

April 6, 1914.

*Treaty between the United States and Colombia for the settlement of differences. Signed at Bogota, April 6, 1914; ratification advised by the Senate with amendments; April 20, 1921; ratified by the President, January 11, 1922; ratified by Colombia, March 1, 1922; ratifications exchanged at Bogota, March 1, 1922; proclaimed, March 30, 1922.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Settlement of differences with Colombia.  
Preamble.

Whereas a Treaty between the United States of America and the Republic of Colombia, for the settlement of their differences arising out of the events which took place on the Isthmus of Panama in November, 1903, was concluded by their respective Plenipotentiaries at Bogota on the sixth day of April in the year one thousand nine hundred and fourteen, which Treaty, in the English and Spanish languages, and as amended by the Senate of the United States, is word for word as follows:

Treaty

Tratado

between the United States of America and the Republic of Colombia for the settlement of their differences arising out of the events which took place on the Isthmus of Panama in November 1903.

entre la República de Colombia y los Estados Unidos de América para el arreglo de sus diferencias provenientes de los acontecimientos realizados en el Istmo de Panamá en Noviembre de 1903.

Contracting Powers.

The United States of America and the Republic of Colombia, being desirous to remove all the misunderstandings growing out of the political events in Panama in November 1903; to restore the cordial friendship that formerly characterized the relations between the two countries, and also to define and regulate their rights and interests in respect of the interoceanic canal which the Government of the United States has constructed across the Isthmus of Panama, have resolved for this purpose to conclude a Treaty and have accordingly appointed as their Plenipotentiaries:

La República de Colombia y los Estados Unidos de América, deseando remover todas las divergencias provenientes de los acontecimientos políticos ocurridos en Panamá en Noviembre de 1903; restaurar la cordial amistad que anteriormente caracterizó las relaciones entre los dos países, y también definir y regularizar sus derechos e intereses respecto del Canal interoceanico que el Gobierno de los Estados Unidos ha construido a través del Istmo de Panamá, han resuelto con tal propósito celebrar un Tratado, y en consecuencia han nombrado Plenipotenciarios suyos:

Plenipotentiaries.

His Excellency the President of the United States of America, Thaddeus Austin Thomson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Govern-

Su Excelencia el Presidente de la República de Colombia a Francisco José Urrutia, Ministro de Relaciones Exteriores; Marco Fidel Suárez, Primer Designado para ejercer el Poder

ment of the Republic of Colombia; and

Ejecutivo; Nicolas Esguera, ex-Ministro de Estado; José María González Valencia, Senador; Rafael Uribe Uribe, Senador; y Antonio José Uribe, Presidente de la Cámara de Representantes; y

His Excellency the President of the Republic of Colombia, Francisco José Urrutia, Minister for Foreign Affairs; Marco Fidel Suárez, First Designate to exercise the Executive Power; Nicolás Esguerra, Ex-Minister of State; José María González Valencia, Senator; Rafael Uribe Uribe, Senator; and Antonio José Uribe, President of the House of Representatives;

Su Excelencia el Presidente de los Estados Unidos de América a Thaddeus Austin Thomson, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América ante el Gobierno de la República de Colombia;

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following:

Quienes, después de haberse comunicado sus plenos poderes respectivos, que fueron hallados en buena y debida forma, han convenido en lo siguiente:

#### Article I.

#### Artículo I.

The Republic of Colombia shall enjoy the following rights in respect to the interoceanic Canal and the Panama Railway, the title to which is now vested entirely and absolutely in the United States of America, without any incumbrances or indemnities whatever.

La República de Colombia gozará de los siguientes derechos respecto al Canal interoceánico y al Ferrocarril de Panamá, cuyo título adquieren ahora entera y absolutamente los Estados Unidos de América sin gravamen o indemnización alguna.

Rights granted Colombia over Panama Canal, and Railway.

1.—The Republic of Colombia shall be at liberty at all times to transport through the interoceanic Canal its troops, materials of war and ships of war, without paying any charges to the United States.

