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KLINE'S

accounted for. Is this balance to be paid as damages due to Colombia by reason of the premature recognition of Panama by the United States?

It is true that President Roosevelt recognized the independence of the republic of Panama within a very short time after the declaration of its independence by the people of the Isthmus. But a recognition of independence is merely the expression of opinion, by the recognizing state, as to the existence of certain facts. Clearly the lapse of time between the assertion of its independence by a political community and the recognition of that independence by other states, cannot be the sole determinant of the correctness of the judgment or the good faith of the recognizing state. Being the expression of an opinion as to the existence of accomplished facts, promptness or delay in acting is a matter of indifference so long as there is a bona fide belief that the action accords with the facts.

Nor must the recognizing state act at its peril in determining upon the existence of the facts. Provided it acts in good faith, there is no precedent for holding that an error of judgment in deciding that a political community seeking recognition, whether of belligerency or of independence, is entitled to it furnishes the basis of a claim for damages. This is simply another way of saying that one state has no reasonable right to expect omniscience on the part of another state. A necessary corollary to which is that the failure to exercise an infallible judgment does not render a state liable to respond in damages for the real or fancied wrongs resulting from such failure.

England never asserted a claim for damages against France for premature recognition of the independence of the United States, although that was a glaring case of the expression of a hope rather than a judgment. Although Spain complained of our recognition of the South American republics, she did not make it the basis of a claim for damages.

The Charge that the United States Fomented Revolution

In order to recognize the validity of Colombia's claim against the United States for damages resulting from the independence of Panama, we must reach the conclusion that the United States fomented the revolution and officially and willfully aided the revolutionists in establishing their independence. But where is the proof to support such a conclusion? I have read all that I can find bearing upon the history of the event and confess that I can find no convincing evidence of guilty co-operation on the part of the United States in bringing about the changed political relations on the Isthmus. The conclusion rests upon assumption rather than upon proof. Moreover, the assumption is a gratuitous one rather than one which is necessary to explain the facts.

There was ample incentive to revolt, apart from any outside inspiration or interference. The people of the Isthmus had never derived any very substantial benefit from their political connection with Colombia. Only about one-tenth of the revenues collected from them were spent for their benefit and what protection they received they received from the United States. To be thus used as a political asset for the benefit of a knot of corrupt politicians at Bogota was certainly not well calculated to strengthen their feeling of allegiance. Viewed in the light of Colombia's past indifference toward the welfare of the Isthmian provinces, it seems entirely natural that, when their interests were selfishly sacrificed and their reasonable hopes blighted by the exhibition of political narrowness and stupidity, tinged with hypocrisy, in rejecting the Hay-Herran treaty, the people of the Isthmus should have done exactly what they did, namely, dissolve the political bond which kept them from rendering the service and reaping the

benefit which God and nature intended they should.

It is an injustice not to concede to those people, situated upon the world's highway of commerce, some degree of intelligence and some degree of self-interest. Not to have manifested a determination that their great natural resource, due to their situation, be used to their own and the benefit of mankind, rather than senselessly wasted, would have been unmistakable evidence of an imperative need for the appointment of a commission of lunacy. When the United States refused to allow a shipload of Colombian soldiers to fight in the vicinity of the railway and sent them back to Cartagena it was by acting in accord with the terms of the treaty of 1846 and conforming to the policy outlined by Seward in a dispatch to Mr. Burton of October 9, 1866:

"The United States have always abstained from any connection with questions of internal revolution in Panama or any other of the states of the United States of Colombia, and will continue to maintain a perfect neutrality in such domestic controversies. In the case, however, that the transit trade across the Isthmus should suffer from an invasion from either domestic or foreign disturbances of the peace in the state or Panama, the United States will hold themselves ready to protect the same."

John Hay's Testimony

In its refusal to allow the use of the railroad for the transportation of troops, the United States was not, therefore, introducing any new interpretation of the Treaty of 1846. And it is worth noting that it exercised this right against the troops of Panama as well as against those of Colombia. As against the unsupported assumption of guilty participation in the revolution by the United States, I place the word of John Hay, than whom no one was in a better position to know, and whose ability, truthfulness and sense of honor do not suffer by comparison with that of any other diplomat America has produced. In a letter of December 8, 1903, to James Ford Rhodes, the historian, Mr. Hay says:

"When I think of how many mistakes I have made which have escaped notice, I ought not to be dissatisfied with being lambasted in an occasional case where I have done right. It is hard for me to understand how any one can criticize our action in Panama on the grounds upon which it is ordinarily attacked. The matter came on us with amazing celerity. We had to decide on the instant whether we would take possession of the ends of the railroad and keep the traffic clear, or whether we would stand back and let those gentlemen cut each other's throats for an indefinite time, and destroy whatever remnant of our property and interests we had there. I had no hesitation as to the proper course to take and have had no doubt of the propriety of it since."

