sitting, may deposit, in a receptacle provided for that purpose at the Secretary's desk, any petitions or memorials, reports from the Committee on Pensions, and pension bills; and all matters so deposited shall be disposed of in the same manner as if presented by Senators from their places on the floor of the Senate; and the Secretary of the Senate shall promptly furnish each day to the Official Reporters of Debates for publication in the RECORD a transcript of all the matters above referred to.

Mr. HANSBROUGH. Under the rules, I ask that the resolution may lie on the table.

The PRESIDENT pro tempore. It will lie on the table.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 14, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 13, 1903.

SUPERVISING INSPECTOR-GENERAL OF STEAM VESSELS.

George Uhler, of Pennsylvania, to be Supervising Inspector-General of Steam Vessels, to succeed James A. Dumont, resigned, to take effect March 31, 1903.

RECEIVERS OF PUBLIC MONEYS.

Alexander Meggett, of Wisconsin, to be receiver of public moneys at Eau Claire, Wis., his term having expired. (Reappointment.)

John L. Burke, of Hot Springs, S. Dak., to be receiver of public moneys at Rapid City, S. Dak., vice William S. Warner, term expired.

APPOINTMENTS IN THE NAVY.

Ervin A. McMillan, a citizen of California, to be an assistant paymaster in the Navy, from the 12th day of March, 1903, to fill a vacancy existing in that grade on that date.

Eugene H. Tricou, a citizen of California, to be an assistant paymaster in the Navy, from the 12th day of March, 1903, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

DELAWARE.

Douglass C. Allee, to be postmaster at Dover, in the county of Kent and State of Delaware, in place of John W. Casson. Incumbent's commission expired January 10, 1903.

John W. Jolls, to be postmaster at Middletown, in the county of Newcastle and State of Delaware, in place of John W. Jolls. Incumbent's commission expired June 14, 1902.

NEW YORK.

Abram Devendorf, to be postmaster at Fort Plain, in the county of Montgomery and State of New York, in place of Emiel Rebell, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13, 1903.

CONSUL.

William W. Masterson, of Kentucky, to be consul of the United States at Aden, Arabia.

REGISTER OF THE LAND OFFICE.

John F. Squire, of Colorado, to be register of the land office at Glenwood Springs, Colo.

INDIAN AGENTS.

John M. Carignan, of North Dakota, to be agent for the Indians of the Standing Rock Agency in North Dakota.

William G. Malin, of Iowa, to be agent for the Indians of the Sac and Fox Agency in Iowa.

RECEIVER OF PUBLIC MONEYS.

John L. Burke, of Hot Springs, S. Dak., to be receiver of public moneys at Rapid City, S. Dak.

APPOINTMENTS IN THE NAVY.

Ervin A. McMillan, of California, to be an assistant paymaster in the Navy, from March 12, 1903.

Eugene H. Tricou, of California, to be an assistant paymaster in the Navy, from March 12, 1903.

POSTMASTERS.

LOUISIANA.

Charles A. Austin, to be postmaster at Welsh, in the parish of Calcasieu and State of Louisiana.

MISSOURI.

Samuel J. Wilson, to be postmaster at Macon, in the county of Macon and State of Missouri.

Edwin Long, to pe postmaster at Rolla, in the county of Phelps and State of Missouri.

NEBRASKA.

Caroline A. McDougall, to be postmaster at Friend, in the county of Saline and State of Nebraska.

NEW JERSEY.

Alfred M. Jones, to be postmaster at Summit, in the county of Union and State of New Jersey.

NEW YORK.

Alfred S. Emmons, to be postmaster at Spencer, in the county of Tioga and State of New York.

OHIO.

Roger H. Murphey, to be postmaster at Urbana, in the county of Champaign and State of Ohio.

William E. Pelley, to be postmaster at Mingo Junction, in the county of Jefferson and State of Ohio.

John M. Washington, to be postmaster at Sabina, in the county of Clinton and State of Ohio.

SOUTH CAROLINA.

William H. Brunson, to be postmaster at Edgefield, late Edgefield Court-House, in the county of Edgefield and State of South Carolina.

J. P. Murphy, to be postmaster at Bamberg, in the county of Bamberg and State of South Carolina.

George H. McKee, to be postmaster at Darlington, in the county of Darlington and State of South Carolina.

INJUNCTIONS OF SECRECY REMOVED.

The injunction of secrecy was removed March 13, 1903, from the report by the Attorney-General, in response to a resolution of the Senate of March 9, 1903, on the present state of negotiation between the New Panama Canal Company and the United States, and the accompanying papers.

The injunction of secrecy was removed March 13, 1903, from the message of the President of the United States, in response to a resolution of the Senate of the 11th instant, transmitting the opinion of the Attorney-General upon the title proposed to be given by the New Panama Canal Company to the United States, and also from the accompanying papers.

SENATE.

SATURDAY, *March 14, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the the city of Washington.

Mr. JOSEPH W. BAILEY, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. Is there morning business? [A pause.] There seems to be none.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

PANAMA CANAL TRRATY.

The Senate, in executive session, having under consideration the ratification of the convention with the Republic of Colombia, for the construction of the Panama Canal (the injunction of secrecy having been removed from the remarks of Mr. MORGAN thereon)—

Mr. MORGAN said:

Mr. PRESIDENT: The act of the Congress of Colombia of May 23, 1878, enacts into a public law the concession dated March 20, 1878, and employs two distinct companies to execute its objects; one for creating, by contract with Colombia, the rights and privileges connected with the canal and for settling the plan and location of the canal to be constructed, and the other to execute the work of building the canal.

The original company, which became the concessionaire, was in existence when the contract was made, and dealt with the Government of Colombia in the name of the International Interoceanic Canal Association, through its agent, M. Lucien N. B. Wyse. This company had been organized in France as a civil, anonymous company. But its powers were inadequate to the purposes of Colombia, and, in the law of concession, they were much enlarged and were accurately defined. It thus became a new creature of the law of Colombia.

The place of its organization and its objects are not stated in the opinion of the Attorney-General or elsewhere in any papers that have been submitted to Congress, but these facts have been since furnished by the Attorney-General, and are considered in this connection.

That company was originally organized in conformity with the laws of France, on the 19th of August, 1876, as a "Civil International Company for the Cutting of the Interoceanic Canal across the Isthmus of Darien." This was its legal name, which was changed by the law of Colombia to "The International Interoceanic Canal Association."

OBJECTS OF THE INTERNATIONAL INTEROCEANIC CANAL ASSOCIATION.

The object of that association is stated as follows in article 1:

First. There is formed between the undersigned a civil company *en participation*, having for object, first, to cause to be studied by engineers of its choice the general plan and estimate of an interoceanic canal, without locks or tunnels, across the Isthmus of Darien, following the passage pointed out by M. Anthoine Gorgorza.

Second. And upon the return of the technical commission to take all measures for the organization and construction of an anonymous international company of execution and operation.

IMPORTANT CHANGES MADE BY COLOMBIA IN OBJECTS AND POWERS OF ASSOCIATION.

The name of this company and its objects were changed by Colombia in the law of concession of May 23, 1878, and important changes were made both in its objects and powers.

The name was changed by the law of Colombia of 1878 to the "International Interoceanic Canal Association," and the objects were changed so as to remove "the restrictive stipulations of any kind" found in the French organization, and to confer upon it many additional powers, rights, and privileges not found in that charter. These powers, granted to this company and to the company of construction it was required to organize, covered the whole business of constructing and operating the canal, after its location, through a company of construction, and of raising money by loans on bonds and mortgages for that purpose, and for maintaining the operations of the canal by collecting tolls for transit and navigation and many other such purposes, with the power to construct or purchase railroads and to own lands. The execution of the work of constructing and operating the canal under these powers and purposes was to be placed in charge of a company the name and organization of which is provided for in the concession.

CIVIL INTERNATIONAL COMPANY RECONSTRUCTED BY COLOMBIA.

The "Civil International Company" was thoroughly reconstructed by the law of Colombia. A new name was given to it, and it went forth to the world endowed with full powers to provide for the construction of the greatest public work in the world, under the law of Colombia, and after that Government had agreed to the precise location of the canal, to be reported upon by an international commission in which Colombia was to be represented by her engineers.

The concessionnaire company had its legal residence in Colombia, because it was created or reconstructed by the law of Columbia and was not expressly permitted to reside elsewhere. But the company of construction, when formed, was expressly permitted to reside in Bogota, Paris, London, or New York.

It would be almost idle to discuss the question whether this company derived its powers from the law of Colombia, after the complete metamorphosis it thus underwent, or whether its privileges, powers, duties, and obligations were derived from the laws of France, and that it therefore remained under French jurisdiction and amenable to the laws of that Government, as a jurisdiction superior to that of Colombia.

No company of execution was then in existence, and all the terms of the concession were agreed upon by the reconstructed "Civil International Company," in the new name given to it in the concession, in which it is designated as the "grantee," as it will be termed in the further discussion of this subject.

In article 1, section 4, and in other articles of the concession provision is made that the other work upon the canal, and all projects for raising money shall be confided to a company of construction, execution, and control, to be formed within two years from the date of the location of the canal by a joint commission, in which Colombia and the grantee were represented by their engineers, respectively.

This company of construction and execution, when formed, was required to be under "the immediate protection" of the Government of Colombia, although it was permitted to fix its business residence in Bogota, Paris, London, or New York. The reason for this provision for exclusive protection is, manifestly, to prevent any foreign country from exercising a jurisdiction over it that might not accord with the policy and sovereign rights of Colombia.

RIGHTS AND POWERS RESERVED TO COLOMBIA.

The clear declaration of such an intention, and that the rights and powers reserved to Colombia in connection with this company are of the greatest importance, is shown in articles 18, 19, and 20 of the law of concession, as follows:

ART. 18. If the opening of the canal shall be deemed financially possible, the grantees are authorized to form, under the immediate protection of the Colombian Government, a universal joint stock company, which shall undertake the execution of the work, taking charge of all financial transactions which may be needed. As this enterprise is essentially international, and for public utility, it is understood that it shall always be kept free from political influences.

The company shall take the name of "The Universal Interoceanic Canal Association;" its residence shall be fixed in Bogota, New York, London, or Paris, as the grantees may choose; branch offices may be established wherever necessary. Its contracts, shares, bonds, and titles of its property shall never be subjected by the Government of Colombia to any charges for registry, emission, stamps, or any similar imposts upon the sale or transfer of these shares or bonds, as well as on the profits produced by these values.

ART. 19. The company is authorized to reserve as much as 10 per cent of the shares emitted to form a fund of shares to the benefit of the founders and promoters of the enterprise. Of the products of the concern the company take, in the first place, what is necessary to cover all expenses of repairs, operations, and administration, and the share which belongs to the Government, as well as the sums necessary for the payment of the interest and the amortization of the bonds, and, if possible, the fixed interest or dividend of the shares; that which remains will be considered as net profit, out of which 80 per cent at least will be divided among the shareholders.

ART. 20. The Colombian Government may appoint a special delegate in the board of directors of the company whenever it may consider it useful to do so. This delegate shall enjoy the same advantages as are granted to the other directors by the by-laws of the company.

The grantees pledge themselves to appoint in the capital of the Union, near the National Government, a duly authorized agent for the purpose of clearing up all doubts and presenting any claims to which this contract may give rise. Reciprocally, and in the same sense, the Government shall appoint an agent, who shall reside in the principal establishment of the company situated on the line of the canal; and, according to the national constitution, the difficulties which may arise between the contracting parties shall be submitted to the decision of the Federal supreme court.

Those rights and powers were expressly reserved to Colombia in the organization and by-laws of the old Panama Canal Company, by the agreement between the Civil International and Interoceanic Canal Company and M. de Lesseps about two years later.

INVALIDITY OF DECREE OF THE TRIBUNAL OF THE SEINE.

The facts of record further show the invalidity of the decree of the tribunal of the Seine of February 4, 1889, in that the law of Colombia was made the basis of the organization of the Universal Interoceanic Canal Association, the company of construction, under the agreement between the grantee of the concession and M. Ferdinand de Lesseps and his associates, who bound themselves to execute the concession.

This agreement, under which this company, hereinafter styled the old Panama Canal Company, became the transferee of the concession and was also the company of execution, did not in the least change the rights, powers, or obligations of Colombia to protect the company, but united them and made them more necessary and more distinctly opposed to any interference with them under the authority of France.

EXCLUSION OF THE IDEA OF FRENCH CONTROL.

Very careful provision was made in the organization of the old company to exclude the idea of control under the laws of France, and especially as to the power of the courts of France to dissolve the company or to cut off the power of its executive committee of its council of administrators to continue the work on the canal by placing it in the hands of a liquidator, as will presently be seen.

On the 5th day of July, 1879, a "committee of direction of the Civil International Company of the Interoceanic Canal Company" (formed August 19, 1876) entered into a provisional agreement with M. Ferdinand de Lesseps, * * * "stipulating on behalf of the anonymous company which he proposes to form," by which agreement the concessionary rights granted by Colombia were to be transferred to De Lesseps, for the company he proposed to form, "with all the advantages, as, also, with all the charges, stipulated by the law of concession."

Article 8 of that agreement provides that "in case M. Ferdinand de Lesseps shall not continue the work of the anonymous company, the present conditional cession shall be null and of no effect, and the company now ceding will not have anything to do with M. Ferdinand de Lesseps."

In article 4 of said agreement it is stipulated that "M. Ferdinand de Lesseps will have the right to draw up those by-laws as he may see fit, in conformity, however, *with the stipulations of the laws of concession* and, generally, to draw up those by-laws without the concurrence and without the control of the members of the civil company now ceding."

Under this agreement with the grantee of the concession—The International Interoceanic Canal Association—the old company was organized on the 20th of October, 1880.

The privileges granted in the concession of 1878 expired in twelve years from that date, on October 20, 1892.

Four objects of the old Panama Canal Company, formed by De Lesseps, are stated as follows, in article 2:

First. The construction of a maritime canal for large navigation between the Atlantic and Pacific oceans, through the parts of the American Isthmus belonging to the United States of Colombia.

Second. The exploitation of said canal and sundry enterprises belonging thereto.

Third. The construction or exploitation of all lines of railroad which the company should deem good for the undertaking, to be constructed or bought in the vicinity of the canal.

Fourth. The exploitation of lands conceded and mines contained therein. *The whole according to the clauses and conditions of the concession, such as result from the law of the Congress of the United States of Colombia, dated May 18, 1878 (law 18 of 1878).*

This is as specific and comprehensive as if that law had been inserted in the by-laws of the old Panama Canal Company.

Further, in "article 4 the company commences to date from the day of its final creation. *Its duration shall be equal to that of the concession; that is to say, ninety-nine years,* to be reckoned

from the day when the canal will be opened, in whole or in part, to the public service, or when *the grantee company* will commence to receive tolls for transit and navigation." So far these by-laws are in subordination to the laws of Colombia and in full conformity therewith. Those laws "*created*" the company, as a legal entity, to execute the concession, instead of its having been *created* by the agreement between M. de Lesseps and his associates in the old company under and by authority of the laws of France. They adopt those laws as the source from which the old Panama Canal Company derived its rights to exist as the company to execute the concession made to the grantee company.

OLD PANAMA CANAL COMPANY MERE GUEST OF FRANCE.

It was *organized* by them under the authority of the law 18th of May, 1878, of Colombia, in the name prescribed by that law, and for the purposes it defined. It was not organized to execute a private enterprise, or a public enterprise set on foot by the Government of France. It was the mere guest of France, under the comity of nations, and under its laws, as is stated by the court of cassation. France made provision in her Commercial Code for extending comity to foreign corporations.

FRENCH COMITY TO FOREIGN CORPORATIONS.

"Foreign companies desiring to carry out, in France, such operations as fall within the scope of their business, and to prosecute before French tribunals the actions to which such operations may give rise, must obtain to this effect the authorization of the French Government." * * * "But to possess the power of exercising those rights, such companies must have been legally constituted, and they are subjected in respect of the validity of their constitution, even as regards French shareholders, to the legislation of the country in which they have been founded." (Court of cassation, 14th February, 1842.) This company obtained the authorization of the Government in the precise way that is prescribed in the French Commercial Code for anonymous companies of French origin, and was careful to state the country and the law of its initiative, and to state that it adopted the French plan of organization for the purpose of conforming its action to the requirements of French law.

In making up the capital stock of the company M. de Lesseps contributed to the company: "First, the concession" (to the International Civil Company of the Interoceanic Canal) "by the Government of the United States of Colombia of the exclusive privileges for the excavation through its territory and for the exploitation of a maritime canal between the Atlantic and Pacific oceans, *with all its advantages, as also with all the charges stipulated by the law of Congress of the United States of Colombia, dated 18th of May, 1878.* (*Law of May 28, 1878.*)"

COMPANY DID NOT BASE ITS RIGHTS ON FRENCH LAW.

This company did not base its right of organization, or its by-laws, upon authority derived from the laws of France, or from the Government of France, except only to avail itself of the comity of the Government in fixing its residence at Paris under the permission of the law of Colombia.

Cautious statements were made in the by-laws to explain that it was not the purpose to derive any powers from the laws of France or to submit controverted questions to the French courts that involved the relations of the company with Colombia, but only to conform the by-laws to the laws of France, so that there would be no cause of disagreement between the company and the French Government, as appears from the following article:

ARTICLE 70. It is hereby explained that it is to conform to the French law, now in force, that the present by-laws require the representation of one-half the company's capital in the general meeting relating to purposes relating to article 68 hereabove, and the representation of one-quarter of the capital in other general meetings. But it is positively understood that the company would enjoy *all benefits derived from all new laws which should decrease the amount* of capital necessary to be represented in the general meetings, and that all new legislative provisions *touching upon this question* will become applicable to the company created by those present, *upon a conform resolution of a general meeting*, called according to the regulations prescribed by articles 42 and 43 hereabove.

In the absence of such a resolution of conformity there is neither consent nor admission that the laws of France are applicable to this company, even in the particular instance stated, but it is *an assertion that such consent is necessary to give such laws effect*, so as to change the by-laws of the company. It means that a law of France or a decision of a French court can not change the by-laws of the company without its consent, to be given by a resolution of conformity adopted in the manner prescribed for a change in the by-laws.

M. de Lesseps was jealous in his guardianship of the company against the intrusion of French legislation, which, at that time, threatened his prestige, and he was careful to shut it out. His experience with a like effort in England, to usurp control of the Suez Canal, made him wary of such interferences. He drew up the by-laws of the old company.

He touches the subject again, in article 86, as follows:

Finally M. Ferdinand de Lesseps calls attention that all the stipulations contained in the two last preceding titles relative to the organization and to the publication of the present company have only been dictated owing to the exigency of the French law for stock companies now in force. He especially reserves the benefit of all new enactments that may be introduced by legislation for the purpose of *facilitating the organization* of such large enterprises.

This means, of course, general legislation for such purposes, which would inure to the company and would bind it without any necessity for such a reservation if that company derived its rights to exist or its powers from the laws of France and was amenable to those laws for its failure to perform its duties under the concession. But, being in France, by the comity of nations care was exercised in repelling the possible conclusion that the company undertook to throw off the protection of Colombia, as it was guaranteed in the concession, and would attempt to become a French company.

METHOD OF DISSOLVING COMPANY.

A method of dissolution is provided in articles 71 and 72 of the by-laws, as follows:

"ARTICLE 71. In case of dissolution of the company *upon a proposition of the council of administration, the general meeting will determine the mode to be adopted, either for dissolution or for the organization of a new company.* One or more liquidators shall be appointed, and the most extensive powers may be granted to them."

This excluded the mode of dissolution prescribed by French laws and left it to the mode prescribed by the laws of Colombia. As the dissolution of the company would break its connection with the concession, it would be left to Colombia to decide whether a new company should be formed to execute the concession or whether the privileges should be forfeited. The failure of the "grantee" company could not affect the rights of Colombia, but the dissolution of the company of construction gave Colombia the right to reserve her possessory rights and to turn them over to a new company for execution or to retain them as being forfeited, as she might choose.

"ARTICLE 72. *During the liquidation the power of the general meetings will continue as during the existence of the company.*" No law of France authorizes this article of the by-laws of this company. It is a provision independent of those laws, but it is a part of the contract of organization, and the French courts are bound to respect it, as it enables the managers to represent the company in its further dealings with Colombia after the company is dissolved.

These provisions are not in accordance with French law, as it is asserted by the attorney-general and his supporting jurists and by the French courts. Their position is that the dissolution of the company places the further direction and administration of the affairs and property of the company exclusively in the liquidator, under the authority and direction of the courts of France, and that the power of the council of administration and of the general meeting of the company ceased with the dissolution of the company.

DECREES OF DISSOLUTION.

The decree of dissolution by the tribunal of the Seine expressly disregarded the by-laws of the company and the law of its creation.

When this company was dissolved by the judgment of the tribunal of the Seine, on the 4th of February, 1889, that proceeding was expressly based upon the ground that as a "special shareholders' meeting of January 26 last (1889) *could not be legally organized*, in spite of the reiterated notices sent to the shareholders, there is no reason to hope that a new call would have a more efficacious result; that thus the plaintiffs would be deprived by the mere force of circumstances, and without possible recourse, of a right which article 71 intended to assure them; that finally the calling of a new meeting would involve, *according to the articles*, such delays that the *corporate interests* which are now at stake might suffer irreparable injury."

Considering that the further objection can not prevail, that in accordance with article 68 of the articles of incorporation the dissolution of the company before its expiration must be voted by a meeting of shareholders, held under special conditions fixed in article 69; that none of the terms of these articles implies the idea that the right in question belongs exclusively to the shareholders' meeting, and that the courts are deprived of it; that such a provision would be in contradiction with the principle laid down in article 1871 of the civil code, and would obviously nullify its objects.