1.—La República de Colombia podrá transportar en todo tiempo por el Canal interoceánico sus tropas, materiales de guerra y buques de guerra, sin pagar ningún derecho a los Estados Unidos.

Free passage of troops. Post, p. 2126.

2.—The products of the soil and industry of Colombia passing through the Canal, as well as the Colombian mails, shall be exempt from any charge or duty other than those to which the products and mails of the United States may be subject. The products of the soil and industry of Colombia, such as cattle, salt and provisions, shall be admitted to entry in the Canal Zone, and likewise in the islands and main land occupied or which may be occupied by the United States as auxiliary and accessory thereto, without paying other duties or charges than those payable by similar products of the United States.

2.—Los productos del suelo y de la industria colombiana que pasen por el Canal, así como los correos colombianos, estarán exentos de todo gravamen o derecho distintos de aquellos a que puedan estar sometidos los productos y correos de los Estados Unidos. Los productos del suelo y de la industria colombiana, tales como ganado, sal y víveres, serán admitidos en la zona del Canal, así como en las islas y tierra firme ocupadas o que se ocupen por los Estados Unidos como auxiliares y accesorias de la empresa, sin pagar otros derechos o impuestos que los que deban pagarse por productos similares de los Estados Unidos;

Passage of Colombian products and mails.

Admission of Colombian products into Canal Zone.

3.—Colombian citizens crossing the Canal Zone shall, upon production of proper proof of their nationality, be exempt from every toll, tax or duty to which citizens of the United States are not subject.

3.—Los ciudadanos colombianos que atraviesen la zona del Canal quedarán exentos de todo peaje, impuesto o derecho a que no estén sujetos los ciudadanos de los Estados Unidos, con la condición de que presenten la prueba competente de su nacionalidad.

Use of Panama Railway for Colombian products.

4.—Whenever traffic by the Canal is interrupted or whenever it shall be necessary for any other reason to use the railway, the troops, materials of war, products and mails of the Republic of Colombia, as above mentioned, shall be transported on the Railway between Ancon and Cristobal or on any other Railway substituted therefor, paying only the same charges and duties as are imposed upon the troops, materials of war, products and mails of the United States. The officers, agents and employees of the Government of Colombia shall, upon production of proper proof of their official character or their employment, also be entitled to passage on the said Railway on the same terms as officers, agents and employees of the Government of the United States.

Colombian officials, etc.

4.—Siempre que esté interrumpido el tráfico por el Canal o que por cualquiera otra causa sea necesario hacer uso del Ferrocarril, las tropas, materiales de guerra, productos y correos de la República de Colombia, arriba mencionados, serán transportados, por el Ferrocarril entre Ancón y Cristóbal, o por cualquiera otro Ferrocarril que lo sustituya, pagando solamente los mismos impuestos y derechos a que están sujetos las tropas, materiales de guerra, productos y correos de los Estados Unidos. Los oficiales, agentes y empleados del Gobierno de Colombia, mediante la comprobación de su carácter oficial o de su empleo, tendrán también derecho a ser transportados por dicho Ferrocarril en las mismas condiciones de los oficiales, agentes y empleados del Gobierno de los Estados Unidos.

Reduced charges for Colombian coal, petroleum, and sea salt over Panama Railway for home consumption.

5.—Coal, petroleum and sea salt, being the products of Colombia, for Colombian consumption passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast, and vice-versa, shall, whenever traffic by the canal is interrupted, be transported over the aforesaid Railway free of any charge except the actual cost of handling and transportation, which shall not in any case exceed one half of the ordinary freight charges levied upon similar products of the United States passing over the Railway and in transit from one port to another of the United States.

