

No. 1866

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**UNITED STATES OF AMERICA  
and  
PANAMA**

**Exchange of notes constituting an agreement relating to a change in alignment of the Colón Corridor and certain changes in the boundary between Panama and the Canal Zone. Panama, 26 May 1947**

*Official texts: English and Spanish.*

*Registered by the United States of America on 25 September 1952.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
PANAMA**

**Échange de notes constituant un accord relatif à la modification du tracé du corridor de Colon et à certaines modifications touchant la frontière entre le Panama et la Zone du Canal. Panama, 26 mai 1947**

*Textes officiels anglais et espagnol.*

*Enregistré par les États-Unis d'Amérique le 25 septembre 1952.*

No. 1866. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND PANAMA RELATING TO A CHANGE IN ALIGNMENT OF THE COLON CORRIDOR AND CERTAIN CHANGES IN THE BOUNDARY BETWEEN PANAMA AND THE CANAL ZONE. PANAMA, 26 MAY 1947

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*The American Ambassador to the Panamanian Minister of Foreign Relations*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 417

Panamá, R.P., May 26, 1947

Excellency :

I have the honor to refer to Article VIII of the General Treaty of March 2, 1936,<sup>2</sup> between the United States of America and Panamá, and to recall to Your Excellency's attention the fact when the Trans-Isthmian Highway was built between the boundary of the Canal Zone and the Republic of Panamá near Cativa and Randolph Road a change of alignment of the Trans-Isthmian Highway was made for engineering purposes with the result that at the present time the location of the Trans-Isthmian Highway differs from that of the corridor established by said Article VIII in that area.

In order that the Government of Panamá may proceed with the completion of the Colón Corridor from Randolph Road to the City of Colón, and benefit by the availability of the equipment which is now being used on the project of filling certain swamp areas in the City of Colón, the Government of the United States of America proposes that, by way of *modus vivendi* pending the coming into force or appropriate provisions effecting necessary modifications in existing treaties or conventions between the two countries, it be mutually agreed by and between the Government of the United States of America and the Government of Panamá as follows :

(a) That between the boundary near Cativa and the Randolph Road overpass the Colón Corridor location will be altered to conform to that shown on Exhibit C<sup>1</sup> of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933-7C).

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<sup>1</sup> Came into force on 26 May 1947, by the exchange of the said notes.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CC, p. 17.

(b) That the Randolph Road overpass will be constructed in substantial conformity with the plans for such construction set forth in Exhibit F of the Public Roads Administration (August 6, 1946, P.C. Drwg. No. V. F. 933-7F).

(c) That at the Randolph Road overpass the corridor will be no wider than is necessary to include the viaduct and ramps and will not include any part of Randolph Road proper or of the railroad right-of-way.

(d) That between the Randolph Road overpass and the boundary line between the City of Colón and the Canal Zone the corridor location will be altered to conform to that shown on Exhibit B of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933-7B). As so shown the corridor will end at its intersection with the City of Colón-Canal Zone boundary at mean low water line near Boundary Street.

(e) That between the Randolph Road overpass and the boundary line between the City of Colón and the Canal Zone the corridor road, including the storm and sanitary sewerage facilities made necessary by such road, will be constructed, by or at the expense of the Government of Panamá, in substantial conformity with the plans for such construction set forth in Exhibit E of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933-7E), as supplemented and modified by Exhibit B of The Panama Canal.

(f) That the Government of Panamá will at all times maintain in good structural condition the drainage facilities through the fills constructed for the corridor road.

(g) That the right of the United States of America, under Article VIII of the General Treaty of 1936, of travel along the corridor, subject to such traffic regulations as may be established by the Government of Panamá, will extend and apply to the Colón entrance to the corridor, which, in view of the boundary change referred to in paragraph (i) hereof, will not form a part of the corridor.

(h) That the two Governments will, as soon as possible, formally enter into a suitable convention amending Article VIII of the General Treaty in such manner as to alter the description of the corridor in the manner hereinbefore provided, and to include in substance the provisions of paragraphs (f) and (g) hereof.

(i) That the two Governments will, as soon as possible, formally enter into a suitable convention, amending Article V of the Boundary Convention concluded on September 2, 1914,<sup>2</sup> in such manner as to revise that portion of the City

<sup>1</sup> The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 2029*, p. 1, footnote 2): "The exhibits referred to in this exchange of notes are not printed. Copies of these exhibits as received from the American Embassy with a certified copy of this note are deposited with the Agreement in the archives of the Department of State where they are available for reference."

<sup>2</sup> United States of America, *Treaty Series 610*, 38 Stat. 1893; and De Martens, *Nouveau Recueil général de Traités*, 3<sup>ème</sup> série, tome IX, p. 4.

of Colón-Canal Zone boundary line which extends from the end of the corridor, as herein provided for, to Sixteenth Street, in conformity with the boundary revisions proposed by the Public Roads Administration and shown on its Exhibit A (August 6, 1946, P. C. Drwg. No. V. F. 933-7A). The convention will accord to the United States the right to construct highways connecting Bolivar Highway and the highway forming the Colón entrance to the corridor, such as the connecting highways outlined on Exhibit A of the Public Roads Administration. This paragraph and paragraphs (j) and (k) hereof shall be operative only in the event that the Colón entrance to the corridor is constructed in substantial conformity with Exhibits A and E of the Public Roads Administration (August 6, 1946, P. C. Drwg. No. V. F. 933-7A and E).