That, furthermore, what was said above relative to the shareholders' meeting of January 26 last, and the impossibility of calling to any useful purpose by a new meeting within the period fixed by the articles, is pertinent here again, and that from every point of view the application should be received.

The plaintiffs in this proceeding were M. Houri Cotton and Paul Antoine de Mondesir, as members of the council of administration of the company, to which places they were appointed by the court, with the greatest powers, and M. de Lesseps, in the character of president of the company, was defendant.

Article 1871 of the civil code, cited in this decree, applies to partnerships, limited as to duration, and not to joint stock companies. It furnishes no support to a proceeding against an anonymous company. It gives no ground of jurisdiction against such a company.

Anonymous companies have the right to fix the conditions and method of their dissolution, by agreement, in the adoption of their by-laws, and how a liquidator shall be appointed, and what

his powers shall be, and no court has the right to disregard such contract unless the dissolution is forced upon the company for a violation of the laws of France.

EX PARTE PROCEEDING FOR APPOINTMENT OF PROVISIONAL ADMINISTRATORS.

An ex parte proceeding was instituted on the 14th of December, 1888, asking for the appointment of provisional administrators of the company of "The interoceanic canal, with powers the most extensive, to carry on and administer, provisionally, the company."

This proceeding was in the name of The Interoceanic Canal Company. (See Report of Attorney-General, p. 194.) This order was made by the tribunal of the Seine and confirmed by that tribunal on the 15th of December, 1888, and three administrators, appointed on the 14th of December, were confirmed and their powers were enlarged on the 15th of December.

There is no warrant for such a proceeding against an anonymous company unless that company has violated a law of France. The failure of the company could not be more than an act of bankruptcy, but it could not be proceeded against as a bankrupt, because it was not a trading or commercial company.

COLOMBIA DID NOT ASSENT TO DECREES OF TRIBUNAL OF THE SEINE.

This being the first movement of the tribunal of the Seine to take jurisdiction of the company and its property, the decree of December 14, 1888, and the proceedings on which it was based are essential to the proper consideration of the question of the jurisdiction of the court; but they nowhere appear, either in the report of the Attorney-General or in the testimony of Mr. Pasco, who was the law member of the Isthmian Canal Commission.

The recitals in the decree of December 15 refer to the decree of December 14 and show that in both instances the tribunal of the Seine took jurisdiction on the state of facts asserted in the decree of the same tribunal on the motion for the dissolution of the company and the appointment of a liquidator, as the same are above stated. It is nowhere shown that Colombia assented to either of said decrees or that she ever ratified or in any way approved the by-laws of the Old Panama Canal Company. Her rights under the concession of May, 1878, were in no manner affected by anything that was done by the company or by the courts in respect of the company up to the time of the dissolution of the company by the decree of the tribunal of the Seine on the 4th of February, 1889.

NO FRENCH LAW PRIOR TO JULY, 1893, ASSERTING JURISDICTION OVER COMPANY.

On the 1st of July, 1893, four years and five months after the date of the dissolution of the company, the French Assembly passed a special act to regulate the administration of the company in the hands of the liquidator. Before that date the French Assembly had passed no law that asserted or in any way confirmed the jurisdiction of any of its courts over this company.

If there was any necessity for this law, it was as a healing act to recognize and confirm the usurpation of power by the courts. Under the law of nations Colombia could not be thus deprived of her right, reserved in the concession, to resume possession and unabridged ownership of the canal property, already forfeited to her by the dissolution of the old Panama Canal Company, if that dissolution was valid.

PIVOTAL POINTS ON WHICH TITLE OF THE NEW PANAMA CANAL COMPANY HANGS.

The pivotal points, then, upon which the title of the New Panama Canal Company hangs are:

First. Whether Colombia, by permitting this company to select Paris as its place of business, thereby consented that the tribunal of the Seine, under the laws of France, should take jurisdiction to dissolve it?

Colombia did not so consent, and, without a change in its law of concession, no officer or agent of that Government had any right or power to give such consent.

Second. Was the consent of Colombia sufficient to confer such jurisdiction?

It could not consent so as to bind the old Panama Canal Company. Consent can not confer jurisdiction in France over persons and real property in Colombia. That is a matter of international law, to be settled by governments.

Third. If the French tribunal had jurisdiction to dissolve the company, did its decree cause the property to revert to Colombia under the concession of 1878?

Such would be its inevitable effect under that law of concession.

Fourth. If the privileges of the concession ended with the dissolution of the company, could the French court revive them in the hands of a liquidator? *It could not, because they reverted to Colombia. The law of Colombia was expressly made a part of the organization of the company in France and under the French law.*

Fifth. Can the French courts, in virtue of their power to give direction to a liquidator, under French law, even when duly appointed, empower him to control the canal property in Colombia?

They can not; the property being real estate in a foreign country.

Sixth. Under the concession of 1878, can a court in France, by its direction, empower a liquidator of the old Panama Canal Company to construct a canal at Panama with locks and dams instead of a canal without locks or tunnels?

Such authority would violate the law of concession enacted by Colombia. It would create a new and different concession.

Seventh. Can a court of France empower its liquidator to sell the concessionary rights of the old company to a new company under the concession of 1878?

The law of concession confines these rights to the "grantee" in the concession; and Colombia would also have the right to refuse to accept a transferee, as being entitled to hold the rights and powers conferred by the law of concession; as such substituted concessionaire might be an unfit person, or a bankrupt, or a rival in commerce, or even any enemy of Colombia. The power to transfer the concession is not a full and discretionary right, or an arbitrary power. A just interpretation of this agreement requires that Colombia should have a voice in selecting a transferee of the concession on the ground of self-protection. A foreign company in France, with its life depending upon the laws of France (or the decrees of its courts), could easily destroy the most important rights of Colombia under the shelter of such French protection. This is carefully guarded against in the law of concession by placing the company "*under the immediate protection of Colombia.*"

That protection is of no value if France can set it aside and substiture its own protection, according to its discretion, for that expressly reserved to Colombia in her law of concession.

For the present the inquiry is rested on the foregoing points, because Colombia did not agree to or participate in any of the acts of the French courts included in their proceedings. What was done was done wholly in virtue of the supposed powers of the French courts derived from the laws of France. It is not considered necessary to extend or elaborate the points presented in the foregoing questions, and the answers to them, more at length. They seem to be conclusive that the French courts had no power to dissolve the old Panama Canal Company or to appoint a liquidator to hold and control the property of that company in Panama.

It further appears to be true beyond controversy that if the decree dissolving the old Panama Canal Company is valid that the necessary effect of that decree was to terminate all the privileges and property rights of that company in Panama in any way appurtenant to the canal, and by the terms of the law of concession the French courts could not prevent the same from immediately reverting to Panama.

None of these points is covered by the report of the Attorney-General or the arguments of the learned counsel of the New Panama Canal Company. The report and the arguments of counsel begin with the assumption that the French court had full powers to deal with the old Panama Canal Company as if it was a French concern in its origin, in its powers, and responsibilities, and on that predicate they proceed with great and most adroit ability to account for many things in the proceedings of the French courts that are alleged to be peculiar to that system of jurisprudence and are very astonishing.

In discussing the question of the "satisfactory" character of the title, these peculiarities of French law of themselves are far from inspiring a purchaser of the supposed title of the New Panama Canal Company with entire confidence in its validity, while they boldly suggest that those laws, thus construed, are sadly wanting in moral force and in satisfactory acceptance, as being just.

DIFFICULTY OF MILITARY CONTROL OF COLOMBIA.

Mr. President, when we consider the actual state of civilization in Colombia, which consists of fifteen provinces, extending from Panama far south into the Andean region of South America—a vast region of country—and the difficulty of controlling those people by military forces, we must confess that such a task is neither light nor certain of success.

The effort of Great Britain and Germany to invade Venezuela is an admonition to us that it will be no holiday excursion to subdue Colombia, once there is an outbreak of hostilities, or to subdue any hostile element or faction there. To flatter ouselves with the confidence of an easy success is the folly of reckless adventure and the very idleness of the boastings of a braggart.

JESUIT CONTROL.

A deep-seated religious fanaticism has been created in Colombia by the Jesuits, which has the support of all the Roman Catholic states of Europe. This power controls Colombia in all its present policies and will control it in future, so that when we are in disagreement with Colombia we are in conflict with our ancient enemy, the Holy Alliance.

These enemies of free government never slumber, though they are always in the dark and in seeming repose.

I call attention to this treaty, in connection with its provisions

for our military and naval operations, to show that it is a pitfall arranged for our disadvantage, and in connection with it the politico-religious questions that beset Colombia, to illustrate the dangers that we are encountering with cheerful folly.

THE RIGHT TO PASS SHIPS OF WAR THROUGH THE CANAL IN TIME OF WAR IS DENIED TO THE UNITED STATES UNDER THIS TREATY AND THE CONCESSION OF 1878.

Our treaty of 1846–1848 with Colombia, which is carried into the treaty now pending before the Senate, gave the right of transit across Panama to our people to the same extent as the people of Colombia have such rights by any mode of transportation then existing or thereafter to exist, with the right to determine it on a year's notice.

It did not give our Government the right, such as Colombia has recently given to Chile by a secret treaty, to transport troops, munitions of war, or contraband articles across the Isthmus of Panama.

In the face of this treaty Colombia, in making the canal concession to the old Panama Canal Company on the 23d of March, 1878, makes the following stipulation:

ART. 6. The United States of Colombia reserves to themselves the right to pass their vessels, troops, ammunitions of war at all times and without paying any dues whatever. The passage of the canal is strictly closed to war vessels of nations at war and which may not have acquired by public treaty with the Colombian Government the right to pass by the canal at all times.

This excludes the war ships of the United States from the canal when we are at war with any power.

For such privileges the United States agrees to protect the ownership and sovereignty of Colombia over the State of Panama. We do not agree to protect the people of Panama against Colombia, no matter what excesses of misgovernment, wrong, or cruelty Colombia may inflict upon them. On the contrary, our pledge to protect the sovereignty and the ownership of Colombia over Panama stands good under all circumstances and conditions and binds us to chain Panama to whatever fate Colombia may choose to inflict upon those people. We have on three occasions sent fleets and armies to that Isthmus to enforce this agreement, and in each instance it has been done to suppress insurrection in Panama against the Government of Colombia. In no instance has it been for the purpose of protecting Colombia against any aggression, disturbance, or attack by any foreign power.

THE PROTECTION WE ARE TO GIVE COLOMBIA UNDER THIS TREATY AND THE SORT OF PEOPLE WE ARE TO HANDLE.

In a letter of Cromwell to the President, the Panama Canal Company states that this guaranty of protection by the United States is one of the most valuable assets of that company.

Before that guaranty was given the church party in Colombia had often provoked civil war in Panama, with bloody and disastrous results to the people of Panama.

In a speech in the Senate on June 4, 1902, I quoted from the history of Panama, by Bancroft, extensive narratives of the facts that show that civil war was flagrant and bloody as well as cruel in an excessive degree in Panama in 1831 and 1841 until 1843, when constitutional reforms "tended to reestablish good understanding between the provinces, and Panama again appeared satisfied with the connection" with New Granada. In those wars revengeful butchery was the rule of conduct, as is usual in nearly all religious wars that have ever occurred.

I refer the Senate to that history, and to the extracts I made from it in the speech I have referred to, to establish these facts, without again quoting the language of the historian. (P. 6710 of the CONGRESSIONAL RECORD.) It was the same church war that had raged since 1810, beginning with the outbreak in Mexico, from which no Spanish-American State escaped that attempted to establish a republican form of government and to remove civil government from the domination of the Roman Catholic Church. The people of Panama, having been recognized by Spain as a free, sovereign, and independent Republic, and having ordained a constitution, resisted the demands of the church party for a subsidized priesthood to live on the taxes levied upon the people.

Some desperate outrages were inflicted on our people going to and fro to the California gold mines. Our Government sought to protect them by negotiating the treaty of 1846–1848, in which Colombia, then New Granada, demanded counter protection against Panama in her frequent wars with the church party.

No such treaty was ever made by a government in the Christian era, except to protect the Church of Rome as a dominant political power in some revolting province under the jurisdiction of a Catholic sovereign. It is utterly repugnant to the Constitution of the United States to enter a foreign country for the purpose of keeping down one of its dissatisfied or revolting states or departments.

Yet that is what we did, and are about to repeat, under conditions in Colombia which aggravate our situation to one of most violent attack on the principles of our own Constitution, which divorce and exempt civil governments from the ruling power of the church and from all ecclesiastical authority in the nature of government. The pledged protection of the United States in the treaty of 1846–1848 gave to the people of Panama who belonged to the Liberal party a dislike to the Government and people of the United States, whom they regarded as being the allies of their domestic enemies, which soon manifested itself in violence toward our people, and that feeling is still hot and aggressive in Panama and in all the isthmian departments in Colombia.

The Isthmian Canal Commission had to pay tribute to petty leaders on that Isthmus to secure the privilege of passing across it. This hostile sentiment developed into riotous violence in 1854.

To show the character of protection we are to give and its extent, I quote from Bancroft.

It is a terrible story of misrule, internecine warfare, and reactionary strife that we may study with profit while we are enacting a treaty that will revive its orgies and put our Government to the laboring oar for its suppression.

On page 514 of volume 8 of his history, Bancroft says:

Civil war broke out in 1831. Colonel Alzuru, who had arrived from Guiaquil with troops, by the instigation of some prominent men rose in arms in Panama to detach the provinces from Nueva Granada. On the news reaching Bogata the National Government dispatched Col. Tomas Herrera with a force to quell the rebellion, and upon his approaching the city the more prominent families fled to the island of Taboga. Those who had prompted Alzuru's act now forsook him and rendered aid to Herrera, with all the information they possessed. The rebels were attacked on their way to La Chorrera while crossing marshy ground and defeated. Alzuru was taken prisoner, tried by court-martial, and shot in the Cathedral plaza of Panama.

Gen. Jose Fabrega restored order in Veragua and made it known to the General Government on the 30th of August, 1831. The garrison at Panama, together with Tomas Herrera, the comandante-general, assured the president of the Neuva Granada convention of their unswerving fealty. Later, in March, 1832, an attempt was made by two subalterns to induce the sergeants of their battalion to join them in a conspiracy for upsetting the government.

The two officers were tried and executed and two of the sergeants sent into exile. Chaos reigned throughout the Republic in 1840; then came revolution. The chief men of Panama met in a junta and resolved to detach the Isthmus and form an independent republic.

It is the second time they tried that. On pages 515 and 516 he says:

The Government had carefully avoided the commission of any act of hostility against Nueva Granada; but the time came when news reached Panama that the government of Bogota was fitting out a force to bring the Isthmus into subjection, whereupon the officers of the British chargé d'affaires at Bogota were asked to obtain the consent of Nueva Granada to receive a commissioner in the interest of peace.

But the other parts of Nueva Granada having become pacified in the course of 1841, two commissioners came from the General Government, and the people of Panama, being convinced of the folly of resistance, peacefully submitted. Herrera so managed that he was appointed governor of the restored province. The constitutional reforms of 1842 and 1843 tended to reestablish good understanding between the provinces, and Panama again appeared satisfied with the connection.

But the dread of a renewal of the insurrection caused New Granada to seek the protection of the United States. Almost immediately after we had guaranteed the sovereignty of New Granada over Panama, in 1846–1848, the following events show the contempt in which the people of Panama held our intervention.

Bancroft says, pages 516 and 517:

The Canton de Alange, detached from Veragua, and the districts of David, Bolega, San Pablo, and Alange were, on the 24th of July, 1849, formed into a separate province under the name of Provincia de Chiriqui, with its governor and assembly of seven members.

This organization continued several years, though the province subsequently took the name of Fabréga and so continued until August, 1851, when it resumed the former name of Chiriqui. The territory, which in early days was embraced in the province of Veragua and appeared in August, 1851, divided into three provinces, each having a governor and legislature, namely, Chiriqui, Veragua, and Azuero. This new arrangement lasted only till April 30, 1855, when the province of Azuero was suppressed.

On pages 518, 519, 520, 521, and 522 Bancroft says:

On the 26th of January, 1854, the consuls of the United States, France, Great Britain, Brazil, Portugal, Denmark, Peru, and Ecuador addressed a protest to the governor of Panama against the neglect of his Government to afford protection to passengers crossing the Isthmus, notwithstanding that each passenger was made to pay the sum of $2 for the privilege of landing and going from one sea to the other.

Governor Urrutia Anino, on the 14th of February, denied the alleged neglect, as well as the right of those officials who had no recognition from the New Granadan Government, to address him in such a manner.

He pointed to the public jail, which was full of prisoners, some already undergoing punishment and others being tried or awaiting trial. He also reminded the consuls that only a short time had elapsed since three men were executed for crimes. It was a fact, nevertheless, that the Government could not cope with the situation, the Isthmus being infested with criminals from all parts of the earth, that had been drawn thereto by the prospect of plunder, in view of which a number of citizens and respectable foreigners combined in organizing the Isthmus guard, whose chief was Ran Runnels, charged with the duty of guarding the route between Panama and Colon and empowered to punish, even with death, all persons guilty of crimes. Urrutia Anino, the governor, unhesitatingly acquiesced in the arrangement.

Americans had occasional misunderstandings with the authorities, a notable one occurring in 1855, when the local governor of Panama returned unopened an official letter from the consul of the United States, who at once threatened to strike his flag; but the matter was settled amicably by the chief officers of the Isthmus. A more serious affair was the demand of the State government that steamships arriving at Panama and Colon should pay tonnage money. This raised the protest of the American consul and the railway and steamship agents. The controversy was finally terminated by the Executive of the Republic declaring that the law under which the tonnage money was claimed had been enacted by the State of Panama without any right to legislate on such matters, as they were of the exclusive province of the General Government.

The lack of protection, as well as a marked spirit of hostility on the part of the lower class toward foreigners, was made further evident in the riot

of the 15th of April, 1856, when a considerable number of American passengers were killed and others wounded, much property being also appropriated.

Consequent to this affair the city of Panama, which, owing to the misgovernment of previous years, was already on the decline, had to suffer still more. Many business houses closed their doors because the American transient passengers who, during their stay, were wont to scatter gold, thenceforth remained on shore only a few minutes. Much diplomatic correspondence passed between the American and New Granadan Governments on the subject, the former sending a commissioner to Panama to investigate the circumstances, and finally claiming a large indemnity.

At last a convention was concluded, on the 10th of September, 1857, between Secretary Cass and Gen. P. A. Herran, minister of New Granada, for settlement of all claims, the latter having acknowledged the responsibility of his Government for the injuries and damages caused by the riot.

The relations with Americans on the Isthmus continued to be unsatisfactory for some time longer. Notwithstanding that New Granada was apparently inclined to cordiality, cases of injustice or illtreatment to American citizens often occurring, at last the President of the United States asked Congress, on the 18th of February, 1859, for power to protect Americans on the Isthmus. In later years Americans have seldom had any serious cause of complaint.

Bancroft describes the situation in 1854, page 525, as follows:

Nevertheless, the white population of Panama had been for some time past discontented with the General Government, and a desire had sprung up to get rid of a yoke which was deemed oppressive. The supreme authorities at Bogota were not aware of this, and whether prompted by the fear of losing the territory or by a sentiment of justice, or by both, concluded to allow the Isthmus the privilege of controlling their local affairs, which was hailed with joy by all classes.

An additional clause to the national constitution was then enacted by the New Granadan Congress on the 27th of February, 1855, by which Panama was made a State and a member of the confederation, with the four provinces of Panama, Azuero, Chiriqui, and Veragua, its western boundary being such as might come to be fixed upon by treaty with Costa Rica. A constituent assembly of 31 members was convoked March 13 by the national executive, to meet at Panama on the 15th of July, to constitute the State.

The situation in 1855 he describes as follows (pp. 526 and 527):

A misunderstanding having occurred between the jefe superior and the assembly, the former resigned his office on the 28th of September, and having insisted on his resignation being accepted, Francisco Fabrega, who had been elected vice-governor on the 22d, was inducted into the executive office on the 4th of October.

Notwithstanding the hopes of a bright future, from this time the Isthmus was the theater of almost perpetual political trouble, and revolution became chronic, preventing any possible advancement. In 1856 there was a stormy electoral campaign that culminated in a coup d'état; for which the responsibility must be about equally divided between the executive, Francesco Fabrega, and the demagogues.

On pages 528, 529, and 530 he says:

Another outbreak of the negroes against the whites took place on the 27th of September, 1860, necessitating the landing of an armed force from the British ship *Clio*, which, after order was restored, returned on board.

This contest, out of which the Liberal party came triumphant throughout the country, was known as "la revolucion de Mosquera." The minister of Nueva Granada in Washington, on the plea that a mere naval force could not afford security to the Isthmus transit, asked the United States to provide also a land force of 300 cavalry, but the request was not granted.

The efforts of Guardia to keep the Isthmus out of the general turmoil were of no avail. A force of about 150 or 200 men under Gen. Santo Coloma came from Cartagena to Colon with the apparent purpose of enabling the governor to carry out certain liberal measures. The latter protested against such a violation of a solemn agreement; but the force insisted on coming across to Panama, and there was no way of preventing it. In the course of a few weeks Guardia, being convinced that he was being employed as a puppet, removed himself from the capital to Santiago de Veragua.

As soon as he was gone, with the connivance of Santa Coloma, a party of men, all but one of whom were of the colored race, assembled at the town hall and deposed Guardia, naming one of their own party, Manuel M. Diaz, provisional governor. A few days after, on the 19th of August, in a skirmish between forces of the two factions, Governor Guardia and two or three others were killed.

