

SPECIAL MESSAGE ON PANAMA CANAL

President Clearly Shows Congress that Colombia Committed Act of War Against Us.

DEFINES UNITED STATES' POLICY

A State Paper Containing Historical Facts of Great Import to America--Treaty of 1846 Complied With in Every Detail.

Washington, Jan. 4.—The president today sent to congress the following message.

To the Senate and House of Representatives:

I lay before congress for its information a statement of my action up to this time in executing the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

By the said act the president was authorized to acquire for the United States the property of the Panama Canal company and the perpetual control of a strip 6 miles wide across the Isthmus of Panama. It was further provided that "should the President be unable to obtain the consent of the United States to acquire the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia . . . within a reasonable time and upon reasonable terms, then the President should endeavor to provide for a canal by the Nicaragua route. The language quoted differs with exactness and precision what was to be done, and what as a matter of fact has been done. The president was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain the consent of the United States to acquire the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

A Climax of American Effort.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions. The proper position for the United States to assume in reference to this canal, and therefore to the governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858.

American Control of the Canal.

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world. The guaranty included as a matter of course the building of the canal.

The enterprise was recognized as responding to an assumed need, and it would be the veriest travesty on right and justice to treat the governments in possession of the Isthmus as having the right, in the language of Mr. Cass, "to close the gates of intercourse on the great highways of the world, and justify the vessels of all nations in the use of the Isthmus, and to travel belong to them and that they choose to shut them."

When this government submitted to Colombia the Hay-Herran treaty three things were, therefore, already settled.

One was that the canal should be built. The time for delay, the time for permitting the attempt to be made by private enterprise, the time for permitting any government of anti-social spirit and of imperfect development to bar the work, was past. The United States had assumed in connection with the canal certain responsibilities not only to its own people, but to the civilized world, which imperatively demanded that there should no longer be delay in beginning the work.

Our Generosity to Colombia.

Second, while it was settled that the canal should be built without unnecessary or improper delay, it was to be clearly shown to the world that the United States was not to use to clear not merely in a spirit of justice but in a spirit of generosity with the people through whose land we might build it. The Hay-Herran treaty, if it erred at all, erred in the direction of an over-generosity towards the Colombian government. In our anxiety to be fair we had gone to the very verge in yielding to a weak nation's demands that that nation was helplessly unable to enforce from us against our will.

The only criticisms made upon the Hay-Herran treaty were for having granted too much to Colombia, not for failure to grant enough. Neither in the congress nor in the public press, at the time that this treaty was formulated, was there complaint that it did not in the fullest and simplest manner guarantee to Colombia everything that she could by any color of title demand.

Act of Congress Strictly Followed.

Nor is the fact to be lost sight of that the rejected treaty, while generally responding to the pecuniary demands of Colombia in other respects merely provided for the construction of a canal in conformity with the express requirements of the act of the congress of June 28, 1902. By that act, as heretofore quoted, the president was authorized to acquire from Colombia, for the purposes of the canal, "perpetual control" of a certain strip of land; and it was expressly required that the "control" to be obtained should include "jurisdiction" to make police and sanitary regulations and to establish such judicial tribunals as might be agreed on for their enforcement.

These were conditions precedent prescribed by the congress; and for their fulfillment suitable stipulations, on the ground that they involved a relinquishment of her "sovereignty," but in the light of what has taken place, alleged stipulations are considered as an afterthought. In reality, the treaty, instead of requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed, and preserved her sovereignty over it. The treaty in this respect simply proceeded on the lines on which all the negotiations leading up to the present situation have been conducted. In these negotiations the exercise by the United States, subject to the paramount

rights of the local sovereign, of a substantial control over the canal and the immediately adjacent territory, has been treated as a fundamental part of any arrangement that might be made. It has formed an essential feature of all our plans, and its necessity is fully recognized in the Hay-Pauncefote treaty.

No New Principle Was Laid Down.

The congress, in providing that such control should be secured, adopted no new principle, but only incorporated in its legislation a condition the importance and propriety of which were universally recognized. During all the years of negotiations and discussion that preceded the conclusion of the Hay-Herran treaty, Colombia never intimated that the requirement by the United States of control over the canal strip would render unattainable the construction of canal by way of the Isthmus of Panama; nor were we advised, during the months when legislation of 1902 was pending before congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated in the Hay-Herran treaty.