5.—El carbón, el petróleo y la sal marina que se produzcan en Colombia para el consumo colombiano y pasen de la Costa Atlántica de Colombia a cualquier puerto colombiano en la Costa del Pacífico, y viceversa, se transportarán, siempre que el tráfico por el Canal esté interrumpido en el dicho Ferrocarril libres de todo gravamen, excepto el coste efectivo de transporte y de carga y descarga en los trenes, coste que en ningún caso podrá ser superior a la mitad del flete ordinario que se cobre por productos similares de los Estados Unidos que pasen por el Ferrocarril en tránsito de un puerto a otro de los Estados Unidos.

## Article II.

## Artículo II.

Payment by United States to Colombia.

The Government of the United States of America agrees to pay at the City of Washington to the Republic of Colombia the sum of

El Gobierno de los Estados Unidos de América convienen en pagar en la ciudad de Washington a la República de Colombia, la

twenty-five million dollars, gold, United States money, as follows: The sum of five million dollars shall be paid within six months after the exchange of ratifications of the present treaty, and reckoning from the date of that payment, the remaining twenty million dollars shall be paid in four annual installments of five million dollars each.

suma de veinticinco millones de pesos (\$25,000,000) oro, en moneda de los Estados Unidos; la suma de cinco millones de dólares se pagará dentro de los seis meses subsiguientes al canje de las ratificaciones del presente Tratado, y a contar de la fecha de este pago, se pagarán los veinte millones de dólares restantes en cuatro contados anuales de cinco millones de dólares cada uno.

### Article III.

The Republic of Colombia recognizes Panama as an independent nation and taking as a basis the Colombian Law of June 9, 1855, agrees that the boundary shall be the following: From cape Tiburón to the headwaters of the Rio de la Miel and following the mountain chain by the ridge of Gandhi to the Sierra de Chugargun and that of Mali going down by the ridges of Nigue to the heights of Aspave and from thence to a point on the Pacific half way between Cocalito and La Ardita.

In consideration of this recognition, the Government of the United States will, immediately after the exchange of the ratifications of the present Treaty, take the necessary steps in order to obtain from the Government of Panama the despatch of a duly accredited agent to negotiate and conclude with the Government of Colombia a Treaty of Peace and Friendship, with a view to bring about both the establishment of regular diplomatic relations between Colombia and Panama and the adjustment of all questions of pecuniary liability as between the two countries, in accordance with recognized principles of law and precedents.

### Article IV.

The present Treaty shall be approved and ratified by the High Contracting Parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the city of Bogotá, as soon as may be possible.

### Artículo III.

La República de Colombia reconoce a Panamá como nación independiente y conviene en que los límites entre los dos Estados sean, tomando por base la Ley colombiana de 9 de Junio de 1855, los siguientes: Del cabo Tiburón a las cabeceras del río de la Miel y siguiendo la cordillera por el cerro de Gandhi a la sierra de Chugargún y de Mali, a bajar por los cerros de Nigue a los altos de Aspave y de allí a un punto sobre el Pacífico equidistante de Cocalito y la Ardita.

En consideración de este reconocimiento, el Gobierno de los Estados Unidos, tan pronto como sean canjeadas las ratificaciones de este Tratado, dará los pasos necesarios para obtener del Gobierno de Panamá el envío de un agente, debidamente acreditado, que negocie y concluya con el Gobierno de Colombia un Tratado de Paz y Amistad que tenga por objeto tanto el establecimiento de relaciones diplomáticas regulares entre Colombia y Panamá, como el arreglo de todo lo relativo a obligaciones pecuniarias entre los dos países, de acuerdo con precedentes y principios jurídicos reconocidos.

### Artículo IV.

Este Tratado se aprobará y ratificará por las Altas Partes Contratantes de conformidad con sus respectivas leyes, y las ratificaciones se canjearán en la ciudad de Bogotá, lo más pronto que fuere posible.

Recognition of Panama by Colombia.

Boundary acknowledged.

United States to arrange for a treaty of peace, etc., between Panama and Colombia.

Exchange of ratifications.

Signatures.

In faith whereof, the said Plenipotentiaries have signed the present Treaty in duplicate and have hereunto affixed their respective seals.

En fe de lo cual, los dichos Plenipotenciarios han firmado en doble ejemplar el presente Tratado y le han puesto sus respectivos sellos.