In 1865 the situation is described as follows (pp. 534–535):

Olarte's election is represented as an enthusiastic one, and intended as a reward for the services he rendered to the better portion of the isthmian community, with his defeat of the caucano invaders (white invaders).

He found himself in a constant disagreement with the legislature of the State, which he forced to submit to his dictation. The whole negro party of the arrabal was his mortal enemy, but he managed to keep it under by making it feel occasionally the effect of his battalion's bullets. In the last attempt against his power the negroes were severely punished, and they never tried again to measure strength with him. His power was now more secure than ever, and his way became plain to procure the election, as his successor to the Presidency, of his brother, then residing in Chiriqui.

The negroes were in despair, as they could find no means of seizing the Government. From the time of Guardia's deposal they had been enjoying the public spoils, and could not bear the idea of being kept out of them when their number was four or five times larger than that of the white men. The success of Olarte's plans would be the death of their aspirations, which were the control of public affairs, by ousting the whites, who were almost all conservatives. It became, therefore, a necessity to rid the country of that ogre; and as this could not be done by force of arms poison was resorted to.

The plan was well matured and carried out in San Miguel, one of the Pearl Islands, where Olarte went on an official visit. Olarte's death occurred on the 3d of March, 1868, without his knowing that he had been poisoned. This crime was not the act of one man, but of a whole political party, which took care to have the death attributed to a malignant fever. It became public, however, through the family of another man, who also became a victim. No official or post-mortem examination was made and the matter was hushed up.

Armed conflicts between the political parties were frequent in 1872 and 1873, with severe fighting, so that the United States was compelled to interfere. Bancroft says (pp. 539 and 540):

The pichincha (battalion of national troops) interfered to restore Neira. After some firing it was agreed that Cervera should continue in power and Neira remain in the custody of the national force.

The national force having taken part in the troubles, its efficiency to protect the transit was rendered doubtful, for which reasons troops were landed from the United States ships of war by order of Rear-Admiral Steedman. Finally terms of peace were arranged in the evening of May 9, based on the conditions that Neira's government should be reestablished. The State militia surrendered their arms to the foreign consuls the next day, the pichincha performing the duties of the State force.

Meantime, until Neira's return, Col. Juan Pernett was to act as president. Neira heard of the change at Barranquilla on the 13th of May and returned at once. On the 21st he made Jose Maria Bermudez secretary of state and Colonel Pernett comandante-general. The votes for senators and representatives to the National Congress were counted on the 15th of July, and the names of the elect were published.

The people of the arrabal made another disturbance on the 24th of September, attacking the Government outposts at Playa Prieta. Hostilities were continued during twelve or fourteen days, when the rebels under Correoso abandoned their ground and were afterwards defeated in the country. Meantime an American force of nearly 200 men, sent on shore by Rear-Admiral Almy, a second time within four months, occupied the railway station and the cathedral plaza.

The minister resident of the United States, William L. Scruggs, on the 19th of December, 1873, laid before the Colombian Government, of which Colunje was secretary of foreign affairs, a protest of the Panama Railway Company upon the recent disturbances on the Isthmus, and a demand that the transit should in future be under the immediate protection of the Colombian Government against the acts of violence of local factions. The latter acknowledged the justice of this demand on the 26th of December, pledging that in future there would be a national force stationed in Panama for the purpose of protecting the transit.

He thus describes the situation in 1876:

The presence of Federal forces on the Isthmus had often been a source of danger to the State Government. But it was required by international obligation, and its necessity could but be recognized in view of the fact that the construction of the interoceanic canal, already under way, demanded the employment of thousands of men from all parts of the world, who, in the event of strikes or other causes, might commit outrages.

Constant strife continued through the years until 1885, when Bancroft describes the situation as follows (pp. 550–551):

The Isthmus now becomes again the theater of deadly strife, with its concomitant bloodshed and general destruction, to the disgrace of the nation of which it forms a part and the scandal of the world. A plot by some men of the national force to seize the revenue cutter *Boyaca* having been detected, thanks to the loyalty of other members of the same force, the executive notified the convention that the time had come to proclaim martial law, which he did on the 9th of February. The convention accordingly closed its session on the 11th.

On the 17th Santodomingo Vila obtained a leave of absence to proceed to Cartagena, where his military services were required, and Pablo Arosemena, the first designado, was summoned to assume the executive authority. At about 5 o'clock on the morning of the 16th of March the population was awakened by the cries of "Vivan los liberales! viva el General Aizpuru!" accompanied with numerous shots. Aizpuru, at the head of about 250 men, attacked the cuartel de las Monjas and the tower of San Francisco, which was defended by a handful of Government troops, and a running fight from corner to corner ensued.

The assailants overran the city. The British war ship *Heroine* then landed some marines and sailors to protect the railroad. The President called for troops from Colon, which came at once under General Gonima, and, entering the city on the 17th, compelled the portion of the revolutionists who had remained in the city to rejoin their main body in the plains.

The following description of the events of March 29, 1885, gives a correct idea of the feeling toward Americans existing all the while since the landing of marines by Rear-Admiral Alony, in September, 1873, pages 552, 553, 554, 555:

On the 29th of March the American mail steamer *Colon* arrived at the port of the same name from New York, and the Government directed that she should not deliver arms to the rebels. This gave rise to most high-handed proceedings on the part of Prestan, culminating in the arrest by his orders of the American consul, Mr. Wright; Captain Dow, general agent of the steamship line; Connor, the local agent at Colon; Lieutenant Judd and Cadet Midshipman Richardson, of the United States war steamer *Galena*.

Soon afterwards Richardson was released and sent on board the *Galena* to tell his commander, Kane, that the other prisoners would be kept in confinement till the arms were surrendered, and if the *Galena* attempted to land men or to do any hostile act the boats would be fired upon, and every American citizen in the place would be shot. Kane, knowing Prestan's character, did not attempt any hasty act. Prestan then went to the prison and told Consul Wright that he must order Dow to deliver the arms or he would shoot the four prisoners before that night. Wright complied and they were set at liberty.

But Kane took possession of the *Colon*, and in the night landed a force and three pieces, under Lieutenant Judd, with orders to release at all hazards Dow and Connor, who had been again imprisoned. No sooner had the Americans occupied the offices of their consulate and of the railway and Pacific Mail companies than a force of Colombian national troops came on, driving the rebels before them into the intrenchments.

During the whole morning the firing was kept up, and ended about 12 noon, when the rebels were routed; Prestan and his rabble set fire to the town at various places and fled. A strong wind blowing, the flames spread violently, and the town was consumed with all its contents. The American forces continued some days longer holding the place. Commander Kane's authority being recognized and the Colombian officers cooperating with him in the preservation of order.

Prestan was captured, taken out to sea in an open boat, and drowned. He was thrown overboard with a weight attached to his body.

But to return to Panama, Aizpuru took advantage of the situation, Gonima being left with only 60 soldiers and a few civilians that had joined him to occupy the principal streets on the 31st. To make the story short, by 3 o'clock in the afternoon he was master of the place, Gonima having surrendered.

Aizpuru announced in a proclamation on the 1st that he had assumed the functions of jefe civil y militar, to which he had been called by the supporters of free political principles, and on the 4th appointed his advisers and adopted measures to protect the city from incendiarism, and especially to guard the interoceanic transit.

Marines and sailors having been landed on the 8th of April from the United States frigate *Shenandoah* by Aizpuru's request, both ends of the Isthmus were on the 10th guarded by American forces. Soon after the United States sent reenforcements of marines and sailors with special instructions to protect the transit and American citizens and their interests, avoiding all interference in the internal political squabbles. Several war vessels of the United States home squadron, under Rear-Admiral Jouett, arrived at Colon.

In the night of the 24th of April, while the revolutionists were erecting barricades—against an understanding with the American commander—the marines under Commander McCalla took possession of the city as a necessary

measure to protect American property, and Aizpuru and others were arrested. However, on the next day, Aizpuru having pledged himself not to raise barricades or batteries, the prisoners were released, and the Americans retired to their encampment outside.

Aizpuru was one of the persons who offered to defeat the Federal forces and annex Panama to the United States if we would advance him the money to conduct his campaign.

The general situation is thus stated by Bancroft, pages 556, 557, and 558:

After the death of President Olarte, in 1868, the Isthmus for many years did not enjoy a single day of peace. The general wealth having declined throughout the country, and more so in the interior, poverty prevailed. Capital, both foreign and native, abandoned so dangerous an abode. The cattle ranges and estates disappeared; likewise agriculture, except on a small scale.

The black men of the arrabal in the city of Panama, after they were made important factors in politics, accustomed themselves to depend on the public funds for a living, and the people of the interior, who were always peaceable and industrious, came to be virtually their tributaries. The State became the puppet of the men at the head of the National Government, or of political clubs at Bogota, whose agents incited disturbances, removing Presidents indisposed to cooperate with or to meekly submit to their dictation, substituting others favorable to their purposes, and thus making themselves masters of the State government, together with its funds, and with what is of no less import, the State's vote in national elections.

Since the establishment of the constitution of 1863 Panama has been considered a good field by men aspiring to political and social position without risking their persons and fortunes. They have ever found unpatriotic Panamenos ready to aid them in maintaining the quondam colonial dependence and investing them with power, that they might grow fat together on the spoils. Almost every national election since the great war of 1860 has brought about a forced change in the State government. The first victim, as we have seen, was Governor Guardia, deposed by national troops under Santo Coloma.

That was the beginning of political demoralization on the Isthmus. Every similar alleged device to insure party triumph and power at Bogota has been, I repeat, the work of agents from the national capital, assisted by men of Panama, to push their own interests, and supported by the Federal garrison.

The office of chief magistrate is desired for controlling political power, and the public funds to enrich the holder and his chief supporters. Patriotism and a noble purpose to foster the welfare of the country and the people in general are, if thought of at all, objects of secondary consideration.

At times the Presidency is fought for with arms among the negroes themselves, and the city is then a witness of bloody scenes. The aim of every such effort is to gain control of power for the sake of the spoils.

Panama can not, being the smallest and weakest State of the Colombian union, rid itself of the outside pressure. Neither can it crush the unholy ambition of its politicians. Both entail misfortunes enough; but the Isthmus must also share the same sufferings as the other States in times of political convulsion in the whole nation.

Bancroft closes his history of political and social conditions in Panama with a question that sets aside the proposal of Colombia for the joint control of a canal belt through the heart of that State by Colombia and the United States as a suggestion that is scarcely less than reckless folly.

On page 558 he says:

What is to be the future status of the Isthmus? A strong government is doubtless a necessity, and must be provided from abroad. Shall it assume the form of a quasi independent state under the protectorate of the chief commercial nations, eliminating Colombia from participation therein, or must the United States, as the power most interested in preserving the independence of the highway, take upon themselves the whole control for the benefit of all nations? Time will tell.

A worse picture of anarchy could hardly be drawn, nor could worse elements be found to create it.

These struggles were not racial or political in the ordinary sense of personal efforts to gain office, power, or money. They were the result of the conflict, long and bloody, in every Spanish-American state, between the Liberals, who demanded free constitutional government as the fruit of their wars for independence with Spain, and the church party, who demanded that the Republic, like the Catholic monarchies of Europe, should be subordinate to the will of the Roman pontiff.

That was the issue which has never failed to arouse all Liberals to the most intense resentment, or to be met with the unceasing and cunning antagonism of the Jesuits, who are sworn enemies to all free government.

IN MAKING THIS TREATY WE ARE DEALING DIRECTLY WITH THE JESUITS AND ARE CRUSHING THE LIBERALS.

It was with this power in Colombia that we made the treaty of 1846–1848, and it is with this Jesuit power, now controlling Marroquin and his associates, that we are now engaged with in making this treaty.

The interval between these two events is filled with historical facts that should warn free Americans to be alert and cautious as to the further treaty engagements we are about to make with the Jesuits of Colombia. If we despise the power of the Jesuits in Colombia and scorn their inability to interfere with our power after we have entered upon our great work in Panama, let us not put it in their power by treaty to say to the Catholic world and the nations that respect treaties that the United States is not only a treaty-breaking power when its convenience does not square with its engagements, but that we make treaties, which are the oaths of nations, intending to violate them when they become embarrassing to our known policy and injurious to our future interests or purposes.

A treaty with the Church party in Colombia, in whose councils the Jesuits are dominant and the Roman Pontiff is supreme, is the necessary destruction of the Liberal party there; and this unnatural act is not done, even in the form of obtaining the consent of the people of Colombia under their constitution and through their representatives, but through our diplomatic recognition of Marroquin as "the Government of Colombia," when he is only a dictator, using military forces as his sole power. While there is no Congress in existence, through which alone the people can make known their will by the votes of their representatives, we are required to treat with Marroquin, the dictator of Colombia.

IF THIS TREATY IS ENACTED INTO LAW BY THE CONGRESS OF COLOMBIA IT CAN ONLY BE DONE BY AMENDMENT AND MUST COME BACK TO US FOR CONCURRENCE.

The Congress of Colombia alone is authorized to enter into a binding treaty contract with the United States, and when that Government is so dissevered in its organization that a Congress is not in existence there is only one responsible party to the contract, the other party being only a possibility, that may or may not exist hereafter. It would seem that under such conditions the Senate should await the action of Colombia before we ratify the treaty.

All treaties when ratified take effect from the date of the signature of the plenipotentiaries, and not from the date of the ratification or the exchange of the ratifications, unless it is otherwise provided in the treaty. (Meade *v.* The United States, 9 Wall., 691; Haver *v.* Yaker, 9 Wall., 32.)

The Congress of Colombia is not a separate law-making tribunal, as is the case in the Senate of the United States, and under their constitution it must enact a law to ratify a treaty made by the President of Colombia to make it of any effect. If there is no Congress in existence there when the treaty is signed, our law that treaties shall take effect from the date of the signature could not apply to this treaty, because a congress that is disbanded or out of office can not be a party to the contract, either in fact or by force of any legal intendment or presumption.

To make the treaty to take effect from its date of signature, the law by which it is ratified or adopted would have to make such express provision, and that enactment would be an amendment to the treaty and must be inserted in it and returned to the Senate of the United States for its concurrence.

Otherwise we would ratify a treaty to take effect from the date of its signature, and Colombia would ratify or adopt the same treaty to take effect from the date of its ratification. So that, in any event, the treaty must come back to the Senate of the United States after it is adopted or ratified by the legislative act of the Congress of Colombia, or else each of the Governments will have acted upon a treaty that has a distinct and different legal signification as to the date at which it became binding and operative.

By leaving this vital feature open, to be determined by the law of Colombia, it is imperative that the Congress of Colombia should act upon it before the Senate of the United States can ratify it and before the President of the United States can exchange the ratifications.

As there is no Congress in existence in Colombia, a Congress yet to be elected must, if it has the power to do so, pass a law that the treaty shall take effect from the date of its signature; otherwise the treaty is nudum pactum, because one of the parties to it had no existence, even in legal intendment, when it was signed as a treaty authorized by the constitution of Colombia.

No judicial or sound political construction of the constitution of Colombia can be interpolated into its meaning that can authorize the President of Colombia to bind that Government or its Congress that this treaty shall take effect from the date of its signature when at that date no Congress existed in Colombia. If he could so bind the Government, he could give the treaty that effect, although Congress, when it came into existence and into session, should otherwise declare or provide by law. Our Senate must agree to whatever becomes the supreme law of the United States. The Congress of Colombia, acting alone, can not enact a law for the United States.

How long would the Jesuits take to find this fatal flaw in the transaction if the Colombian Congress should repeal the concordat of 1888 by amending this treaty? And what is there in this state of affairs, or in this treaty, to prevent Colombia from granting concessions to Spain, or to any other member of the "Holy Alliance," the right to construct and own a canal on the Isthmus anywhere outside of the canal zone as defined in this treaty?

THE MONROE DOCTRINE.

If the answer is that the Monroe doctrine would be interposed to prevent such a proceeding, let us inquire whether that is true.

The Monroe doctrine had its origin in the aggressions of the Holy Alliance, the bond of which was allegiance and subordination to the Roman Catholic See in its claim of supremacy over all rulers, and the special and immediate purpose of which was to reinstate the Crown of Spain in the sovereignty of its American viceroyalties, which had declared and achieved their independence.

The Holy Alliance based its claim of right and duty to execute this tremendous purpose upon its faith and allegiance to the Roman See, and announced its purpose in the declaration I will presently quote.

WHAT VATTEL SAYS.

Vattel, the great publicist, was the first writer on international law to state the grounds on which it is impossible to conduct free government in any country where the dogmas of the Holy See are accepted in the rightful control, in civil government, as a rule of action, or as a controlling force in civil, or penal, or military administration.

Without copying the writings of Vattel on this subject, I will give citations to the chapters of his great work, in which he treats of it:

a. The power of the Popes. (Sec. 146.)
b. Important employments conferred by a foreign power. (Sec. 147.)
c. Powerful subjects dependent on a foreign court. (Sec. 148.)
d. Celibacy of the priests. (Sec. 149.)
e. Enormous pretensions of the clergy:
1. Preeminence. (Sec. 150.)
2. Independence of the civil power. (Sec. 151.)
3. Immunities. (Sec. 151.)
4. Immunity of church possessions. (Sec. 152.)
5. Excommunication of men in office. (Sec. 153.)
6. Excommunication of sovereigns themselves. (Sec. 154.)
f. The clergy drawing everything to themselves, and disturbing the order of justice. (Sec. 155.)
g. Money drawn to Rome. (Sec. 156.)
h. Laws and customs contrary to the welfare of the State. (Sec. 157.)

JOSIAH MILLARD'S RÉSUMÉ OF PROCEEDINGS OF CONTINENTAL CONGRESS.

I will now quote from an address of Mr. Josiah Millard, president of the Protestant American League, before the Central City Commandery of the Knights of Malta in Washington, D. C., on the 2d of March, 1900, in which he gives a brief résumé of the proceedings of the Continental Congress touching this important matter of government as our fathers regarded it:

NOTES ON THE QUEBEC ACT.

In the declaration and resolves of the First Continental Congress, agreed to at Philadelphia October 14, 1774, four acts of the British Parliament, one of them being "An act for making more effectual provision for the government of the Province of Quebec," etc., were solemnly declared to be "impolitic, unjust, and cruel, as well as unconstitutional and most dangerous and destructive of American rights."

And again in the same document, in the enumeration of "such acts and measures as have been adopted since the late war which demonstrate a system formed to enslave America," the Quebec act is included, and it is there spoken of as an act "for establishing the Roman Catholic religion in the Province of Quebec, abolishing the equitable system of English laws and erecting a tyranny there, to the great danger (from so total a similarity of religion, law, and government) of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France." (Journals of Congress, Vol. I, p. 31.)

In the famous address to the people of the British colonies, approved October 21, 1774, Congress said: "Know, then, that we think the Legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe." I suggest here that these words were not spoken of the Porto Rico bill of 1900, but of the Quebec act of 1774. I have nothing to say of the Porto Rico bill.

Again, in the same address, Congress, continuing, said:

"At the conclusion of this late war—a war rendered glorious by the abilities and integrity of a minister to whose efforts the British Empire owes its safety and its fame—at the conclusion of this war, which was succeeded by an inglorious peace formed under the auspices of a minister of principles and a family unfriendly to the Protestant cause and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow-subjects in America was concerted.

"To promote these designs, another measure has been pursued. In the session of Parliament last mentioned an act was passed for changing the government of Quebec, by which the Roman Catholic religion, instead of being tolerated, as stipulated in the treaty of peace, is established, and the people there are deprived of a right to an assembly. Trials by jury and the English laws, in civil cases, are abolished. And, instead thereof, the French laws are established, in direct violation of His Majesty's promise in his royal proclamation, under the faith of which many English subjects settled in that province. And the limits of that province are extended so as to comprehend those vast regions that lie adjoining to the northerly and westerly boundaries of these colonies.

"The authors of this arbitrary measure flatter themselves that the inhabitants (of Canada), deprived of liberty and artfully provoked against those of another religion, will be proper instruments for assisting in the oppression of such as differ from them in modes of government." (Journals of Congress, Vol. I, p. 54.) The reference to the Quebec act in their "Address to the inhabitants of Great Britain," dated the same day (October 21, 1774), is still more remarkable. In that address they say:

"By another act the Dominion of Canada is to be so extended, modeled, and governed as that by being disunited from us, detached from our interests by civil as well as religious prejudices, that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us and, on occasion, be fit instruments in the hands of power to reduce the ancient free Protestant to the same state of slavery with themselves."

"This was evidently the object of the act. And in this view, being extremely dangerous to our liberty and quiet, we can not forbear complaining of it as hostile to British America. Superadded to the considerations, we can not help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation promising enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, are deprived of trial by jury, and, when imprisoned, can not claim the benefit of the writ of habeas corpus. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood and dispensed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

"Such being the state of facts, let us beseech you to consider to what end they may lead." (Journals of Congress, Vol. I, pp. 43-44.)

Nor should it be overlooked here that on the 17th day of September, 1774, the same body of men had reaffirmed and spread on their journal the Suffolk resolves, the tenth section of which is a follows:

"*Resolved*, That the late act of the British Parliament for establishing the Roman Catholic religion and the French law in the extensive country now called Canada is dangerous in an extreme degree to the Protestant religion and the civil rights and liberties of America, and therefore that as men and as Protestant Christians we are indispensably obliged to take all proper measures for our security." (Journals of Congress, Vol. I, p. 16.)

In the declaration of the causes and necessity of taking up arms, adopted July 6, 1775, the Quebec act is referred to as a statute passed "for erecting in a neighboring province, acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence."

The Texans, in their declaration of independence, express the same views, treating Santa Anna's usurpation as their own ancestors of 1774 treated the Quebec act. They declare their abhorrence of military "despotism," in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever-ready minions of power, and the instruments of tyrants.