(j) That the two Governments will, in the proposed convention referred to in paragraph (i) hereof, further amend Article V of the Boundary Convention of 1914, in such manner as to revise that portion of the City of Colón-Canal Zone boundary line which extends from Sixteenth Street in a northwesterly direction to the center line of Bolivar Avenue, in conformity with the boundary revision proposed by The Panama Canal and marked on a copy of Panama Canal Drawing No. X-6113-53 dated July 6, 1945, which copy is marked Panama Canal Exhibit A.

(k) That the two Governments will, in the proposed convention referred to in paragraphs (i) and (j) hereof, provide in substance, first, that the tracts of land transferred from the City of Colón to the Canal Zone, in consequence of the boundary changes provided for in said paragraphs (i) and (j), shall become parts of the Canal Zone in the same manner as though they had been included within the grants contained in the Convention of November 18, 1903,<sup>1</sup> between the two Governments, and that the Government of Panamá undertakes that no private titles exist in and to such tracts of land; and, second, in respect to the tracts of land transferred from the Canal Zone to the City of Colón in consequence of the boundary changes agreed upon, the Government of the United States of America undertakes that no private titles exist in and to such tracts of land.

(l) That the portion of the Boyd-Roosevelt Highway known as the Madden Dam Bypass Road is understood and agreed to form a part of the Trans-Isthmian Highway under the terms of the Trans-Isthmian Highway Convention of March 2, 1936,<sup>2</sup> and that such agreement will be included in the proposed convention referred to in paragraph (m) hereof.

(m) Referring to the several areas in the Rio Madronal-Roque section of the Trans-Isthmian (Boyd-Roosevelt) Highway wherein the highway passes through Canal Zone territory, including the section of the highway between the Quebrada Madronal and the Quebrada Moja Molla, the section of the highway

<sup>1</sup> De Martens, *Nouveau Recueil général de Traités*, 2<sup>ème</sup> série, tome XXXI, p. 599.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CC, p. 205.

crossing the Agua Bendita and Chilibre Rivers, and the Roque overpass whereby such highway crosses the Madden Dam Corridor; and referring to the area wherein such highway passes through Canal Zone territory in crossing the Gatun River : — That the two Governments will, as soon as possible, formally enter into a suitable convention whereby the United States of America will transfer to the Republic of Panamá jurisdiction over suitable corridors, subject to terms similar to those contained in Article VIII of the General Treaty of 1936, as herein agreed to be amended, in order that the aforementioned sections of the Trans-Isthmian Highway shall be within the jurisdiction of the Republic of Panamá. In the case of the Roque overpass the corridor will be no wider than is necessary to include the viaduct and approaches, and will not include any part of Madden Road proper. In all cases wherein the aforesaid corridors traverse waterways, the corridors will not include any part of such waterways.

(n) That the right of the United States of America, under Article VII of the Trans-Isthmian Highway Convention of 1936, to enjoy equally the use of the portions of the Trans-Isthmian Highway within the jurisdiction of the Republic of Panamá, subject to the laws and regulations relating to vehicular traffic in force in the Republic of Panamá, shall extend and apply to the portion of the Boyd-Roosevelt Highway between the Roque overpass and the City of Panamá.

(o) That the provisions of this agreement shall not affect the rights and obligations of the two Governments under treaties and conventions now in force between them, and particularly under Article VIII of the General Treaty of 1936 and Article II of the Trans-Isthmian Highway Convention of 1936, but without prejudice to the full force and effect of the provisions of this agreement which contemplate the conclusion of a convention for the purpose of adding to, or of modifying, abrogating, or replacing, provisions of such treaties and conventions.

(p) That the terms of this agreement will be modified or deviated from only by agreement between the two Governments concluded by exchange of notes in the same manner as this agreement.

Upon the receipt of your reply note indicating that the Government of Panamá approves the agreement in accordance with the terms outlined above, the Government of the United States of America will consider the agreement to be effective beginning with the date of that note.

Accept, Excellency, the renewed assurances of my highest consideration.

Frank T. HINES

His Excellency Dr. Ricardo J. Alfaro  
Minister of Foreign Relations

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY OF FOREIGN RELATIONS

D.P. No. 1227

Panamá, May 26, 1947

Mr. Ambassador :

I have the honour to acknowledge receipt of Your Excellency's courteous note No. 417, of even date, which states as follows :

[*See note I*]

In reply, I have the honor to confirm the understanding which has been reached concerning the preceding points as expressed in Your Excellency's note to which I have referred.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Ricardo J. ALFARO  
Minister of Foreign Relations

His Excellency Frank T. Hines  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
City

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<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.