In no less uncertain tone does he speak of the part taken by President Roosevelt. In a letter of January 20, 1904, to Professor George P. Fisher, he says:

"I am sure that if the president had acted differently, when, the 3rd of November, he was confronted by a critical situation which might easily have turned to disaster, the attacks which are now made on him would have been ten times more virulent and more effective. He must have done exactly as he did, or the only alternative would have been an indefinite duration of bloodshed and devastation through the whole extent of the Isthmus. It was a time to act and not to theorize, and my judgment at least is clear that he acted rightly."

(To Be Continued)

Mechanics Art Clock Gone
The clock in the Mechanics Art

hall is gone. Who disposed of it or whither it has gone are matters of mystery and are the cause of many comments by those having classes in this building. It is only to be con-

jectured whether someone has taken the clock to raise some money, to get rid of it in order to have a tangible reason to be late for classes, or to do away with it as a mere joke.

SPORTS

137 HIGH SCHOOLS

ENTER STATE TOURNEY

One hundred and thirty-seven entries have been made thus far for the high school basketball tournament to be held in Lincoln March 8, 9, 10 and 11. The list includes sixty-eight new schools.

The playing floor available will be the armory and chapel at the university, the Y. M. C. A. floor and the city auditorium. The teams will be classified into three divisions: A, B, and C. This classification will be made on the basis of the record for the season, the class of teams played, the size of the city, the number of veterans on the team, the number of boys in the high school and the tournament experience.

A silver loving cup will be presented to the winner of each class, and gold medals will be given to the six men on the winning teams. Banners will be given to teams who place second in each class.

The entire receipts of the tournament will be pro-rated among the visiting teams according to the distance traveled. Last year about four-fifths of the transportation was paid.

It is planned by the athletic department of the university and the Commercial club of the city of Lincoln to help defray the expense of a banquet where all can be present. All contestants are furnished free access to the various basketball games at all times.

The list of entries are:

Ainsworth, Alma, Arlington, Atkin-

son, Auburn, Arnold, Alliance, Alexandria, Bancroft, Battle Creek, Beatrice, Bethany, Bristow, Broken Bow, Calne, Cedar Bluffs, Central City, Chadron, Clarks, Columbus, Cortland, Cozad, Craig, Crete, Creighton, Crofton.

DeWitt, Diller, Dodge, Edgar, Elgin, Elmwood, Eustis, Ewing, Exeter, Fairmont, Falls City, Franklin Academy, Fremont, Fullerton, Friend, Fairfield, Genoa, Geneva, Gibson, Gothenburg, Grand Island, Hampton, Hardy, Hartington, Havelock, Hebron, Holdrege, Howells, Humboldt, Harvard, Hastings.

Kearney, Kearney Military Academy, Kenesaw, Kimball, Lincoln, Lawrence, Louisville, Lynch, Lyons, Lowell Rural, Lebanon, Lexington, Merne, Madison, Marquette, Maxwell, Meadow Grove, Minden, Murdock.

Nebraska City, Nelson, Nebraska Military Academy, Newman Grove, North Bend, Norfolk, Ohlawa, Oakdale, Omaha High School of Commerce, Omaha, Ong, Ord, Osceola, Osmond, Palisade, Panama, Papillion, Plainview, Pierce, Plattsmouth, Randolph, Ravenna, Rising City, Rushville, Sutton, Sargeant, Seward, Schuyler, Sheldon.

Sidney, South Omaha, Stockham, Stickley, Scotts Bluffs, Springfield, Stanton, Steele City, Stockville, Superior, Stromsburg, Table Rock, Talmage, Taylor, Teachers' High School Lincoln, Tilden, University Place, Waco, Wahoo, Wayne, Wymore, Winnetoon, West Point, Wilber, Wilcox, Wausa, Wolbach, Wood River, Winnebago, York.

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