I will say more of this further on; but right here I shall endeavor to show that the Monroe doctrine, which has become by common consent a constitutional principle of our Government, also had its origin in abhorrence of popery. It came about in this way: When the allied powers of Europe had overthrown Napoleon Bonaparte they sought to confirm and perpetuate their power by combining to destroy the liberty of conscience and the press, together with the principles of representative government and the sovereignty of the people. This league they called "The Holy Alliance," and on the 22d day of November, 1822, at Verona, the Emperors of Russia, Prussia, and Austria, and the King of France, by their several representatives, entered into a compact for the execution of their designs, known as "The secret treaty of Verona." The first, second, and third articles of this treaty of Verona are as follows:

"*Article 1. The high contracting parties, being convinced that the system of representative government is equally as inconsistent with monarchical principles as the maxims of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to this system of representative government in whatever country it may exist in Europe, and to prevent it being introduced into those countries where it is not yet known.*

"*Art. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the supporters of the pretended rights of nations (the people) to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own estates but also in the rest of Europe.*

"*Art. 3. Convinced that the principles of religion contribute most powerfully to keep nations in that state of passive obedience which they owe to their princes, the high contracting parties declare it to be their intention to sustain, in their respective states, those measures which the clergy may adopt with the aim of ameliorating their own interests, which are so intimately connected with the preservation of the authority of princes. And the contracting parties join in offering their thanks to the Pope for what he has already done for them, and solicit his constant cooperation in their views of subjugating the nations.*"

Such is the great scheme of "benevolent assimilation" which the popes of Europe—not only the Romish Pope, but the Russian Pope, the German Pope, and the popelets of France and Austria—prepared for the advancement of the popish brand of religion in 1822. It was this scheme which President Monroe thwarted in 1823 by the announcement of the doctrine which bears his name. Let us contrast this scheme with the ideas of religion and government held by our own American ancestors.

In the third paragraph of his first inaugural address, Jefferson points out the nature of human freedom and its elements, by dividing the subject into four parts:

1. A due sense of our equal right to the use of our own faculties; to the acquisitions of our own industry, and to honor and confidence from our fellow-citizens, resulting not from birth, but from our own actions and their sense of them.

2. A benign religion, professed, indeed, and practiced in various forms, yet in all of them inculcating honesty, truth, temperance, gratitude, and love of man.

3. The acknowledgment and adoration of an overruling Providence, which, in all its dispensations, proves that it delights in the happiness of man here and his greater happiness hereafter.

4. A wise and frugal government, insuring equal and exact justice to all men (not some men only), all men, of whatever state or persuasion, religious or political.

In these words are summarized and harmonized the principles of the Declaration of Independence, the bill for establishing religious freedom, and the Federal Constitution. This is another contemporaneous construction of the Constitution.

The compact of the Holy Alliance, above set forth in italics, brings the declarations made on the 2d day of November, 1822, directly home to the situation in Colombia as it exists under the concordat, or treaty, with Pope Leo XIII, and proves beyond denial that the very essence of the Monroe doctrine is at stake on the ratification of this treaty now before the Senate, unless we annul it by an amendment of the treaty that will except our own people who must abide in Panama while building and operating the canal from its operation and effect.

The laws of Colombia, enacted in pursuance of this concordat, as to marriage and the legitimacy of children and their education are as revolting to our civilization as the edict of 1550 promulgated by Philip the Second of Spain, or any of the edicts of Philip the Second, described in Motley's Rise of the Dutch Republic, pages 254 and 261.

Here is a copy of the concordat and of some of the laws enacted by Colombia to execute the same:

CONCORDAT BETWEEN THE REPUBLIC OF COLOMBIA AND POPE LEO XIII.

Mr. Walker to Mr. Bayard.

No. 95.] LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy, in Spanish, of the "concordat" recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation. In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrastic rather than literal.

As a part of the same subject I herewith transmit a copy, with translation, of law 30, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc., JNO. G. WALKER.

[Inclosure 1 in No. 95.—Translation.]

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.]

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nuñez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of His Holiness, the most eminent Monsignore Mariana Rampolla del Tindaro, cardinal presbyter of the most holy Church of St. Cecelia and papal secretary of state; and on the part of the Republic, His Excellency Joaquin Vélez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ARTICLE 1. The Catholic, Roman, Apostolic, is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authority and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. The church, represented by its hierarchical authorities, is recognized by the State as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempt from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The Government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious services; and in order that such acts and obligations may produce civil effects and that the temporal authority may lend its support the bishops shall proceed in accord with the Government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions. But in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the Government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right, in whatever concerns religion and morals, to inspect and revise the text-books in use in the same.

The archbishop of Bogota shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teachings (in universities, colleges, etc.) shall not conform to Catholic doctrines the respective diocesans may withdraw from the offending professors and masters the privilege of teaching in such branches.

ART. 15. The Holy See has the right to fill vacancies in the archbishoprics and bishoprics, but the Holy Father, as an evidence of special deference and to the end of preserving perfect harmony between the church and the State, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end, when such vacancies occur, the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See, on its part, before making the appointment, shall always communicate the names of the candidates for promotion in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions. Vacancies in the bishoprics to be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses, or change the limits of those existing, whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion, desirous of contracting marriage, should have the ceremony performed according to the rites of the church.

The civil effects of marriage, in respect to the persons and property of the contracting parties and their descendants, can only be secured when the marriage is performed in accordance with the prescriptions of the Council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in cases of marriage in *articulo mortis*, when this formality might be difficult of observance, it may be dispensed with and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the Council of Trent, civil effect, suppletory evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the married relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriage to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgence known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac Rempublicam; Domine salvum fac Præsidem ejus et supremas ejus auctoritates.

ART. 22. The Government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury, and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them, or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with year 1888. In case any such bodies have become extinct, the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects, without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention, the Holy See makes the following relinquishments:

(*a*) The value of the principal of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued, or in whatever manner resulting, from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with the competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares, for its part, that persons who purchased ecclesiastical property during the past changes in Colombia, or who have redeemed annuities (censos) in the national treasury, according to the provisions of the civil law at the time in force, shall not be disturbed in any manner by the ecclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same, in such manner that the first purchasers, as well as their legal successors and those who have redeemed annuities (censos), shall enjoy in peace and security such property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among the barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees, in whatsoever mode or period they were promulgated, in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature, or sooner, if possible.

In faith whereof the said plenipotentiaries sign and seal this convention.

Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VÉLEZ.

NATIONAL LEGISLATIVE COUNCIL,
Bogota, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers; and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution.

It is decreed—

ART. I. That the foregoing convention is hereby approved and incorporated in the present law.

ART. II. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated, and will be included in the budget of the present fiscal period.

Given at Bogota this 24th day of February, 1888.

CARLOS CALDERON (R.),
President.
JOSÉ MARIA RUBIO (F.),
Vice-President.
ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogotá, February 27, 1888.

Let it be published and executed.

RAFAEL NUÑEZ.

[L. S.]
(Countersigned:)
VICENTE RESTREPO,
Minister of Foreign Affairs.

[Inclosure 2 in No. 95—Translation—Extract from law 30, of 1883.]

ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church is required to provide subsistence to the woman and his children by her until she marries canonically.

MONROE DOCTRINE OPPOSED TO HOLY ALLIANCE.

The announcement of the Monroe doctrine was made in distinct antagonism to both the religious and secular principles and objects of the Holy Alliance.

The principles of our Government are profoundly antagonistic to the union of church and state and to the allowance of the influence of the church as a political or legislative factor in government.

There was no feature of the declarations or the purposes of the Holy Alliance that was more obnoxious or more dangerous to free, constitutional, republican government than to reimport into this hemisphere the odious doctrines of government which are above quoted. Influence in governmental administration, or over commerce and trade, or even war, in the free Republics of America was not so dangerous to them or to the United States as the fastening upon those States the law of church supremacy, through the Jesuit order, or any other monastic order. We can withstand an open enemy with far better success and with less sacrifice than we can resist the secret and unceasing efforts of marplots and conspirators to burrow into the home relations of our people and to draw them away from their allegiance to free government, and to give to such secret organizations a place or a legitimate influence in our Government is to arm them with the powers of government that they may use them for its destruction.

The Monroe doctrine was proclaimed by the United States to meet and resist all the purposes of the Holy Alliance in respect of the American Republics. This doctrine was the theory that entered into and formed the actual issue on which every conflict was based since its announcement between the Liberal party and the Church party in the Spanish-American States. No better or more complete proof of this statement than the history of these wars in Mexico and the final triumph of that people under the leadership of Juarez and Proferio Diaz.

I will produce from the writings of Señor Matias Romero, late ambassador from Mexico, who is so well known to us for his eminent abilities and learning and for his exalted character, a very condensed statement of facts relating to this subject. Their credibility is beyond question and their importance can not be overstated as to the light that the experience of Mexico throws upon the conduct of the Jesuits in all the South American States, and the danger of their political control in Colombia:

Mr. Romero, in his work on Mexico and the United States, asserts that John Quincy Adams and Thomas Jefferson wrote similar declarations which were submitted to President Monroe when he was formulating the Monroe doctrine, the third proposition being as follows:

3. That they would not allow the extension to America of the monarchical system of the Holy Alliance.

The extension of that system did not require the presence of a monarchy to support it.

The subordination of an American Republic to the civil power of the Pope in its government might be even more dangerous to our institutions and to the liberties of the people than the presence of a Protestant, constitutional monarchy in America.

RELIGIOUS FREEDOM AND DIVORCE OF CHURCH AND STATE A ROCK FOUNDATION PRINCIPLE OF OUR LIBERTIES.

If there is any principle of our system of government that lies deeper than all the rest, as the rock foundation of our liberties, it is religious freedom and the divorce of church and state in government.

When the concordat of 1888 imported into the Government of Colombia the subordination of that Government to the Pope of Rome, there was as distinct a violation of the principle of the Monroe doctrine, and in a more dangerous form, than it would be to send fleets and armies to Colombia to enforce it.

Colombia is the only American Republic that has been subjected to this stifling humiliation, and that was done to clear off a debt to the priesthood and the ecclesiastical establishments, in the form of salaries and subsidies that the church had imposed upon the Republic, chiefly through the control of the Government by the Jesuits.

When we subject our people to that concordat and the laws enacted by Colombia to enforce it, we adopt them as rules of government and violate the spirit and purpose of the Monroe doctrine in a solemn treaty with Colombia.

REASONS OF THE WAR IN MEXICO.

In Mexico the constant effort of the church party to ingraft upon the organic law of Mexico the principles of the Holy Alliance and of the concordat to which Colombia succumbed in 1888 kept that country in the turmoil of war, almost without a truce, from 1824 until Juarez finally expelled it from the Government in 1867. The war was longer than the war of Spain in the Netherlands and nearly as cruel, and it was waged for the same reasons and purposes.

Only a few extracts from Mr. Romero's succinct history of this protracted struggle will suffice to show the wicked persistence of the church party in its efforts to crush out the free, Protestant spirit in the Spanish-American States, of which Colombia is the latest and most conspicuous victim.

Mr. Romero says, on pages 350–351:

Our constitution of 1824 was a decided victory for the Liberal party, but very far from being a final one. The church party, though then defeated, was really the stronger of the two during the early years of independent Mexico. The power of the Liberals was of short duration; the Conservative or church party prevailed upon some of Mexico's numerous military leaders to rebel against the Government and inaugurate a series of revolutions, which ended in 1835 in the overthrow of the constitution of 1824, thus giving a pretext to the Texas settlers to rebel against Mexico. Santa Anna and the Conservative leaders held that a federal form of government was not that which was best adapted to the country and that a strong, centralized government was needed.

It would be too long and rather uninteresting to mention all the military mutinies, or pronunciamientos, as we call them, during the revolutionary period from 1822 to 1855, as it would be a rather dry and long list of names and dates, almost unintelligible to anyone not very familiar with the history of Mexico. I will pass, therefore, over this dark period, mentioning only the leading and most conspicuous of them.

On pages 354–355 he says:

Federal constitution of 1835.—When the Church party had the ascendency, under Santa Ana's first Presidency, they repealed the Federal constitution of 1824, and on October 23, 1835, they issued some bases for a new constitution, which was finally proclaimed on December 29, 1836, under the title of "Constitutional laws," and which abolished the Federal system of government and several of the liberal features of the Federal constitution of 1824. The "Constitutional laws" of 1836 were, apparently, not conservative enough for the church party, and they issued, on June 13, 1843, also under another one of Santa Ana's administrations, what was called the "Organic bases," a still more conservative constitution, as I will presently state.

The Church party, being so wealthy and powerful and having so much influence in the country, could very easily have brought about a civil war of so serious a character as would have made it difficult for the Liberal side to defeat them; but, as time elapsed, the Liberal party, which really presented the patriotic element of the country, grew stronger through education and contact with foreign nations, and was materially assisted in its task by the demoralization of the clergy and their unpatriotic conduct during our foreign wars, as, besides our civil wars, we had, in 1829, a war with Spain, already mentioned, which sent an expedition to conquer Mexico; in 1838, a war with France; in 1846 and 1847, a war with the United States; and from 1862 and 1867, the war of the French intervention. It was not difficult, therefore, for the Liberal party to inaugurate in its turn a counter revolution, which in the course of time was successful, and which finally restored it to power. It was in this way that the period of our civil wars lasted so long and that we came to have so many different constitutions.

On page 360, he says:

The Ayutla revolution finally succeeded, and General Alvarez was appointed President, assuming that office on October 4, 1855, when he organized a Liberal cabinet, of which Benito Juarez was secretary of justice, occupying soon afterwards the City of Mexico. Before an election could be held General Alvarez appointed his successor as President ad interim, General Comonfort, one of the supporters of the plan of Ayutla, and who belonged to the moderate wing of the Liberal party, and who assumed that office on December 12, 1855.

Federal constitution of 1857.—Several military insurrections, promoted by the church, took place against Comonfort in 1858, the city of Puebla having been twice the headquarters of the rebels; but General Comonfort finally succeeded in subduing them.

Under the plan of Ayutla, a constitutional Congress was convened on February 18, 1856, which issued the present constitution of February 5, 1857. An election was held and Comonfort was elected constitutional President for four years, his inauguration taking place on December 1, 1857. He appointed Juarez his secretary of the interior during his new administration. Unfortunately, Comonfort wavered in his political views and he was pursuaded by the Church party to annul the constitution, under the plea that it was impracticable and that it would keep up political agitation, and on December 11, 1857, he dissolved the constitutional Congress which had just convened, and on the 17th of the same month he abolished the Federal constitution, which he had sworn to support on the 1st of the month and to which he owed his position, and declared himself dictator. The Liberal party could not, of course, stand such conduct, and they rose as a man against Comonfort's usurpation. Soon afterwards he saw that he had been betrayed by the Church party, as they proclaimed President General Zuluaga, one of Comonfort's most devout friends, and Comonfort left the country.

On pages 362, 363, 364 he says:

The Juarez law was succeeded by the Lerdo law of June 25, 1856, which provided that no corporation—meaning the clergy, as the church was the only corporation existing in Mexico—could hold real estate, and that such as was held by any corporation should be sold to the actual tenants at a price which was to be arrived at by capitalizing the rent on a basis of 6 per cent per annum rate of interest. Thereafter the tenant was to be the owner of the property, the corporation retaining a mortgage equal to the price fixed in this way. These two laws were the cause of the two insurrections already referred to, promoted by the church and subdued by President Comonfort.

Juarez, after the enactment of the law which bore his name, had for a time been governor of the State of Oaxaca, and while holding the office he had been elected chief justice of the Republic and ex officio vice-president, and was at the time of the Comonfort rebellion acting as secretary of the interior. He became Comonfort's successor, and undertook to stem the tide of rebellion and reaction. In the City of Mexico most of the old regular army of the country were in favor of the Conservative or Church party, and the city, therefore, fell into the hands of Juarez's enemies, and he had to fly from it. He went to the interior, where he established his government, first at Queretaro and afterwards at Guanajuato and Guadalajara. Finally he sailed from Manzanillo, a Mexican port on the Pacific, to Panama, thence to New Orleans, and then back to Vera Cruz, on the Gulf of Mexico, where he remained for about two years.

Vera Cruz was the stronghold of the Liberal party, as it naturally was a strong place and was well fortified. It was protected also by its bad climate and prevalence of yellow fever, and was the best place that Juarez could have selected to establish his government; and, being more in contact with foreigners, its inhabitants were Liberals. He remained at Vera Cruz from March, 1858, to January, 1861, the principal cities of the country being during that time in the hands of the Church party. The Liberal armies, though often defeated, were never destroyed, for the people were with them and recruits came in abundance. After a defeat the Liberal leaders organized their armies and were soon ready to meet the enemy again. Their courage and persistence were finally rewarded, and they were victorious in the decisive battle of Calpulalpan, on December 19, 1860.

Our old regular army, with very few exceptions, sided with the Church party, and that prolonged considerably the struggle, because the Liberals could only oppose disorganized and undisciplined masses to the regular troops of the Church party; but after some time they succeeded in organizing armies as well disciplined as those of our enemies, and in that way the war was brought to a close in December, 1860.

Laws of reform.—During the terrible struggle which we call the war of reform Juarez issued from Vera Cruz, on July 12 and 23, 1859, our reform laws, which had for their object to destroy the political power that the clergy had exercised before. The church property was declared national property and was sold by the Government to the occupants of it at a nominal price, payable partially in national bonds, then selling at a very low price, about 5 per cent of their face value. To prevent that in the future the church should accumulate the real estate taken from her, she was disqualified to own real estate. The clergy was then deprived of all political rights; that is, they were disqualified to be elected to any office. Their convents, both of monks and nuns, were suppressed.

The number of churches existing in the country was considerably reduced. Complete separation between church and state was proclaimed. *A civil registry of births, marriages, and deaths was established, taking from the clergy all interference with such subjects, which had been up to that time under their sole supervision.* Processions and all other religious demonstrations outside of the church, as well as the ringing of bells, were prohibited. The number of feast days, which then amounted to nearly one-fourth of all the days of the year and tended to keep the people in idleness, was reduced to not more than two or three for the whole year. The wearing outside of the church of the priest's peculiar habit was prohibited, and many other stringent measures against the clergy were adopted, with a view to destroy their political power and to deprive them of the means to bring about another insurrection against the Government.

It is a remarkable fact that most of the Liberal leaders were lawyers, who, influenced by patriotism and a desire for the success of the Liberal cause, and without any military education, had to lead our armies during the long civil wars. Some of them became very distinguished soldiers in our wars, as happened here in the United States. So it can truly be said that the final success of the Liberal cause in Mexico was due in a great measure to the jurists of the nation; so much so, indeed, that they incurred the special hatred of the church party, by whom the name of "lawyer" was wont to be used as a contemptuous designation for the Liberal leaders.

After the battle of Calpulalpan, fought on December 19, 1860, where General Miramon, the last church party President, was defeated, Juarez left Veracruz and established his Government at the City of Mexico. He then convened Congress, ordered an election, and in 1861 he was elected President for the first constitutional term. The reform laws became operative when Juarez occupied the City of Mexico, and this rule was extended over the country.

The Church party did not give up the struggle, but began again with renewed vigor to start a new insurrection in 1861, directed especially against the execution of the reform laws. Although this insurrection was not of a serious character, and the insurgents could not capture any important places or defeat the Government troops, they did succeed in keeping up an unsettled condition of things throughout the whole country, involving great insecurity to life and property.

French intervention in Mexico and Maximilian's rule.—When the Church party became satisfied that the Liberal party had grown so much that they had not strength enough at home to overcome it, they went to Europe and continued their intrigues with European courts to secure foreign intervention in Mexico.

Under his (Napoleon's) influence an alliance was made between France, England, and Spain by a treaty signed at London on October 1, 1861, and Maximilian was persuaded to come to Mexico. England and Spain withdrew before the war actually began, and Napoleon's first army, under Marshal Forey, succeeded in occupying both Puebla and the City of Mexico in 1863, and so began the French intervention. The details of that intervention are quite familiar in this country, and therefore it is not necessary to say anything more about it here.

On page 366 he says:

Restoration of the Republic.—In July, 1867, the Juarez Government was again established at the City of Mexico, and another popular election took place in which Juarez was almost unanimously elected by the people for another term, from 1867 to 1871.

On page 369 Mr. Romero closes his historical review of the insurrections and protracted wars in Mexico, nearly all of which were conflicts with the Church party, with this statement:

Disappearance of the causes of civil war.—It will be readily seen from this brief synopsis that the causes which brought about the civil wars in Mexico no longer exist. Ours was a contest for supremacy between the vital forces of the nation, between the old and the new ideas, which in many countries it has taken many years, and even centuries, to settle; but now our political problem is solved, the Church party is completely broken up *as a political organization*, and can not cause again any serious disturbance, and the elements of civil war are now lacking.

The question comes to us with a force that is irresistible, Shall the United States form a hard and fast alliance, in this treaty that is to be perpetual, with the same church party that Juarez and Diaz fought so long and so bravely to free Mexico from the control of; and shall we, in doing this, give countenance and the hand of brotherhood to the men and nations that have fastened upon Colombia the principles of the Holy Alliance, supported and enacted into irrepealable law by the stipulations of the concordat of 1888? Shall we condemn our own people in Colombia who will reside in the canal zone to this legal and moral condition of depravity because we are afraid of losing a bargain, as it is falsely called, in the purchase of the débris of a bankrupt adventure?

We thus find, from the light of experience, that it is a dangerous enterprise to encourage the Church party in Colombia if we have any regard for the peace of the people there and for the safety of the canal at Panama and the success of its administration.