Done at the city of Bogotá, the sixth day of April in the year of our Lord nineteen hundred and fourteen.

Hecho en la ciudad de Bogotá, el día seis de Abril del año de Nuestro Señor de mil novecientos catorce.

[SEAL.] THADDEUS AUSTIN THOMSON

[SEAL.] FRANCISCO JOSÉ URRUTIA

[SEAL.] MARCO FIDEL SUÁREZ

[SEAL.] NICOLAS ESGUERRA

[SEAL.] JOSÉ M. GONZÁLEZ VALENCIA

[SEAL.] RAFAEL URIBE URIBE

[SEAL.] ANTONIO JOSÉ URIBE

Notice of reservation  
by the Senate.  
*Ante*, p. 2123.

And whereas the advice and consent of the Senate of the United States to the ratification of the said Treaty was given also with the "understanding, to be made a part of such treaty and ratification, that the provisions of section 1 of Article I of the treaty granting to the Republic of Colombia free passage through the Panama Canal for its troops, materials of war and ships of war, shall not apply in case of war between the Republic of Colombia and any other country";

Ratifications  
changed.

ex- And whereas the said Treaty as amended by the Senate and the above recited understanding of the Senate made a part of such Treaty have been duly ratified on both parts, and the ratifications of the two Governments were exchanged at Bogota on the first day of March, one thousand nine hundred and twenty-two;

Proclamation.

Now, therefore, be it known that I, Warren G. Harding, President of the United States of America, have caused the said Treaty, as amended, and the said understanding, made a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In Testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of March, in the year of our Lord one thousand nine hundred and

[SEAL.] twenty-two, and of the independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:

CHARLES E. HUGHES  
*Secretary of State.*

Protocol of exchange.

#### PROTOCOL OF EXCHANGE.

Notification of ex-  
change of ratification.

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Treaty signed at Bogota, on April 6, 1914, between the United States of America and Colombia, providing for the settlement of differences arising out of the events which took place on the Isthmus of Panama in November, 1903, and the ratifications of the Treaty aforesaid having been carefully compared and found exactly conformable to each other, the exchange took place this day in the usual form.

Explanatory state-  
ment.

With reference to this exchange the following statement is incorporated in the present Protocol in accordance with instructions received:

1. In conformity with the final Resolution of the Senate of the United States in giving its consent to the ratification of the Treaty in question, the stipulation contained in the first clause of Article one by which there is ceded to the Republic of Colombia free passage of its troops, materials of war and ships of war through the Panama Canal, shall not be applicable in case of a state of war between the Republic of Colombia and any other country.

Free passage of troops, etc., through Canal not applicable in case of war between Colombia and another country.

2. The said final Resolution of the Senate of the United States signifies, as the Secretary of State in effect stated in the note which he addressed to the Colombian Legation in Washington on the 3rd day of October, 1921, that the Republic of Colombia will not have the right of passage, free of tolls, for its troops, materials of war and ships of war, in case of war between Colombia and some other country, and consequently, the Republic of Colombia will be placed, when at war with another country, on the same footing as any other nation under similar conditions, as provided in the Hay-Pauncefote Treaty concluded in 1901; and that, therefore, the Republic of Colombia will not by operation of the declaration of the Senate of the United States above mentioned, be placed under any disadvantage as compared with the other belligerent or belligerents, in the Panama Canal, in case of war between Colombia and some other nation or nations. With this understanding the said Resolution has been accepted by the Colombian Congress in accordance with the dispositions contained in Article two of Law fifty-six of 1921, "by which is modified Law number fourteen of 1914" approving the Treaty.

Acceptance by Colombia.

Vol. 32, p. 1904.

IN WITNESS WHEREOF, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Signature.

DONE at Bogota, this first day of March, one thousand nine hundred and twenty-two.

[SEAL.]  
[SEAL.]

HOFFMAN PHILIP.  
ANTONIO JOSÉ URIBE