say that the canal will not be constructed by private enterprise, without the assistance and protection of this government, and that this government will not give such aid nor undertake the work itself unless assured of exclusive control when completed. What action, if any, the McKinley administration may take in the premises is not made known; but with the new access of friendship between the two nations in view, it may be assumed that there will be no summary repudiation of the treaty, and that if England refuses to abandon her rights under it, the waterway will not be built. Meanwhile, there is a considerable body of opinion in both countries favorable to the abrogation of the convention, in this, due to belief that Great Britain has forfeited her right by the extension of her sovereignty in Central America, in England, arising from conviction that British interests would be furthered more by such action than by the maintenance of the treaty.