The brief historical quotations from Bancroft, above stated, by no means present the whole truth as to the travail through which Colombia has passed since the last organization of that Republic. As to its current history, it is a dark and remote country, especially as to those transactions that relate to Jesuit influence in government.

No distinguished American has made an exploration or study of that country except Mr. Bancroft, from whose writings I have quoted, but private persons have resided there and have occasionally given us descriptions of the social and political conditions there that inform us somewhat as to these matters.

LETTER OF ALBERT LAWRENCE.

The first quotation I will make from such sources of information came to me in a letter from a Union soldier, who is an inmate of the Soldiers' Home at Los Angeles, Cal. I will insert this letter as it is written:

SOLDIERS' HOME,
Los Angeles, Cal., February 14, 1903.

Senator MORGAN.

DEAR SIR: I take the liberty to give you a little information about the Panama Canal that might be of some use to you at present, as I know more about that country and its people than most men. I have been in Central and South American countries for thirty years and talk the Spanish language fluently. Now, probably you think, like a great many more men, that you are making a canal treaty with the Colombian Government. You make a sad mistake. There is no such Government in existence; it really is the Pope of Rome, as in all those Catholic countries where the Catholic Church has control there is no civil government, it is just a beautiful fraud. The Pope's devil, with his bishops and priests, arranges the nomination of all public officials and sees that noné are elected only those who will do the dirty work of the church blindly and without question; and that is the cause of the revolutions in all those countries, as the Liberals want to have something to say, and make a little progress, and the church does not want progress and will not allow it, consequently revolution.

Now, in regard to the canal treaty, there is not a word in regard to the rights of Americans, and there will surely be towns started along the canal by Americans, and they will want schools and churches to worship and teach their children in, but according to the Pope's laws such things are not allowed in any Catholic country, and less in Colombia. Now, you see, about twenty years ago the so-called Government of Colombia owed the Pope an immense sum of money for the wages of his priests, as all priests and bishops are paid monthly wages in those countries. Now, his own Government owed his own priests a lot of money, and there was no money in the country to pay them, so they got the Pope to make them a proposition that if the Government—that is, the priests—would agree to give him full control of the schools of the country that he would cancel the indebtedness and call it square. You see he runs a bunco game with the people. He wants to make them believe that they have a civil government, but, as I said before, he runs it for them so as to keep them out of trouble, as they are not fit to govern themselves.

Now, in the treaty there is to be two tribunals, one for American and one for Colombian. Now, it is considered a meritorious act in those Catholic countries for a Catholic to steal from a heretic, and if he can kill a heretic on the quiet, why it insures him a ticket to heaven without stopping in at purgatory; in fact, a through ticket in a palace car, berth included. Now, suppose that a Colombian robs an American, or kills, or both, as the case may be, is there any American such a fool as to think that a Catholic Colombian judge would punish him for injuring or killing a heretic. I wrote to Senator Spooner about this question of policing the canal territory some time ago, cautioning him about the trouble it would cause, and this hybrid law of two courts is the outcome of it. You should understand that you are not dealing with decent men when you are making this treaty. You are dealing with treacherous Catholic priests, and they want to leave several little jokers in this treaty so as to be continually making claims against the United States Treasury, as they know there is plenty of money there; but they never show their black hand, and make believe that you are dealing with honest men.

Now, I want my country to get what belongs to it, and hope that you will see that our schools and people on that canal strip are not left at the mercy of the Pope's cutthroat gang, as, if they have nothing to say, either in policing or judging of anyone, whether Colombian or not, the United States will never be without a diplomatic squabble with the Pope's gang, and you will have his traitor gang of cutthroat priests right there in Washington helping the Colombian cutthroats to rob the Treasury of what they call their own country. If we get the canal it must be all American or better not have it at all; no interference of the Pope's traitorous gang of anarchistic cutthroats. Just let me tell you right here, when I first came out here after the civil war I went to Chile, and at that time every man had a vote, but not one of them could read or write, and they had the ticket in the house, and when their wives or mothers went to confess, the priest would not pardon them until they brought him the ticket.

So at election time the priest had all the tickets and whoever they nominated was elected, and there was no ticket outside the church, and that is the way they run those countries, and would run the United States the same way if they could. There is no difference amongst the Pope's curs.

Yours, truly,

ALBERT LAWRENCE.

This man is a stranger to me, and I can give no account of his history except as it is disclosed in his letter. His service in the Union Army during the civil war entitles him to speak and to be heard with respect. His motives are only those of a patriot who loves his country and tries to defend its safety and honor, as he defended its flag in many battles.

He is still under that flag, a disabled soldier in a Soldiers' Home, and he has the right to speak on a subject that is so near to his heart.

I now call attention to the following extracts from an address to the people of Colombia, sent out from Madrid by Dr. Antonio José Restrepo, dated November 14, 1902. This gentleman belongs

to one of the oldest and most respectable families of Colombia and Spain, who have been prominently connected with the Government in both countries for many years, and is well known and highly esteemed among the members of the South American legations in Washington. He is a Roman Catholic and is true to his church, but he is a Liberal and is devoted to constitutional liberty, free from political domination and ecclesiastical power.

When civil war occurred in Colombia in 1898, as the result of the old feud between the church party and the Liberals that was fanned into flame by the conduct of the New Panama Canal Company, the Liberal party announced its purpose of resistance to the dictatorship of President Sanclemente, whose office had been declared vacant by Congress in 1898 in the following manifesto:

THE PANAMA CANAL—MANIFESTO.

Motives that are both legitimate and noble have prompted the Liberal party of Colombia to take up arms in order to insure to the country freedom to establish a régime that will guarantee the progress and very existence of the Republic, which are to-day threatened by institutions not framed nor sanctioned by the people, and by functionaries who have received their authority through absolute disregard of, and violent opposition to, the will and opinion of the majority of citizens.

Both nature and tradition have impelled the patriotic people of Colombia to rebel against a condition of things in which they are prevented, de jure as well as de facto, from exercising their legitimate, natural rights; in which a great party has been deprived of its political freedom, and in which the pacific development of the country has been arrested. It is only after exhausting all peaceable means that war has been resorted to as a last and extreme measure, a dire measure, but one dictated and imposed by necessity.

The men that are to-day struggling to recover their rights constitute the Liberal party, and form the great majority of the Colombian people. Anyone who compares the condition, both civil and political, of our people under the system of government that existed in this country for nearly half a century with the conditions created by the so-called regeneration system will no longer take that attitude of contemptuous commiseration with which our civil wars are often regarded by people who have already attained that liberty and security after which we are still striving, and he will understand the significance of the present revolutionary movement, which already begins to put an end forever—we hope—to the oppressive government imposed on our unfortunate country.

We, the undersigned, have the honor of being the authorized representatives of the Liberal party, and therefore of the Colombian people; and the following statements and declarations being the faithful expression of the country's will, through the government that will soon be the only recognized government of the Republic, should carry the weight that always attaches to the utterances of a whole nation.

The contracts that the government of Dr. Manuel Antonia Sanclemente may make, without being legally authorized, therefore neither are nor will be recognized by the revolutionary government.

The President of the Republic, Dr. Sanclemente, is not empowered to make contracts involving national interests without the assent of the legislative body appointed by the people. Whatever is done without that assent is therefore void.

We make these statements merely to prevent all negotiations relating to an extension of time in the contract now in force with the Panama Canal Company. We concur in and sanction the statements on the same subject that have been made by an authorized representative of the revolution, Dr. Alirio Diaz Guerra, and those that will be made by Dr. Antonia José Restrepo, an agent especially appointed to act for the provisional government in this and other important matters.

The relations between the company and the Republic of Colombia are of a purely civil nature, and fall, of course, under the jurisdiction and laws of this country. The present government is not empowered or authorized by any law whatsoever arbitrarily to alter the terms of the contract now in force.

The Liberal party of Colombia considers it an act of criminal resignation to allow the repudiated Government to endanger the future of the country by an imprudent negotiation; and one of the objects of the war in which that party is now engaged is to prevent, or at least oppose, the further sacrifice of the interests of the Republic.

G. VARGAS SANTOS.
FOCION SOTO.

POSITION OF DR. RESTREPO.

This paper announces the selection of Dr. Restrepo as the representative of the Liberal party, accredited to all nations, for the purpose of vindicating their attitude of hostility to the dictatorship of Sanclemente and making his combination with the New Panama Canal Company the special ground of their revolt. This was the highest mark of confidence the Liberal party could confer upon Dr. Restrepo, and he proved himself as being thoroughly worthy of it by his efforts to bring about an honorable settlement of the canal question on terms consistent with the laws and constitution of Colombia and with honorable and just dealing with the United States.

The appeal of Dr. Restrepo is a powerful and frank statement of the canal question and the attitude of the people of Colombia with reference to the combination between the canal company and Sanclemente, and Marroquin, his successor in the office of President. Dr. Restrepo has a fixed conviction that the Panama route is far preferable to the Nicaragua route, and argues its superiority with earnest confidence.

Here, then, is a Roman Catholic leader of the Liberal party, and a devotee of the Panama route, vindicating the action of the Liberal party in going to war to resent and resist a fraudulent combination between Sanclemente and the Panama Canal Company to sell an extension of the time for completing the canal from 1904 to 1910. He knew that while the New Panama Canal Company was making new pledges to Colombia to complete the canal by 1910 it had not been able to raise a dollar for that purpose beyond the $13,000,000 of original subscription to the stock of that company, and that it was then secretly making overtures to the United States to turn over the canal to us. He knew that the resentment of the Congress of Colombia toward this duplicity had caused it to declare the office of President vacant and that civil war had ensued, in fact, and that in April, 1900, it had assumed the stage of open hostilities under organized armies.

He deprecated the miserable condition of his country and the slaughter of the people, and he came to the United States as a pacificator when Mr. Concha was minister of Colombia, and made earnest efforts to settle the war, in which Mr. Concha cooperated, recognizing Dr. Restrepo as his friend and an honorable and patriotic citizen of Colombia.

The negotiations for peace failed because the new Panama Canal Company still demanded the concession that Congress has refused to ratify, and the Jesuits, leading the church party, supported the usurpation of Sanclemente.

The following extracts from the appeal of Dr. Restrepo to the people of Colombia fully sustain his position, and show that the Jesuits, planting themselves on the Concordat of 1888, were fixed in a bloody resolve to retain the governing power of Colombia.

Dr. Restrepo says:

I will say at once that Colombia, in the negotiations of the Government which Dr. Concha is regulating, has in view no prospective gain other than some few annuities of 500,000 pesos (fourteen, as I understand), which will be no alleviation of the situation now far from being irremediable, this being a personal gain for those devoted to speculations which have but a transient power. At the same time, there are difficulties in the undertaking and the certain loss of our sovereignty and influence in the greater portion of our territory. This is not worth the fear that Mount Pelee might overwhelm us before we fortify ourselves against another death. So I return to the question.

Is it the Colombian civil war that has interrupted and prejudiced these negotiations concerning the canal, or is it the "regeneradores" who basely, hastily, and selfishly have pretended and do pretend to interrupt and extinguish a civil war, formidable, and just prior to the negotiations, solely with the lamentations of pseudo-patriotism, because they can not immediately throw themselves upon those cents which are being depreciated by their very cupidity?

Dr. Concha knows very well that it is a presumption against which there exists no proof that the father is older than the son. Since the revolution began in October of 1899, when there had been no negotiations concerning the canal, except that the sovereign power of the nation had flatly denied the prorogation which was soon afterwards conceded without any right by President Sanclemente, it is not responsible for later acts, left-handed and null, which the *Regeneradores* have pretended to consummate, and which have, in the most unexpected manner, drawn this important matter of public interest into a sacrificial and prejudicial debate, which would be incomprehensible if we Colombians did not know the treacherous promoters of the affair.

Prudence and patriotism called aloud to the Colombian Government (if that Government had only shown in these last years at least the skill of the trader, if not the vigilant care of statesmen) that it ought not to go to Washington to promote an affair of such importance to the American Government as the opening of the isthmian canal at a time when civil war, unchained, had taken away from that Government the authority, judgment, and serenity needed to confront the pretensions of its adversary in such great emergency. As a sophism of distraction against the "revolucionarios," and as alluring food for certain pacific ones who have come out of the Liberal party, the patriotic fraud with which they interrupt their negotiations may be very skillful, but it does not hold when, looking at it from the other side, with common sense, the dates of the events, the national constitution, and true patriotic interests become the only appreciable points of view.

Launched by these interests on the road to treason, the "regeneradores" began by offering to the new canal company (scarcely a year after war had broken out) the surreptitious and void prorogation of the concession for opening the canal which the bankrupt company had received and which had already been twice extended, with negative results, for twenty-five years. Even before this act proved to be of no value the company was notified by the Liberal Colombian party that neither in peace nor in war should this prorogation be considered legal and valid. Before this act or a transfer of the concession to any foreign government whatsoever could be valid the approval and ratification of the National Congress would be necessary, and they never would ratify or approve such a prorogation if final victory should favor the Liberals and they should form the Government.

This protest still has the support of General Herrera's sword and the army and navy which he commands. When everything is ended and the government of Señor Marroquin has shot or banished the last of the liberals who do not second his abominable policy, this protest must be sustained by all the deputies, the press, and those Colombians in general who respect the constitution and the laws (however bad they may be), and by those on whom the gold which may be spent for wine, commissions, brokerage, fraudulent votes, secret conferences, signatures, and convenient transcripts has no such influence, since they already begin to discredit those who carry the standard in this crusade to open the holy sepulcher of Colombia.

When, in a night of opprobrium for himself and his companions, Señor Marroquin led to prison the President whom he had sworn to defend and honor, and from whom he had fled ignominiously but ten months before, and raised himself to power in the Republic, some of us, without excusing the traitor (always contemptible, according to Machiavelli himself), hoped that, as the result of this very treason, the new Government would justify, with transcendental acts in favor of peace and country, this black offense, and that the defense of national interests, particularly in relation to the canal question, would turn the course of government, which would come into hands more expert and steady. But it was not thus; no. In politics the change in the Government corresponded to nothing; in morals it descended many degrees, and on the intellectual side it fell below zero.

When we were hoping that the prorogation would be repudiated as soon as possible by the new administrators, we beheld a new minister as honorable, gentlemanly, and loyal as Dr. Concha, but, like him, already influenced, deceived, and intimidated by the imaginary fear that the Americans preferred the Nicaragua route to the Panama, and serving as an unconscious instrument in the hands of the cuttlefishes and sharks, who were hoping to make the most of a bad year, reaping their harvest from this unconstitutional prorogation.

I regret greatly, for the sake of Dr. Martinez Silva and Dr. Concha, whom I know and whose honor and honesty are above suspicion, that I am obliged to say that concerning this canal question they have not seen clearly. They

have been surrounded by hidden rocks and precipices from which they will never come forth unharmed.

* * * * * * *

In 1878, when Colombia granted the original concession to Señor Bonaparte Wyse, and for a long time afterwards, the Americans were not a factor in the canal question, although more than one opinion, both authorized and official, was heard concerning it. The United States was at this time leagued with England by the Clayton-Bulwer treaty not to make a canal unless in company with her. The aggressive imperialism which performed such heroic feats out of hand, and whose wings President Roosevelt himself had to cut, had not yet surged through the country. Colombia, exercising her inherent right, made a contract with a particular company for the construction of the canal for the benefit of all nations, as a private undertaking, just as she would have made a concession for a mine or for any unappropriated land within the territory of our Republic.

Under these circumstances there was no need for the United States to intervene in the matter, since the canal was to be built with private capital by a private company and with an unassailable concession from a sovereign and independent country. Such was the situation when the work was initiated on the Isthmus and was prosecuted with the cooperation of engineers of all nationalities, including Americans, under the supreme direction of Señor de Lesseps, the experienced constructor of the Suez Canal. But in the course of the undertaking capital failed the French company, and the exposure of the illegal management and the consequent difficulties in which the financier became involved drew the attention of the entire world, and particularly of the Americans, with special interest toward this problem of millions and the strategic problem which the opening of the canal presented to them and to the great powers.

It was then that the press campaign began, from New York to San Francisco, from Alaska to New Orleans, in favor of a pretended interoceanic route, superior to that of Panama, which would pass through Nicaragua and Costa Rica, or even through Tehuantepec and Mexico. The public spirit and aspirations of the Americans were persistently enlarged upon, and in proportion as the difficulties of the French increased and the financial undertaking of Señor de Lesseps sank down, overwhelmed by imposture, imprisonment, suicide, and flight, the diplomatic efforts of the Americans were redoubled to obtain an abrogation of the Clayton-Bulwer treaty, so that they might enter the contest as bidder for the canal. With their diplomacy, tenacity, and great knowledge of human affairs they have succeeded, and there is no need to go into details concerning that which is already more than notorious.

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If the danger which threatens us, as seems to be the sense of the publication issued by the Colombian legation at Washington, is that the Americans neither can nor desire to wait for the termination of our civil war, when we can decide definitely concerning the pending prorogation, and they can treat with a stable Colombian Government which will defend the interests of the country as they ought to be defended; and if, yielding to such motives, they decide upon Nicaragua or Tehuantepec, it may be said that Colombia has lost an opportunity for a business transaction which would bring some money into the national treasury in its present bankrupt condition, as well as provide for a few of its sons and for many foreign residents on the Isthmus who hope to make a legitimate profit from the construction of the route.

This negotiation, which, as I have said before and now repeat, might be more or less advantageous, more or less lucrative, but in any case harmless, being made with a particular company, the work remaining neutral at the service of the world, becomes, in the proposed form, not a negotiation, but an international complication, which involves many dangers and consequently requires many millions and demands much protracted study and meditation on the part of the Colombians before entering into it definitely; without presenting, however, unjustifiable or petty obstacles to the colossal undertaking or to a great and noble nation like the United States, but indeed safeguarding our rights, our institutions, and the laws of a sovereign and independent people, our interests alike to-day and to-morrow.

That is just what the present *Regeneradores* are not doing, in throwing off their shoulders the void prorogation of the Government Sanclemente, in appearing in the present negotiations as mediators and protégés of the French company, in disregarding their own constitution and laws, in agreeing to violate unmistakable articles of the very concession which they are going to transfer, and in misinterpreting other articles, as shown by me with all clearness. The danger that the Americans will take another route does not exist, as shown before, but if it did exist in reality and those gentlemen would abandon entirely the Panama route, that which we would lose or allow to escape us—a mere assumption—does not counterbalance that which we are actually going to lose according to the negotiations which Señor Concha favors and which awaken the enthusiasm of Señor Cortés.

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The only two possible ways in which the Americans might injure the sovereignty of Colombia in the Isthmus of Panama (although they have engaged themselves to recognize and to guarantee it, and have to this day loyally recognized and guaranteed it, in accordance with a public treaty more than half a century in force) are the following: One by way of diplomacy, dexterity, and astuteness; the other by brutal force, imperious and conquering, which deprives the one subjected to it of his free choice, and, consequently, of his responsibility, and brands as infamous him who makes use of it without provocation, justice, and excuse.

Right here, to the tribunal of that Congress, although elected under pressure of the secret-police force of General Fernandez, I make bold to summon the negotiators of the present treaty, whoever may have been its advocates. At an hour when the conscience of the nation will be free the prorogation, the transfer to a foreign government (based upon this void prorogation), the small annuities and the complaints of the hotel keepers, this whole scaffold, raised at an evil hour, built and presented to us as a pyramid against which we are to smash ourselves "with eyes shut," will be censured, destroyed, annihilated in order to make immediately thereafter a treaty based upon justice, equity, and profit, which for the opening of the interoceanic canal by way of Panama will needs bind together in harmony and happiness the great American and the small Colombian people, who, being each a free and independent nation, are, according to universal law, equals in the weighing of human destiny, just as a grain of pure gold from Montana is equal to a grain of pure gold from the mines of Antioquia.

As regards the brutal force, the intimidation of the weak on the part of the strong, do not let us speak about that. Whatever is human has its limits, says Dr. Concha. No one can afford to put to shame the human feelings of conciliation and fraternity at the expense of the respect which he owes to himself, to the dignity of his fellow-beings and of nations. At that moment which should never come, and which it is to be hoped will never come, the representative of Colombia, "if he is a native of Colombia," as Dr. Concha repeatedly says, "and has not renounced his nationality, and does not look at the dignity of the nation with eyes very different from those of the great *minority* of his fellow-citizens, and does not hold very strange notions concerning patriotism and feelings and duties regarding his native country"—at that moment, I say, imaginary to a degree bordering insanity, let us remind Dr. Concha of those other words which, occasioned by some trifling cause (he was traveling in an American boat on his way to General Vargas Santos), he had printed in his book with the arrogance of a Hurtado de Mendoza.

"It is not lawful to propose to a public officer of Colombia that he lower before anyone, and still less before a foreign government, even under exceptional circumstances, not only his own dignity, but also that of the authority which he represents and the name and honor of the nation confided to him, together with the arms and banner of his native country."

THE CONSTITUTIONAL QUESTION.

Before entering upon the study of this point it must be said that the negotiations of Drs. Martinez Silva and Concha—that is to say, from the usurpation of Marroquin until now (because no one knows what the former ministers did)—had for their base the prorogation conceded to the new canal company about the middle of 1900.

Aside from this prorogation the representatives of the company had no further business in Washington, since, as we have seen, their lawful concession was about to expire in a locality in which it was physically impossible to build a canal, and with the forfeiture of claim to this locality in conformity with the contract entered upon by Colombia and the company, the concession itself, that part of the work which had been completed and the greater part of the goods and effects of the undertaking in the Isthmus were to pass and have passed into the hands of the Republic of Colombia as their legitimate and exclusive property.

Thus, indeed, the meddling of the agents of the company with the negotiations then in progress, the importance which they attributed to themselves, the guardianship which they pretended to exercise over Colombia, and the attention which the American Government paid to them, seeing that they actually dominated the agents of the "Regeneración"—all this is due only to the aforementioned prorogation, the disastrous results of which must needs be prevented in time by demonstrating its absolute unconstitutionality, its inconvenience being obvious to all those who are not blinded by elements confusing sound judgment. Let them who have built upon this prorogation not think that they can escape us by the trickery, little as they probably believe in it themselves, that Congress will mend the unmendable and lead things back to their normal and lawful condition. No; there is a guilt—a grave guilt—in having involved and ensnared themselves in such an unlawful deception in order to shift it later upon other persons.

The present constitution of Colombia, issued by the Constituent National Assembly of August 4, 1886, made valid and public by the Executive the 5th of the same month and year, contains, among other things, the following laws relating to the case in question:

"ART. 4. The territory with the public domain forming part of it *belongs only to the nation.* * * *

"ART. 10. It is the duty of all the natives and *strangers in Colombia* to submit to the constitution and to the laws, and to respect and to obey the authorities. * * *

"ART. 14. Societies and corporations being incorporated in Colombia as 'personas juridicas' have no other rights than those corresponding to the rights of individuals in Colombia. * * *

"ART. 20. Private persons are not responsible to the authorities except in cases of acting against the constitution or the laws. *Public officers are responsible to the authorities for the same causes or for transgression of their functions or for omissions in executing the same.* * * *

"ART. 31. The rights acquired with a just title in conformance with the civil law, by natural or juridical persons, can not be ignored or violated by later laws. * * *

"ART. 51. The law will determine the responsibility to which *the public officers of all classes* are liable who proceed against the rights guaranteed in this title. * * *

"ART. 57. All the public authorities are *limited* and execute their respective functions separately.

"ART. 58. The legislative power is vested in Congress. The Congress is composed of Senate and the House of Representatives.

"ART. 59. The President of the Republic is the chief of the executive power and *exercises it with indispensable cooperation of the ministers.* The President and the ministers, and in each particular transaction the President and the minister of that respective branch, *constitute the government.* * * *

"ART. 76. It is the duty of Congress to make the laws. By means of these it exercises the following functions: * * *

"4°. To approve or disapprove contracts or agreements which the President of the Republic enters upon with private persons, associations, or political bodies, in which the public treasury is interested, if they have not been previously authorized, or if in them they have not complied with the formalities prescribed by Congress, or if some of the stipulations contained in them are not in conformance with the respective law of authorization. * * *

"ART. 118. It is the duty of the President of the Republic * * *

"3°. To send to Congress at the beginning of each legislative term a message regarding the action of the Administration. * * *

"8°. To dictate in the cases and with the formalities prescribed in article 121 decrees which concern the legislative power.

"ART. 119. It is the duty of the President of the Republic * * *

"5°. To order the prosecution of any chiefs of departments or any other national or municipal officers of administrative or judicial rank for the violation of the constitution or of the laws or for any other trangressions committed in the exercise of their functions. This prosecution is to be enacted by the respective functionary of the public service or by an attorney of state appointed for this purpose and to be submitted to a competent tribunal.

"ART. 120. It is the duty of the President of the Republic * * *

"1°. To nominate and select impartially the ministers of state.

"2°. To promulgate laws that are passed, *to obey them and hallow them by his own exact obedience.* * * *

"11. To guard the outward security of the Republic, defending the freedom and the honor of the nation *and the inviolability of its territory.*

To enter into contracts necessary for the administration, for the rendering of services, and the execution of public works, *in accordance with the fiscal laws, and with the obligation to render account to Congress in its ordinary sessions.*

"ART. 121. In cases of war with foreign powers, *or of internal disturbance,* the President, after consultation with the council of state and with the assent of all the ministers, may declare the public order to be disturbed and the whole Republic, or part of it, to be in state of siege. By virtue of such declaration the President remains invested with the powers which the laws confer upon him, and, in case of their inadequacy with those bestowed by the law of nations, to defend the rights of the nation or to subdue the uprising. The extraordinary measures or legislative decrees of a *provisional* character, *which within said limits* the President dictates, will be binding when they bear the signature of all the ministers.

"The Government shall declare the public order reestablished as soon as the disturbance or the external danger has ceased to exist and shall transmit

to Congress an exposition of its provisions, with the motives thereof. All authorities shall be responsible for the abuses which they have committed in the exercise of extraordinary powers."

I have taken the pains to copy the preceding constitutional laws, and my readers must likewise take the pains to read and think them over carefully, because now or never it has come to a point where the Colombians must know whether the laws are there for the function of guardianship in defense of the nation, or whether they are to be, like *many others* of the constitution, given in protection of the citizens, a mere laughing stock and a dead letter.

The interpretation which Señor Caro has given of article 121, quoted above, in a document of great judicial, moral, and political importance, which was signed in Bogota the 9th of March of the present year, is, then, the most worthy interpretation—that of the legislator himself—of this constitutional passage. By a coincidence which I designate here as providential, in the language of the regenerators, this document is directed to Señor D. Felipe F. Paul, minister of foreign affairs, and is also signed, among others, by Señor Carlos Calderon, who was minister of finance under Dr. Sanclemente, and who negotiated the prorogation at the end of April, 1900, and by his colleague in the ministry, D. Marco F. Suárez, at that time minister of public instruction. From this document I take the following paragraphs, which are unanswerable from any point of view:

"There has been invented recently a brief formula which serves to lessen every difficulty and by which they pretend to justify every official abuse. They say that in time of war the rights of individuals and the dominion of the law are suspended, and the Government is authorized to do what it pleases by means of legislative decrees. One can not conceive an interpretation more shameless in its absurdity, nor more alarming in its barbarity, of the following constitutional measure:

"'ART. 121. In cases of war with foreign powers or of internal disturbance, the President, after consultation with the council of state and with the *assent* of all the ministers, may declare the public order to be disturbed and the whole Republic, or part of it, to be in a state of siege.

"'By virtue of such declaration the President remains invested with the powers which the laws confer upon him, and in case of their inadequacy, with those powers bestowed by the law of nations, to defend the rights of the nation or to subdue the uprising. The extraordinary measures or legislative decrees of a provisional character, which within said limits the President dictates, will be binding when they bear the signature of all the ministers.'

"The sense of this measure and its civilizing intent are perfectly clear. In time of war, which by its very nature is a disorder, cases occur which are not provided for by the common laws. It happens also that by reason of that very war, Congress can not be convened in ordinary session in order to consider questions which come within its province.

"In these circumstances the President of the Republic exercises the powers conferred upon him by the laws and in default of such those which international law give him, pronouncing decrees of legislative character, but in no manner disposing freely of the national revenue nor of the lives and interests of the citizens, except with the two sole legitimate objects, to wit, to defend the nation's rights in foreign war and to reestablish internal order in case of disturbance. These provisional decrees of legislative character directed to these two objects can neither of them go beyond the 'limits' expressly prescribed by the article of the constitution.

"And when, by the insufficiency of the laws of the Republic, recourse is had to the principles of the law of nations (in considerable part indicated in the military code), it is evident that this authority must not be invoked in order to apply international law to the iniquitous ends of spoil, persecution, and proscription, but on the contrary to soften the horrors of war and to employ politic and magnanimous means to bring it to an end, inasmuch as by the law of nations is understood necessarily the body of principles which Christian civilization in its long contest with barbarism has finally been able to accredit and to sanction. However, the application which is made of the law of nations in the circumstances cited does not constitute a repudiation of the legal process, but an amplification of it with ends essentially beneficent.

"In time of war the Government restricts certain liberties, such as those of publication, of mass meeting, of moving from place to place, which can be used detrimentally, but it restricts them according to that principle which is common to every kind of hostilities, according to which the legitimate end of war sanctions the means strictly necessary and morally licit to obtain it, that which passes this limit being contrary to natural law. These liberties are restricted; they are not suppressed. The harmless exercise of intelligence is not inhibited, the arts are not killed, the industries are not ruined, property is not destroyed nor commerce paralyzed by a spirit of vengeance or a vaunt of power.

"To proceed thus is not to make use of constitutional powers; it is to go counter to them, to contest every law and every right. On the other hand, the public liberties and natural rights of man are not one and the same conception. The former are restricted with legal purposes; the exercise of certain means of action, of certain developments of the social character, is limited; but the right in its essence of the immanent, the imprescriptible, the sacred, can never be violated. It may not be said, then, that the government is legally authorized to suspend individual rights; the law may not be invoked to deny the right of which it can be only the expression and sanction."

This declaration of constitutional doctrine, formulated by Señor Caro and by the group of his friends who, with him, have governed the country from the death of Nuñez until the treason of Marroquin, July 31, 1900, has in its favor, moreover, the special fact that it was not made ad hoc for the case anticipated in this study, which has to do with a permanent question of decades and centuries, but to apply to political assassinations, depredations, terror, and extermination introduced into and accomplished in the country by Señor Marroquin and his Sejanus with the motive of crushing a rising and reestablishing peace and order in the Republic; that is to say, in the manner of war, by war, and for war, or as transient and provisional measures of immediate urgency, which the supreme necessity of hostilities forced upon their perverse blindness, their hungry thieving, their black, stony hearts; measures which they, with cynical sacrilege, denominate just clemency; painful unavoidable duty; the pious sacrifice of their inflamed souls before the altar of the fearful Vizilipuztli, to whom they raise their prayers from the ruddy smoke of the blood of their victims.

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Señor Don Santiago Pérez Triana, a distinguished Colombian, who must know the why and wherefore of these things, says:

"The Colombian Executive, Señor Marroquin, upon learning through his minister at Washington of the pretensions of the North Americans, called a junta of citizens in the Executive palace of Bogota the 22d of last February, with the object of submitting to them the conditions pressed by the Government at Washington. The junta issued its opinion in a report wherein it declared that an acceptance of the American proposals would be equivalent to a sacrifice of national sovereignty of such magnitude and of such ominous possibilities that in no case should the Executive accept, from the lack of right to do so as well as from the unpatriotic character of such an action; that the National Congress itself would not have the power to consent to conditions that would impose such evils on the country, and that a question of such transcendental consequences could not be determined save by means of a national plebiscite, since in truth it involved, by acceptance of the North American conditions, a mutilation of the country.

"And it ends the document urging that surely upon submission of this question to a popular vote of all the Colombians there would not be among the 5,000,000 inhabitants of the Republic ten sons of Colombia who would consent to the consummation of a negotiation such as that proposed, whatever be the pecuniary advantages or others of a more transitory nature that might be offered."

The declarations of this junta are the first revelations (thanks to the article of the Union Ibéro-Americana) that may have been had of the abyss in which Marroquin and his confederates attempted to engulf the country for a handful of gold. For a handful of gold, I repeat, for in the report the pecuniary advantages are spoken of as the only inducement to the negotiations to which Dr. Concha has loaned his name and signature.

There follows the respectable opinion of Dr. Carlos Martinez Silva, immediate predecessor of Dr. Concha in the legation of Washington, to-day banished to the burning deserts of the llanos of San Martin, which the typical regenerator president, Carlos Holguin, had attempted to surrender to a foreign syndicate. I take this opinion from Le Temps, of Paris, a paper apparently on good terms with the canal company, and in any case of great weight with the public. As will be seen, Dr. Silva was at this time not only diplomatic minister, but also minister of foreign affairs of Colombia, on a special mission to the Government at the White House. The publication of Le Temps appeared in the section "Foreign news," and was dated March or April of the past year. It read thus:

"UNITED STATES.

"The minister of foreign relations of Colombia has sent to the Department of State a memorandum setting forth the conditions upon which Colombia will permit the United States to build the Panama Canal.

"The United States will have the entire control of the whole canal built across the Isthmus of Panama, with an unlimited lease for all the territory adjacent which will be required. Colombia will concede as much as is necessary to assure the American control, but in such a way that the absolute sovereignty of the United States will be out of question.

"If the Panama Canal Company refuses to cede, by a friendly agreement, to the United States the rights which it had acquired for itself, the United States and Colombia will, by mutual agreement, ignore this, and the company will be deprived of its concession, which had originally been granted to it upon the condition that the canal would be completely finished in October, 1904. Recently, indeed, the Colombian Government had prolonged the concession to 1910, *but the lawfulness of this decision has lately been questioned, and the courts of Colombia will have to decide whether the Government has gone beyond its authority in prolonging for a period of six years the original term of the concession.*"

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Time and again Señor Marroquin has been advised, even by his own satellites, that he should make for peace, guarantee universal suffrage, and convoke a national convention which would reassume constituent power and reorganize the nation on a fundamental and solid basis by harmonizing, as is by no means improbable, all the legitimate interests which have been debated in politics and have drenched with blood the Colombian soil in a war that has been going on for more than two years.

How did Señor Marroquin answer these patriotic cries? In a message which would be memorable if history took account of these little things, Señor Marroquin announced to all Colombians and to all those from a distance who might care to listen:

"With all my heart would I sacrifice on the altar of my country my desire for command, my inveterate rancor, my blind rage, my unfortunate compromises; I would convoke an assembly and resign to them the command which I have usurped, and would be the first to give peace and prosperity to the land in which I was born; *but the national constitution*, of which I am the most faithful guardian, and in maintaining which I would force the revolution and my enemies even to the last extremity if need be, does not permit me, does not allow me, does not empower me to take such a step."

Even the archbishop reminded him on this occasion of the pious D. José Manuel, for whom it was little less than a public disgrace that he did not withdraw from the post which he had attained and to which he clung in so indecorous a manner, when from but a slight abnegation would have followed such precious results. A sermon lost; a pastoral cast before swine; because the constitution would not allow Señor Marroquin to leave the Republic without a head at a moment when members of his own family, and even the sweethearts of his youthful days, were robbing the public treasury by every kind of artifice, even to the ruin of certain banking institutions, according to the testimony of Gen. Pedro Nel Ospira, at that time minister of war of Señor Marroquin.

Let us look now at another question intimately connected with those already mentioned, one introduced in a manner so patriotically irregular by Señor Cortes, and approved and reproduced in its report by the Colombian legation at Washington.

"Before concluding, permit me to consider an idea that has already become public and may have an echo in Colombia. I refer to the plan to defer the negotiation until 1904, the year when the present concession expires, to disown the legality of the prorogation granted to the canal company until 1910, and to negotiate directly with the American Government, cutting loose completely from the French company.

"The effect of such a proceeding would be, it is thought, to secure from the American Government the payment of part or whole of the $40,000,000 which it is disposed to pay the French company as the price for the concession at present controlled by it.

"I consider that such conduct would be considered by the whole civilized world a violation of international public faith; that it would induce a reclamation on the part of the French Government of a nature and magnitude such that we can not imagine; that the American Government would indignantly reject the idea of becoming a participant in a scheme that would bring considerable loss to the French people, a people whom the United States esteem in the highest degree and with whom they are connected by commercial interests and an historic feeling of gratitude, a fact so unequivocally shown to the whole world by the Rochambeau celebration."

The first thing that occurs before considering fully these foreign opinions "that have become public and may have an echo in Colombia," is to pass the consideration that they are not mere personal cavillations of Señor Cortes, but that the Colombian legation in giving them ear and publishing them has made them its own.

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Gen. Vargos Santos, for his part, in addition to what he had already said with Dr. Soto in his manifesto against the prorogation issued from the camps of Santander, has again said through the American press, and in good English, the following, taken from the Commercial Advertiser, of New York, June 14 of the current year:

"You must remember that the canal is a great factor in the present war.

"One of our grievances against the present Government is its disregard of the interests of the nation in granting to the French canal company an extension of its franchise and rights in the canal to 1910. We contend that this extension is not valid, as it was granted without the ratification of Congress, and we hold that the property of the French company, as well as the canal, reverts to Colombia in 1904. If the outcome of the present war favors the Liberal arms, we shall certainly take possession of the property in 1904 and sell it to the United States. The price we would demand for it would naturally be less than that demanded by the present French company."

Another opinion worthy of respect which has reached the public and ought to have produced a resonant echo in Colombia is that of Gen. Rafael Uribe Uribe, published in Curaçao July 1 of this year, subsequently reproduced in another special publication, which I have not at hand at the present moment, but which confirms the one I shall shortly quote. That this opinion reached at least the Colombian legation at Washington is proved by the reports it published from page 16 of which I transcribe the following important paragraph:

"In the New York Herald of August 26 is given a speech of a prominent rebel chief, in which he abandons the primitive cause of Liberal revindication and embraces as a new cause the necessity of sustaining for two years more the war of rebellion, in order to prevent the French canal company from legally ceding its rights at this time to the American Government, and also to render it impossible for Colombia during that time to consummate negotiations with America regarding the opening of the same Panama Canal. The said delay would probably result, as has been pointed out by the American press, in the adoption of some other route for interoceanic communication, if not in some occurrence of greater importance to the detriment of Colombia's sovereignty."

And now let the patriotic harangue of General Uribe be read, which gives as already lost what still swings suspended on the invincible sword of Herrera: "Per mare, per terras, per tota discrimina rerum," and on the will, not yet consulted, of the whole Colombian people when the time comes for it to be heard:

"If by treason to the country must be understood, as Dr. Becerra feels, the wounding of the vital interests of the nation instead of bearing triumphantly the banner of a party, those accused of this crime must not be sought in the Liberal field, but in that occupied by those who have seriously compromised the future of Colombia by the following official acts of general notoriety:

"To have extended for six years, against the express mandate of the law and the will of the last Congress, the franchise of the Panama Canal. Without this extension the franchise would have been forfeited in two years, leaving in Colombia's favor the part of the work already executed, the railroad, buildings, machinery, etc., for all of which the French company is now to receive $40,000,000. The government of Bogota sold the extension for one million, which was wholly converted into implements of war to annihilate the Liberal party, which had only asked for justice.[a]

"The French company offered $6,000,000, payable annually, or one million cash. The Government chose the latter; such was the haste it felt to exterminate us. In 1904 the nation would have resumed the whole of its rights in the Isthmus and, with the French company wiped out, would have been able to inaugurate negotiations directly with the United States. In that case, not only would it have had the forty millions that it loses to day and the six of which the Government at Bogota was in such desperate need, but advantages and guaranties relative to the national sovereignty in Panama of value inconceivable.

"The immediate redemption of paper money and the execution of great works of progress which would have been possible with the $40,000,000 that might have been the nation's: the loss of the Isthmus, which without doubt the United States will absorb, and the danger to Colombia and the other countries of South and Central America involved in thus putting the neck of our continent under the foot of the colossus of the north, these are good things gone and the evils to come through the work of hatred and the avarice of the Conservatives.

"To appreciate the monstrousness of this conduct, it will suffice to suppose that the Liberal revolution had gained possession of the Isthmus, and because of this, or because its arms had been successful in various parts of the country, or for any other reason whatsoever, the French company and the American Government had opened negotiations with the Liberal party of the same nature as with the Government at Bogota. The names of treason, mutilation, parricide, venality, and others like them would have seemed to the Conservatives inadequate sufficiently to stigmatize the Liberals, the authors of the negotiation. (Pamphlet entitled 'Comentarios.')"

The company could not in all this time comply with the conditions to which, for the second time, it had subscribed regarding the progress of operations and the conclusion of the work, and April 4, 1893, it obtained a new extension from Colombia, granted, as was the first one, for insignificant sums, and doubtless due to the justifiable desire that there should be a particular company to complete and exploit the canal.

In this there must also have been some element of romance (there has been in me) in favor of noble France and the savings of the innocent subscribers, who for some time were committing suicide or dying, and who today scarcely form an appreciable factor or interest in the plans under consideration and in the final arrangements that may be made. Nor to those successive ill-guaranteed extensions could the associates of ex-President Holguin have been strangers when he was minister to Europe and rained manna on the banks of the Seine.

Colombia's word, validly pledged, has been complied with even more fully than was necessary. That the stockholders and those interested in this bankrupt canal enterprise have founded other illegitimate hopes in the null acts of public officials incapable of investing it with the majesty of the law is a circumstance that should trouble them and not us who point out the nullity of the said act and remind those gentlemen honorably and opportunely of that nullity and its grave consequences to them. The French contracting parties stipulated the construction of the canal and the holding of the exclusive right of exploitation for one hundred years, with many perquisites, on the positive condition that they would complete and have it open to traffic within a certain term, on two occasions extended.

Even before the expiration of the first term the contracting company had been declared in a state of insolvency by the French tribunals—insolvency complicated with fraud, as is well known. Upon the new company, on extending the time for the completion of the work, there were placed, moreover, the obligations to reorganize as soon as possible and to undertake the work of excavation seriously in a way to complete it within the limit specified in the extension. And again, as may be seen in the letter of Dr. Esguerra, included in the documents, for the projected third extension the condition sine qua non was that the company should obtain the capital and finish the work itself without passing it over to some other agent. Even on this ground—that is to say, that the company itself should execute the work with private capital and without the meddling of any government, under the protection of Colombia—which was the patriotic desire of all Colombians, the extension thus obtained would have necessitated the intervention of the National Congress for its validity.

What must be said, then, of this extension not subscribed to by the commission appointed to prepare it in a clear, equitable pact, but juggled through a specious deception by a seesawing minister and president, and not now with the condition that the company itself should execute the work, but that it might sell to a foreign government that null extension and with it the legitimate hopes of Colombia, based precisely on the literal tenor and spirit of the contracts which bound the company, contracts which were two-sided and reciprocal and pledged the word and faith of both parties to their strict observance?

Not even can the plea of deceived hopes be adduced by the company and its sustainers, unless they take away the three offensive words "an assured act," which the company printed at the end of its propaganda in 1898, which are a blow to the Colombian Congress, the supposed instrument of the Executive and blind associate in all its measures. If the deeds should justify them, it will not for this reason be less certain that the gentlemen of the company have always well known that it is the Congress that must decide the question; that they have played a game, and nothing but a game, boldly staking upon one card their projects of transferring concession, canal, goods, and marketable effects to a foreign government; although if Congress should not support their game, all these castles-in-the-air manipulations and chimeras will fall back upon the reality of the contracts, valid until 1904.

Then the consequences of the conditions upon which the company entered into the contracts, and as to which there can be no possible doubt, will be forced upon them with all the power of law. The Government of Colombia will not then proceed to undertake the work of the canal and all that is connected with it, although it is fully authorized to do so by Article VI of the contract of 1890 and by article 6 of that of 1893; but considerate to the utmost, as it feels bound to be toward the rights and pretensions of the foreigners with whom they made the contract, it will do all in its power that article 9 of the last contract be complied with; that is to say, it trusts that the supreme court of justice of Colombia will pronounce upon the points of controversy that have sprung up and may spring up between the two parties concerning this contract and those preceding it.

* * * * * * *

Whether the American Government does or does not resent, with or without indignation, the idea that we Colombians try to live up to our constitution and to our laws in an honorable and loyal way is a matter upon which I do not feel competent to give an opinion, although I was last summer in Washington for the unveiling of the Rochambeau monument. But although I have not any official information to that effect I do not believe that I am going very much astray in supposing that neither the French nor the American Government will make or support an attempt upon the Republic of Colombia for the reasons and under the conditions set forth in that fantastic claim of the successors and continuers of Lesseps, Reinach, Arton, and Cornelius Herz.

When, however, the hour of Congress comes, it is to be hoped that it will proceed with uprightness and firmness in examining this affair, the most important with which Colombia ever had to deal, nor can this be done in a short time. Its proceedings must be strictly constitutional if they are to be correct; the prorogation must be disapproved; those who are responsible for it must be prosecuted, and careful precautions for the future must be taken. The Executive will have to modify, step by step, his policy in the negotiations then to come, and the judicial officers will have to perform their constitutional and legal duties when the hour comes. If the Americans have by that time decided upon another route and the French will not guarantee the completion of the canal upon the terms of the concession to which they are entitled up to the year 1904, and which may be extended for them or for any other syndicate under fair consideration of the value, Colombia may consider herself free by temporarily putting off this disturbing project gradually to develop her strength, resources, and natural wealth; independent and her own mistress, not allured by a passing advantage which may in the future be the cause of the most ominous consequences. Individuals and nations do not live from bread alone.

But the same Colombian legation in Washington acknowledges truthfully that these reforms were thwarted by the Government and the ignominious flight of Marroquin. This new despair, the new perspective, which opened with a more or less long period of immobility on the part of the despots, filled the measure of patience and resignation shown by the Liberals and drove them into civil war. The war once aflame, it was the duty of all Liberals, wherever they were, and whatever views they had formerly held, to support the revolution (and in this I, too, saw my duty), or at least to remain in the fraternal silence of companionship. To mount the tribune of deluded sociologists, of astute flatterérs, with the pretense of proving that peace is better than war, while in reality thundering against those who have on the battlefield fought for their share in the sun against a government of scoundrels—that would do very well as a sleight-of-hand method for escaping foreign powers, and might succeed as a piece of adulation before the shadow of an omnipotent sovereign having power of life and death; but the Liberal party will never be able to thank these apostles of peace to the utmost for the pains they have taken in such an ungrateful and treasonable work.

Feeling strong as against a government of felony, blood, and fraud, weak as against the defenders of law, they leaned as with a weight of lead against the handle of the pot and proclaimed themselves to be "men of peace," at all times and at every minute, outside of the party, within the party, and in spite of the party, and attacked the revolutionaries, calling "violent" and "hot-heads" every one of them who according to their ideas had helped to drag the poor, foolish people into war.

That the war is just will be shown by merely quoting two paragraphs of the pamphlet of the legation. Dr. Concha, speaking of the reforms which

[a] I write with horror and a wrath that has been for a long time accumulating, and nearly chokes me. Ever since Marroquin believed to be victor in Soacha and San Miguel, Amoladero and Guavio, counting upon the pseudo-liberal press in his service and at his heels, and not counting upon the admirable campaign of Clodomiro Castillo in Magdalena and the imposing one of Herrera in Panama and Pacífico, he has given way to a criminal impetuousness and has shed the blood of captives in streams. The most conspicuous, judging by the fame of the victims, were the noble youth of Bogota, of a Liberal patrician family, Antonio Suarez Lecroix, and his companions, Lezama, Vidal, and many others; later * * * I do not know how many more. I just received a paper from Barranquilla, the *Boletin Oficial*, núm. 88, the 8th of October of this year, which contains the following statement:

"BOGOTA, *15th of September, 1902.*

"*Governors of the Departments, Chiefs C. and M. of the Provinces, Chief Commanders of the Army, Commanders of the Divisions, etc.:*

"I have the honor of communicating to you that to-day at 6 a. m., in Espinal, the following rebels were dispatched by shooting: Cesáreo Pulido, Gabriel Mª Calderon, Anatol Barrios, Rogelio Chavez, German Martinez, Climaco Pizarro, and Benjamin Mañorca, in execution of the sentence pronounced by the council of war which inflicted this punishment upon them, being found guilty of having betrayed the country and having committed assault together with a gang of criminals.

"Your affectionate friend, "FERNANDEZ."

the government of Marroquin offered at last to introduce, said at the peace negotiations in New York:

"These reforms, the realization of which the government of the late Señor Sanclemente prevented by the dissolution of congress and by the limitation of its extraordinary sessions, are precisely what not only the Conservative party, but the Liberal press as well, is anxiously concerned in bringing about. * * *

"It is not useless to recall to mind that these reforms, beginning with the first, the law of elections, which may well be considered to be the fundamental base of the republican system, comprise the points which have caused the greater part of complaints against the public administration of the country during the last years; the question of the press; the liberty and safety of the individual; the independence of the judicial courts; the abolition of exceptional laws; the extinction of monopolies which affect the national industry and the liberty of commerce, and, lastly, a proper and effective administration of the public treasury by means of independent tribunals, the members of which are for the greater part to be chosen by the legislative bodies.

"The Señor President of the Republic is therefore disposed to make good the offers which he has for some time hence made to the country, although it is rebelling against his authority." * * *

To comment on this series is to degrade the beauty which finds its expression in the enumeration of necessary reforms and horrible evils named by Dr. Concha, and which justify, glorify, deify any revolution, not only of three, but of ten years, of thirty years, half of the life of a man, in order to reinstate and reestablish in the country every one of its lost liberties, and to extirpate every one of these terrible abuses introduced by the Conservatives in the Government. Only the last one, the proper and effective administration of the public treasury, is mentioned by Dr. Concha in an official report sent to the same House of Representatives, of which he was a member in 1898, and I quote it here to freshen up the memory:

"It may be asserted without the risk of committing an error that since 1886 there has not been a 'tribunal de cuentas' (department of public treasury) in the country, because every time that the treasury officials have tried to fulfill strictly the duties assigned to them they have stumbled against the will of some minister who would not permit any objections to his orders, as is proved by the notes to this effect which have been accumulating."

Opposed, as they are, like President Ospina in 1860, to any treaty, understanding, or regulation of affairs with the rebels, they have not wished to save the virgin by taking hold of her breast, as Don Julio Arboleda puts it, and have permitted that the war devastate and devour the country during three years rather than come down from their height, rather than smooth over a single angle in the feudal castle of their insane stupidity and negotiate with the revolution at the divers occasions on which the latter wished to meet them halfway ever after it began.

Betrayed the country! Assault together with a gang of criminals! There is no name for the infamy of Marroquin! And to crown this satanic work there is circulating in the foreign press a notice that General Uribe-Uribe, who made a treaty or agreement of peace with the Government, and, relying on it, surrendered, with all his companions and arms, was put in prison, judged by the council of war—composed of Marroquin's murderers—and condemned to death as traitor and head of a gang of criminals! How could that infamous hypocrite dare to shed this blood, to bring to a standstill this great heart, which harbored the most excellent republican virtues; the hero of Chancos, the chief of the Legion of Honor; the victor of Cipirra, of Peralonso, and Teran, who in a hundred battles sought the glorious death for liberty?

He died at the hands of lawless and furious highway robbers previously chastised by him, these assassins behind the desk, to whom their country owes nothing but shame! And Herrera—Herrera, the magnanimous and "most expert" hero of Santander and Panama! Will he tolerate the sacrifice of his companion, his friend, the tribune, the publicist, the pride of a race, of a family, of a nation, without resorting to just, although painful, reprisals in the Isthmus, proving to the world the necessity which has been forced upon the Liberal party to exchange the sword for the hatchet and to frighten the official bandits? Oh, Herrera! no! Protect your prisoners, who, being such, are sacred; but strengthen your courage and that of your armies by setting such an improbable example and avenge General Uribe-Uribe by humiliating in the end the arrogant enemy and by accomplishing the triumph of the revolution, which may then glory in its martyrs.

In vain Señor Caro and his party, in the political part of the masterly document quoted above, reminded them of the order, the teaching, the traditions of the country, the constitution itself, and the laws of the country which abolished the political scaffold thirty years ago. With pleasure and honor I repeat here these words of piety and common sense, which the legation in Washington will do well to heed:

"Not much argument is needed, with the laws of the country confronting us, in considering belligerency as guided by the law of nations. It is sufficient to recall to mind that it condemns the slaughtering of prisoners as an act contrary to military honor as well as to Christian morals; that reprisals should be resorted to only in cases of extreme need, by dire imposition of necessity, with only one end in view—that is, to restrain abuses and force a change of conduct (these are words by Bello) upon a ferocious people, who give no quarter to the conquered and observe no rules whatsoever."

Believing that he has not left the revolution sufficiently crushed by having made it appear a war for gain, he adds that at the last hour, and according to the allocution of General Uribe, "the rebels abandon the original standard of the Liberals and bring up anew the necessity of sustaining the war of rebellion for two years longer, in order to prevent the French Canal Company from making over its legal rights to the American Government, thus rendering it impossible for Colombia to conclude with this Government within the given time the negotiations concerning the opening of that same Panama Canal." Señor Concha adds, furthermore, in a series of inventions which do no credit to his imagination, "that the foreign chief of the rebels, from the point of view of his country's interests, would be more than justified in his alliance with them."

* * * * * * *

What value do the sociologists and Jesuits set upon the aid given us by Regalado and the Salvadorians? What did the conqueror of Tocuyito and La Victoria carry in his purse when he gave his most valiant support in order to defend us and in order to be defended from the invasions by way of Tachira and Carazua? Did they believe him dead and buried, slain like a mad dog? Indeed, both he and the Liberal revolution live to fight for an idea and the definite triumph of a common cause.

It must be repeated. As a door of escape from the Liberal ranks—as an argument thoroughly exploited by the Jesuits of the Government in order to make its ranks more solid and to attract blockheads, the canal question and the famous question of treason against our country—that of selling its territory and plotting to lessen its independence and sovereignty—these have been the two greatest slanders, which have caused no trouble in the mouths of the Goths and Jesuits, but in the mouths of those who have allowed themselves to be called Liberals have become excessively annoying.

In regard to the canal, what I have said in this pamphlet seems sufficient to show the attitude of the revolution in the entire debate. Dr. Concha entirely deceives himself when he writes that the "rebels" have abandoned the original standard of the Liberals to take as the only sign of war the question concerning which he is so agitated.[a] No (if I may use such a simile); if Don Lorenzo Marroquin had ten fingers and corresponding nails on each of the hands which God gave him, and suddenly there should develop two other fingers by the side of each thumb (such cases have been known), surely Dr. Concha would not then say that Lorenzo had abandoned the twenty Conservative grappling hooks that he always carried as his standard, while consul in Southampton, in the hotels of Mexico and Central America, and lastly at the side of his father in Bogota, but rather that four more had been developed for him and that his programme might be enlarged accordingly.

This is the state of the canal question among the rebels. It has not replaced the principles of right to which we adhere and which we are going to vindicate, but it increases our power of adhering to that right in proportion as the blunders and treason of the Conservatives are disclosed by time and events. The assembly which Marroquin convened the 13th of February of this year itself says plainly to him and to the minister at Washington: The work which these two have been bungling and obstructing is clearly a work of treason, complicated by imbecility. We shall now see who have been the felons and who have been laboring for the great and permanent interests of Colombia.

In regard to the famous treason, in our relations with friends and foreign coreligionists, who have served us well and continue to support us both morally and with some material aid, there will be published presently what I have written in this connection and what the leaders and associates may write. As for the Liberals, faithful to their party at this critical moment, for those who may have wavered on reading the slanders of the Goths and Jesuits, and who may not have been able to read the refutations of Generals Vargas, Soto, Uribe, and Herrera, let them read what I here reiterate concerning this tale: We have solicited and have obtained the support of disinterested coreligionists, who, like ourselves, ardently desire the triumph of the Liberal cause. But we have never made an unworthy compromise with anyone like that which the Conservatives made with Flores in 1840, to cede the province of Pasto, and with the Government of Venezuela in 1876, ceding the territory of San Faustino, to say nothing of other cases.

If the war was just and necessary then, to-day it is indispensable and sublime. War to the death has been declared; the resistance of desperation has been aroused. So be it! The piratical *Bogotá* being sunk in the abyss, let Herrera fall upon the line, take Colon, and attack Panama "on equal terms." The noble impartiality of the Americans has been already twice proved, and when they take possession of the Isthmus, with the control of the Pacific, they will find in the land a government of blood, of treason, and of theft which the followers of Marroquin exploit and Aristides Fernández directs. Already the paper money has lost the value it had acquired. All that the official whirlpool could swallow up has been swallowed. Those who have been entrapped and conquered do not fight for ideas. One blow more and the abominable temple will come to the ground. Those who have been deceived will return to their guerilla warfare. Everything of value which might be appropriated by the Government, such as coffee, hides, and gold in the mines, has been defended by the foreign ministers against official rapacity.

Listen, ye legionaries of Tumaco, Punta Peña, Penonomé, and Aguadulce! Listen, *Padilla*, *Boyacá*, *Gaitán*, *Darién*, whose banners and handkerchiefs soaked in tears and in the blood of our loved heroes who will never again see them wave. Collect your forces and revenge with victory the misfortunes of your country. Everything noble and sacred in Colombia is on your side. Each particle of steel in your swords represents an eternity of griefs suffered, of insults unavenged, which will go down through the ages. What kind of peace is offered you? One can not treat with a government without honor, which forges telegrams, and fails to recognize the very ones whom it has called to parley. A government which shoots those whom it has conquered and which is sunk in the mire of discredit and prevarication. Pursue the strife! Aquileo Parra, Santiago Pérez, all our great citizens will admire and praise you to all eternity. What does it matter that others defame you for opposing their sordid interests. I read again and admire the words for which the enemy reproaches you.

"*Before we will surrender to the government of Marroquin we will open our arms to the Sultan; not only from the liberal governments which sympathize with* us, but from the devil himself we would accept and appreciate the assistance which we need in order that we may wipe from the map of America the shameless master which calls itself the *Regeneracion!*" * * *

The canal question knocks at the public conscience with a resounding blow. It is the devil's moment. "The calf of gold is already set up!" This people, frugal and high-minded, will not allow themselves to be surprised by the rascals and imbeciles of such a tottering government; and if the revolution should triumph in reality, having already obtained its moral triumph, the fate of this negotiation and all that pertains to the true interests of the nation is assured. The blood already shed and that which will be shed will yet make fruitful the soil of our country, and will blot out, as with red-hot coals, the stain which treason, consented to and awarded, has cast upon it.

This is far from being all the evidence to establish the fact that we are dealing with the Church party in Colombia and with its ally—the New Panama Canal Company—in making this treaty with Marroquin, or Hernandez, who rules Marroquin, and that we are confirming, by our solemn treaty, the ascendency of the same party, and the same principles that are denounced by the Monroe doctrine.

RATIFICATION OF TREATY FAVORABLE TO CHURCH PARTY AND ADVERSE TO LIBERALS.

The concordat of 1888 with Pope Leo XIII, which is made the organic law of Colombia, is a distinct assertion of the same right to dominate the civil authority in Colombia that was announced in the compact of the Holy Alliance.

In purchasing from the canal company, with the consent of Colombia, the concession of April 23, 1900, by the decree of Sanclemente, which the Colombian Congress refused to permit or to ratify, we purchase, adopt, and agree to sustain the very cause of the civil war in Colombia, and join hands with the polluted and blood-stained hands of the church party, and give to the Liberal party its final coup de main. Our action in that direction

[a] In the Astor Library, of New York, I read for the first time the reason, published by the Jesuits everywhere, why I had come to the United States to sell the Isthmus—in exchange for the support of the Liberal cause.

I thought then of writing to España Moderna, where the falsehood had been printed, but I could not bring myself to have anything to do with such persons.

and to that extent can not be mistaken, nor will it ever be forgotten as an unquestionable adoption of the declarations of the Holy Alliance.

A SURRENDER OF THE PRINCIPLES OF THE CONSTITUTION.

This treaty makes no provision or reservation, even as to our own people who will be resident in Colombia and in the canal zone for centuries to come, against their submission to the same power that moved the Holy Alliance to recapture by war or by strength the lost possessions of Spain. As a practical declaration of the attitude of the United States toward the doctrine of the supremacy of the church in civil government, it is a surrender of the bed-rock principles of the Constitution of the United States as to the divorce of church and state, and it reverses all that has been accomplished in Mexico and in every Central and South American Republic, except Venezuela and Colombia, in the bloody wars with the Church party. It defames the glorious achievements of Juarez and Porfirio Diaz, which have lifted Mexico to the highest plane of free constitutional government and have filled her treasury with wealth and clothed her with the garments of praise.

MR. GLADSTONE ON "VATICAN DECREES IN THEIR BEARING ON CIVIL ALLEGIANCE."

Lest I should be misunderstood, in pressing this subject on the serious attention of the Senate, as one who is indulging the prejudices of a Protestant against the Roman Catholic Church instead of resisting the subordination of our own country through a solemn treaty to the baneful authority in Colombia of the order of the Jesuits, I will quote from Mr. Gladstone's careful review of the same proposition.

Mr. Gladstone, in 1875, wrote of "The Vatican decrees in their bearing on civil allegiance" as follows:

It is neither the abettors of the Papal chair nor anyone who, however far from being an abettor of the Papal chair, actually writes from a Papal point of view, that has a right to remonstrate with the world at large; but it is the world at large, on the contrary, that has the fullest right to remonstrate, first, with His Holiness; secondly, with those who share his proceedings; thirdly, even with such as passively allow and accept them.

I therefore, as one of the world at large, propose to expostulate in my turn. I shall strive to show to such of my Roman Catholic fellow-subjects as may kindly give me a hearing that, after the singular steps which the authorities of their church have in these last years thought fit to take, the people of this country, who fully believe in their loyalty, are entitled, on purely civil grounds, to expect from them some declaration or manifestation of opinion in reply to that ecclesiastical party in their church who have laid down, in their name, principles adverse to the purity and integrity of civil allegiance.

Undoubtedly my allegations are of great breadth. Such broad allegations require a broad and deep foundation. The first question which they raise is, are they, as to the material part of them, true? But even their truth might not suffice to show that their publication was opportune. The second question, then, which they raise is, are they, for any practical purpose, material? And there is yet a third, though a minor question which arises out of the propositions in connection with their authorship, were they suitable to be set forth by the present writer?

To these three questions I will now set myself to reply. And the matter of my reply will, as I conceive, constitute and convey an appeal to the understandings of my Roman Catholic fellow-countrymen which I trust that, at the least, some among them may deem not altogether unworthy of their consideration.

Before all things, however, I should desire to be understood that, in the remarks now offered, I desire to eschew not only religious bigotry, but likewise theological controversy. Indeed, with theology, except in its civil bearing—with theology as such—I have here nothing whatever to do. But it is the peculiarity of Roman theology that, by thrusting itself into the temporal domain, it naturally, and even necessarily, comes to be a frequent theme of political discussion. To quiet-minded Roman Catholics it must be subject of infinite annoyance that their religion is, on this ground, more than any other the subject of criticism; more than any other the occasion of conflicts with the State and of civil disquietude. I feel sincerely how much hardship their case entails. But this hardship is brought upon them altogether by the conduct of the authorities of their own church.

Why did theology enter so largely into the debates of Parliament on Roman Catholic emancipation? Certainly not because our statesmen and debaters of fifty years ago had an abstract love of such controversies, but because it was extensively believed that the Pope of Rome had been and was a trespasser upon ground which belonged to the civil authority, and that he affected to determine by spiritual prerogative questions of the civil sphere. This fact, if fact it be, and not the truth or falsehood, the reasonableness or unreasonableness, of any article of purely religious belief, is the whole and sole cause of the mischief. To this fact, and to this fact alone, my language is referable; but for this fact it would have been neither my duty nor my desire to use it. All other Christian bodies are content with freedom in their own religious domain.

Orientals, Lutherans, Calvinists, Presbyterians, Episcopalians, Nonconformists, one and all, in the present day, contentedly and thankfully accept the benefits of civil order; never pretend that the State is not its own master; make no religious claims to temporal possessions or advantages; and, consequently, never are in perilous collision with the State. Nay, more, even so I believe it is with the mass of Roman Catholics individually. But not so with the leaders of their church or with those who take pride in following the leaders. Indeed, this has been made matter of boast:

"There is not another church, so called (than the Roman), nor any community professing to be a church, which does not submit or obey or hold its peace when the civil governors of the world command." (The Present Crisis of the Holy See, by H. E. Manning, D. D., London, 1861, p. 75.)

The Rome of the Middle Ages claimed universal monarchy. The modern Church of Rome has abandoned nothing, retracted nothing. Is that all? Far from it. By condemning (as will be seen) those who, like Bishop Doyle in 1826, charge the mediæval popes with aggression she unconditionally, even if covertly, maintains what the mediæval Popes maintained. But even this is not the worst. The worst by far is that whereas in the national churches and communities of the Middle Ages there was a brisk, vigorous, and constant oppositon to these outrageous claims—an opposition which stoutly asserted its own orthodoxy, which always caused itself to be respected, and which even sometimes gained the upper hand—now in this nineteenth century of ours, and while it is growing old, the same opposition has been put out of court and judicially extinguished within the Papal church by the recent decrees of the Vatican. And it is impossible for persons accepting those decrees justly to complain when such documents are subjected in good faith to a strict examination as respects their compatibility with civil right and the obedience of subjects.

In defending my language I shall carefully mark its limits. But all defense is reassertion, which properly requires a deliberate reconsideration; and no man who thus reconsiders should scruple, if he find so much as a word that may convey a false impression, to amend it. Exactness in stating the truth according to the measure of our intelligence is an indispensable condition of justice, and of a title to be heard.

My propositions, then, as they stood, are these:

1. That "Rome has substituted for the proud boast of semper eadem a policy of violence and change in faith."

2. That she has refurbished and paraded anew every rusty tool she was fondly thought to have disused.

3. That no one can now become her convert without renouncing his moral and mental freedom and placing his civil loyalty and duty at the mercy of another.

4. That she ("Rome") has equally repudiated modern thought and ancient history.

THE SECOND PROPOSITION.

I take my second proposition: That Rome has refurbished and paraded anew every rusty tool she was fondly thought to have disused.

Is this, then, a fact, or is it not?

I must assume that it is denied, and therefore I can not wholly pass by the work of proof. But I will state, in the fewest possible words and with references, *a few propositions, all the holders of which have been condemned by the See of Rome during my own generation, and especially within the last twelve or fifteen years.* And, in order that I may do nothing toward importing passion into what is matter of pure argument, I will avoid citing any of the fearfully energetic epithets in which the condemnations are sometimes clothed.

1. Those who maintain the liberty of the press. (Encyclical letter of Pope Gregory XVI, in 1831, and of Pope Pius IX, in 1864.)

2. Or the liberty of conscience and of worship. (Encyclical of Pius IX, December 8, 1864.)

3. Or the liberty of speech. ("Syllabus" of March 18, 1861. Prop. LXXIX. Encyclical of Pope Pius IX, December 8, 1864.)

4. Or who contend that Papal judgments and decrees may, without sin, be disobeyed or differed from unless they treat of the rules (dogmata) of faith or morals. (Ibid.)

5. Or who assign to the state the power of defining the civil rights (jura) and province of the church. ("Syllabus" of Pope Pius IX, March 8, 1861. Ibid., Prop. XIX.)

6. Or who hold the Roman Pontiffs and œcumenical councils have transgressed the limits of their power and ursurped the rights of princes. (Ibid. Prop. XXIII.)

(It must be borne in mind that œcumenical councils here mean Roman councils not recognized by the rest of the church. The councils of the early church did not interfere with the jurisdiction of the civil power.)

7. Or that the church may not employ force. (Ecclesia vis inferendoe poestatem non habet.) ("Syllabus" Prop. XXIV.)

8. Or that power not inherent in the office of the episcopate, but granted to it by the civil authority, may be withdrawn from it at the discretion of that authority. (Ibid. Prop. XXV.)

9. *Or that the (immunitas) civil immunity of the church and its ministers depends upon civil right.* (Ibid. Prop. XXX.)

10. *Or that in the conflict of laws, civil or ecclesiastical, the civil law should prevail.* (Ibid. Prop. XLII.)

11. *Or that any method of instruction of youth, solely secular, may be approved.* (Ibid. Prop. XLVIII.)

12. *Or that knowledge of things philosophical and civil may and should decline to be guided by divine and ecclesiastical authority.* (Ibid. Prop. LVII.)

13. *Or that marriage is not in its essence a sacrament.* (Ibid. Prop. LXVI.)

14. *Or that marriage not sacramentally contracted* (si sacramentum excludatur) *has a binding force.* (Ibid. Prop. LXXVI.)

15. Or that the abolition of the temporal power of the popedom would be highly advantageous to the church. (Ibid. Prop. LXXVI. Also Prop. LXX.)

16. *Or that any other religion than the Roman religion may be established by a state.* (Ibid. Prop. LXXVII.)

17. *Or that in "countries called Catholic" the free exercise of other religions may laudably be allowed.* ("Syllabus" Prop. LXXVIII.)

18. Or that the Roman Pontiff ought to come to terms with progress, liberalism, and modern civilization. (Ibid. Prop. LXXX.)

This list is now, perhaps, sufficiently extended, although I have as yet not touched the decrees of 1870. But before quitting it I must offer three observations on what it contains:

Firstly. I do not place all the propositions in one and the same category, for there are a portion of them which, as far as I can judge, might, by the combined aid of favorable construction and vigorous explanation, be brought within bounds. And I hold that favorable construction of the terms used in controversies is the right general rule. But this can only be so when construction is an open question. When the author of certain propositions claims, as in the case before us, a sole and unlimited power to interpret them in such a manner and by such rules as he may from time to time think fit, the only defense for all others concerned is at once to judge for themselves how much of unreason or of mischief the words, naturally understood, may contain.

Secondly. It may appear, upon a hasty perusal, that neither the infliction of penalty in life, limb, liberty, or goods on disobedient members of the Christian church, nor the title to depose sovereigns and release subjects from their allegiance, with all its revolting consequences, has been here reaffirmed. In terms, there is no mention of them; but in the substance of the propositions, I grieve to say, they are beyond doubt included. For it is notorious that they have been declared and decreed by "Rome," that is to say, by popes and papal councils, and the stringent condemnations of the syllabus include all those who hold that popes and papal councils (declared œcumenical) have transgressed the limits of their power or usurped the rights of princes.

The foregoing citations of Mr. Gladstone are supported by the documents set forth in his book, but were not quoted here because of their length.

After completing his statement of facts, on which his argument is of the highest ability, Mr. Gladstone states his conclusions

in words of admonition to the British Government and people as follows:

I submit, then, that my fourth proposition is true, and that England is entitled to ask and to know in what way the obedience required by the Pope and the council of the Vatican is to be reconciled with the integrity of civil allegiance.

And again he says:

1. That the Pope, authorized by his council, claims for himself the domain (a) of faith, (b) of morals, (c) of all that concerns the government and discipline of the church.
2. That he in like manner claims the power of determining the limits of those domains.
3. That he does not sever them, by any acknowledged or intelligible line, from the domains of civil duty and allegiance.
4. That he therefore claims, and claims from the month of July, 1870, onward, with plenary authority, from every convert and member of his church, that he shall "place his loyalty and civil duty at the mercy of another," that other being himself.

BEING TRUE, ARE THE PROPOSITIONS MATERIAL?

But next, if these propositions be true, are they also material? The claims can not, as I much fear, be denied to have been made. It can not be denied that the bishops, who govern in things spiritual more than five millions (or nearly one-sixth) of the inhabitants of the United Kingdom, have in some cases promoted, in all cases accepted, these claims. It has been a favorite purpose of my life not to conjure up, but to conjure down, public alarms. I am not now going to pretend that either foreign foe or domestic treason can, at the bidding of the court of Rome, disturb these peaceful shores.

But though such fears may be visionary, it is more visionary still to suppose for one moment that the claims of Gregory VII, of Innocent III, and of Boniface VIII have been disinterred in the nineteenth century like hideous mummies picked out of Egyptian sarcophagi, in the interests of archæology, or without a definite or practical aim. As rational beings we must rest assured that only with a very cleverly conceived and foregone purpose have these astonishing reassertions been paraded before the world. What is that purpose?

He then addresses his remarks to the purposes of the dogmas that are recently revived, as follows:

It must be for some political object of a very tangible kind that the risks of so daring a raid upon the civil sphere have been deliberately run.

A daring raid it is. For it is most evident that the very assertion of principles which establish an exemption from allegiance, or which impair its completeness, goes, in many other countries of Europe far more directly than with us, to the creation of political strife, and to dangers of the most dangerous and tangible kind. The struggle now proceeding in Germany at once occurs to the mind as a palmary instance. I am not competent to give any opinion upon the particulars of that struggle. The institutions of Germany and the relative estimate of State power and individual freedom are materially different from ours. But I must say as much as this: Firstly, It is not Prussia alone that is touched; elsewhere, too, the bone lies ready, though the contention may be delayed.

Archbishop Manning, who is the head of the Papal church in England, and whose ecclesiastical tone is supposed to be in the closest accordance with that of his headquarters, has not thought it too much to say that the civil order of all Christendom is the offspring of the temporal power, and has the temporal power for its keystone; that on the destruction of the temporal power "the laws of nations would at once fall in ruins;" that (our old friend) the deposing power "taught subjects obedience and princes clemency." Nay, this high authority has proceeded further, and has elevated the temporal power to the rank of necessary doctrine.

"The Catholic Church can not be silent, it can not hold its peace, it can not cease to preach the doctrines of revelation, not only of the Trinity and of the incarnation, but likewise of the seven sacraments, and of the infallability of the church of God, and of the necessity of the unity, and of the sovereignty, both spiritual and temporal, of the Holy See."

I never, for my own part, heard that the work containing this remarkable passage was placed in the "Index Prohibitorum Librorum." On the contrary, its distinguished author was elevated, on the first opportunity, to the headship of the Roman episcopacy in England and to the guidance of the million or thereabouts of souls in that communion. And the more recent utterances of the oracle have not descended from the high level of those already cited. They have, indeed, the recommendation of a comment, not without fair claims to authority, on the recent declarations of the Pope and the council, and of one which goes to prove how far I am from having exaggerated or strained in the foregoing pages the meaning of those declarations. Especially does this hold good on the one point, the most vital of the whole—the title to define the border line of the two provinces, which the archbishop not unfairly takes to be the true criterion of supremacy as between rival powers like the church and the state.

If, then, the civil power be not competent to decide the limits of the spiritual power, and if the spiritual power can define, with a divine certainty, its own limits, it is evidently supreme. Or, in other words, the spiritual power knows, with divine certainty, the limits of its own jurisdiction; and it knows, therefore, the limits and the competence of the civil power. It is thereby, in matters of religion and conscience, supreme. I do not see how this can be denied without denying Christianity. And if this be so, this is the doctrine of the bull unam sanctam, and of the syllabus, and of the Vatican council. It is in fact ultramontanism, for this term means neither less nor more. The church, therefore, is separate and supreme.

"Let us, then, ascertain further what is the meaning of supreme. Any power which is independent, and can alone fix the limits of its own jurisdiction, and can thereby fix the limits of all other jurisdictions, is ipso facto supreme. But the church of Jesus Christ within the sphere of revelation, of faith and morals, is all this, or is nothing, or worse than nothing, an imposture and a usurpation; that is, it is Christ or anti-Christ."

But the whole pamphlet should be read by those who desire to know the true sense of the Papal declarations and Vatican decrees, as they are understood by the most favorite ecclesiastics; understood, I am bound to own, so far as I can see, in their natural, legitimate, and inevitable sense. Such readers will be assisted by the treatise in seeing clearly and in admitting frankly that whatever demands may hereafter and in what circumstances be made upon us, we shall be unable to advance with any fairness the plea that it has been done without due notice.

There are millions upon millions of the Protestants of this country who would agree with Archbishop Manning if he were simply telling us that divine truth is not to be sought from the lips of the state, nor to be sacrificed at its command. But those millions would tell him in return that the state, as the power which is alone responsible for the external order of the world, can alone conclusively and finally be competent to determine what is to take place in the sphere of that external order.

It is idle to suppose that there is no political purpose in the concordat of 1888 between Pope Leo XIII and Colombia, or that it is not supremely dangerous to the political rights of the people there, and especially to the Liberal party in that and other republics.

Colombia is not under the jurisdiction of the United States and we may have no right to institute a propaganda against an ecclesiastical danger that threatens her civil powers in self-government, but when we place our people under her laws in perpetuity, by treaty agreement, we can not ignore the fact that we subject them to the degradation of that concordat and the abominable law that Colombia has enacted to enforce it.

It can scarcely be imagined that Colombia could refuse to agree to exempt our people from those laws if this treaty shall be so amended as to require it, nor can it be doubted that our people will scorn a treaty that binds them forever to this "body of death."

After five hours and thirty-five minutes spent in executive session the doors were reopened.

AMENDMENT OF THE RULES—LIMITATION OF DEBATE.

Mr. HOAR. I desire to introduce an amendment to the rules, and I ask that it be referred to the Committee on Rules. I have not specified in it the detail as to what rules it modifies or changes, because it is better to let that be until the committee reports. It will not report, probably, at the present session. I should like to have the amendment printed in the RECORD.

The amendment was referred to the Committee on Rules, and ordered to be printed in the RECORD, as follows:

The rules of the Senate shall be amended and modified by incorporating therein the following:

"No Senator shall speak more than two hours on the same bill or resolution on the same day except by unanimous consent.

"After the presence of a quorum has been ascertained by a call of the Senate, and thereafter on the same day the question of the presence of a quorum be raised, it shall be ascertained and declared by the Presiding Officer on inspection without calling the roll.

"It shall be at any time in order for any Senator to move that the question on any pending bill or resolution, together with all amendments thereto, shall be put on the day when the motion is adopted, or on any subsequent day thereafter, which shall be determined without debate. If it shall be determined in the affirmative, no motion for an executive session and no other business shall be in order on that day until said matter has been disposed of. If a motion for a recess or for adjournment shall be made, the Chair shall not put the same unless the motion be seconded by a majority of the Senators present and voting. The question whether the same be seconded shall be determined by the Chair by a count, and thereon no call of the yeas and nays on that question shall be in order.

"When a Senator declines to vote on the call of his name, he shall state his reasons therefor, if he sees fit, as briefly as may be, and shall not occupy more than ten minutes in so doing."

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, March 16, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 14, 1903.

CONSUL-GENERAL.

Alanson W. Edwards, of North Dakota, to be consul-general of the United States at Montreal, Canada, vice John L. Bittinger, resigned.

REGISTER OF LAND OFFICE.

William T. Adams, of Wyoming, to be register of the land office at Lander, Wyo., his term having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

John A. Swenson, of Cody, Wyo., to be receiver of public moneys at Lander, Wyo., vice Mrs. Minnie Williams, resigned.

James N. Kelly, of Big Timber, Mont., to be receiver of public moneys at Bozeman, Mont., vice Andrew J. Edsall, term expired.

SURVEYOR-GENERAL.

John D. Daly, of Corvallis, Oreg., to be surveyor-general of Oregon, vice Henry Meldrum, removed.

MINISTER RESIDENT AND CONSUL-GENERAL.

Ernest Lyon, of Maryland, to be minister resident and consul-general of the United States at Monrovia, Liberia, vice John R. A. Crossland, resigned.

ADMIRAL OF THE NAVY.

Rear-Admiral George Dewey, to be Admiral of the Navy from the 2d day of March, 1899, in accordance with the provisions of an act approved March 2, 1899, creating the grade of Admiral of the Navy, to correct the nomination previously submitted.

POSTMASTER.

WISCONSIN.

Frederick Reitz, to be postmaster at Neillsville, in the county of Clark and State of Wisconsin, in place of Fred Reitz, to correct name.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 14, 1903.

CONSUL-GENERAL.

Alanson W. Edwards, of North Dakota, to be consul-general of the United States at Montreal, Canada.

ADMIRAL OF THE NAVY.

Rear-Admiral George Dewey, to be Admiral of the Navy from the 2d day of March, 1899, in accordance with the provisions of an act approved March 2, 1899.

INJUNCTION OF SECRECY REMOVED.

Mr. BACON submitted an amendment to the convention with Colombia for the construction of the Panama Canal, from which, on his motion, the injunction of secrecy was removed.

SENATE.

MONDAY, *March 16, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM WASHINGTON.

Mr. FOSTER of Washington. My colleague, the Senator-elect from Washington, Mr. Ankeny, is present and ready to be sworn.

The PRESIDENT pro tempore. The Senator-elect from Washington will present himself at the desk, and the Chair will administer the oath required by law.

Mr. Ankeny was escorted to the Vice-President's desk by Mr. FOSTER of Washington, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

AMENDMENT OF RULES—LIMITATION OF DEBATE.

Mr. HOAR. I ask that the proposed amendment to the rules submitted by me, and which is printed in the RECORD of Saturday's proceedings, be also printed in the usual way.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be so ordered.

TOWN SITES ON PUBLIC LANDS.

Mr. GAMBLE. At the request of the junior Senator from Minnesota [Mr. CLAPP], I ask that a paper which I present, being a copy of laws applicable to town sites on public lands, extended by act of Congress to the ceded Indian reservations in the State of Minnesota, be printed as a document, and that 500 additional copies be printed for the Senate document room.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the paper presented by him be printed as a document, and that 500 additional copies be printed. Is there objection? The Chair hears none, and it is so ordered.

REPORT ON EDUCATION IN PORTO RICO.

On motion of Mr. FORAKER, it was

Ordered, That the plates which accompanied the manuscript for additional copies of the report of the commissioner of education for Porto Rico, provided for in Senate concurrent resolution No. 57, second session Fifty-seventh Congress, be withdrawn from the files of the Senate and returned to the commissioner of education for Porto Rico, no adverse report having been made thereon.

AMENDMENT OF RULES—DISPOSITION OF ROUTINE BUSINESS.

Mr. HANSBROUGH. Some days ago I submitted a resolution proposing to amend the rules, which is now on the table. I ask that it may be referred to the Committee on Rules.

The PRESIDENT pro tempore. The resolution submitted by the Senator from North Dakota, relative to an amendment of Senate Rule XL, will be referred to the Committee on Rules.

Mr. HANSBROUGH. It should be printed.

The PRESIDENT pro tempore. It has been printed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business. After six hours spent in executive session the doors were reopened.

HOUR OF MEETING.

Mr. CULLOM. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. BAILEY. I wish to make a parliamentary inquiry. Can an adjournment be taken to a time within the next regular meeting? It looks to me like a recess. However, it is not important.

Mr. CULLOM. The motion is certainly in order, I think.

The PRESIDENT pro tempore. The hour of meeting can be changed. It is the order of the Senate that it shall meet at 12 o'clock until otherwise ordered.

Mr. BAILEY. In the other body when we wanted to meet before 12 o'clock we took a recess.

Mr. ALLISON. The practice is different in the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 17, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 16, 1903.

CONSUL-GENERAL.

Thomas Willing Peters, of the District of Columbia, now consul at Plauen, to be consul-general of the United States at St. Gall, Switzerland, to take effect April 30, 1903, vice James T. McCallum, resigned.

William Shaw Bowen, of Rhode Island, to be consul-general of the United States at Guayaquil, Ecuador, vice George Sawter, resigned. The nomination of William Shaw Bowen to be consul at Valencia, Spain, which was sent to the Senate on the 10th instant, is hereby withdrawn.

CONSUL.

Hugo Muench, of Missouri, now consul at Zittau, to be consul of the United States at Plauen, Germany, to take effect April 30, 1903, vice Thomas Willing Peters, nominated to be consul-general at St. Gall, Switzerland.

PROMOTIONS IN THE NAVY.

Commander George H. Kearny, to be a captain in the Navy, from the 7th day of March, 1903 (subject to the examinations required by law), vice Capt. Abraham B. H. Lillie, retired.

Lieut. Commander Bradley A. Fiske, to be a commander in the Navy, from the 7th day of March, 1903 (subject to the examinations required by law), vice Commander George H. Kearny, promoted.

Lieut. DeWitt C. Redgrave, to be a lieutenant-commander in the Navy, from the 7th day of March, 1903 (subject to the examinations required by law), vice Lieut. Commander Bradley A. Fiske, promoted.

Lieut. (Junior Grade) Edward McCauley, jr., to be a lieutenant in the Navy, from the 7th day of March, 1903 (subject to the examinations required by law), vice Lieut. DeWitt C. Redgrave, promoted.

Paymaster James S. Phillips, to be a paymaster in the Navy, with the rank of lieutenant-commander, from the 3d day of March, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 16, 1903.

MINISTER RESIDENT AND CONSUL-GENERAL.

Ernest Lyon, of Maryland, to be minister resident and consul-general of the United States at Monrovia, Liberia.

SOLICITOR OF INTERNAL REVENUE.

A. B. Hayes, of Utah, to be solicitor of internal revenue.

SURVEYOR-GENERAL OF OREGON.

John D. Daly, of Corvallis, Oreg., to be surveyor-general of Oregon.

SUPERVISING INSPECTOR-GENERAL OF STEAM VESSELS.

George Uhler, of Pennsylvania, to be Supervising Inspector-General of Steam Vessels,

REGISTER OF THE LAND OFFICE.

William T. Adams, of Wyoming, to be register of the land office at Lander, Wyo.

RECEIVERS OF PUBLIC MONEYS.

John A. Swenson, of Cody, Wyo., to be receiver of public moneys at Lander, Wyo.

James N. Kelly, of Big Timber, Mont., to be receiver of public moneys at Bozeman, Mont.

POSTMASTERS.

DELAWARE.

John W. Jolls, to be postmaster at Middletown, in the county of Newcastle and State of Delaware.

Douglass C. Allee, to be postmaster at Dover, in the county of Kent and State of Delaware.

NEW YORK.

Abram Devendorf, to be postmaster at Fort Plain, in the county of Montgomery and State of New York.