A refusal to grant such a degree of control was necessarily a refusal to make any practicable treaty at all. Such refusal therefore squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the Isthmus.

Colombia's Belated Offers.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control, are shown by the unanimity of action in the new Panama Republic. Furthermore, Colombia, after having rejected the treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the status quo could be restored. One of the men standing highest in the official circles of Colombia, on November 6, addressed the American minister at Bogota, saying that if the government of the United States would land troops to preserve Colombian sovereignty and the transit, the Colombia government would accept the canal, and, by virtue of vested constitutional authority, when public order is disturbed (would) approve by decree the ratification of the canal treaty as signed; or, if the government of the United States prefers, (would) call extra session of the congress with new and friendly members—next May to approve the treaty.

No Possibility of Nicaragua Route.

Third, finally the congress definitely settled where the canal was to be built. It was provided that a treaty should be made for building the canal across the Isthmus of Panama; and if, after reasonable time, it proved impossible to secure such treaty, that then we should go to Nicaragua. The treaty has been made, for it needs no argument to show that the intent of the congress was to insure a canal across Panama, and that whether the republic granting the title was called New Granada, Colombia, or Panama mattered not one whit. As events turned out, the question of "reasonable time" did not enter into the matter at all. Although, as the months went by, it became increasingly improbable that the Colombian congress would ratify the treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not enter into the matter until the congress closed at the end of October; and within three days thereafter the revolution in Panama had broken out, Panama became an independent state, and the control of the territory necessary for building the canal then became impossible of fulfillment.

Americans Were Threatened.

Before any step whatever had been taken by the United States troops to restore order, the commander of the newly landed Colombian troops had indulged in wanton and violent threats against American citizens, which created a serious apprehension. As Commander Hubbard reported in his letter of November 5, this officer and his troops practically began war against the United States, and only the forbearance and coolness of our officers and men prevented bloodshed.

Commander Hubbard's Letter.

The letter of Commander Hubbard is of such interest that it deserves quotation in full, and runs as follows: "U. S. S. Nashville, Third Rate, Colon, U. S. Colombia, Nov. 5, 1902. 'Sir: Pending a complete report of the occurrence of the last three days in Colon, Colombia, I most respectfully invite the department's attention to those of the date of Wednesday, November 4, which amounted to practically a making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o'clock p. m. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama railroad. The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3rd of November by the Independents and held as prisoners, were not released by 2 o'clock p. m. he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested."

"I advised that all the United States citizens should take refuge in the shed of the Panama Railroad company, a stone building susceptible of being set into good state for defense, and that I would immediately land a body of men, with extra arms for arming the citizens, as the complement of the ship would permit.

"This was agreed to and I immediately returned on board, arriving at 1:15 p. m. The order for landing was immediately given, and at 1:30 p. m. the boats left the ship with a body of two men under the command of Lieutenant Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and to protect the lives of the citizens assembled there—not firing unless fired upon.

"The Colombians surrounded the building of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening. It being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great no shot was fired. At about 3:15 p. m. Colonel Torres came into the building for an interview and expressed himself most friendly to Americans, claiming that the whole thing was a misunderstanding and that he would like to see the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed.

"At about 5:30 p. m. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill, if I would withdraw the Nashville's force and leave the town in the possession of the police until the return of the alcalde on the morning of the 5th. After an interview with the United States consul and Colonel Shaler as to the propriety of giving faith in the matter, I declined to accept the proposition and brought my men on board, the disparity in numbers between my force and that of the Colombians nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperiled.

"I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant Commander Witzel is entitled to much praise for his admirable work in command on the spot.

"I feel that I can not sufficiently strongly represent to the department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

Very respectfully,
JOHN HUBBARD,
Commander, U. S. Navy,
Navy Department, Washington, D. C."

known in Colon of the proceedings in Panama until the arrival of the train at 10:45 on the morning of the 4th. Some propositions were, I was told made to Colonel Torres by the representatives of the new government at Colon, with a view to inducing him to re-embark in the Cartagena and return to the port of Cartagena, and it was in answer to this proposition that I went on shore with the threat and took the action reported in my letter No. 96, of November 5, 1902. The Cartagena left the port just after the threat was made and I did not deem it expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet as matters understanding that she returned to Cartagena.

Violated His Agreement.

"After the withdrawal of the Colombian troops on the evening of November 4, and the return of the Nashville's force on board, as reported in my letter No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the commander of the Colombian troops had not withdrawn so far from the town as he had promised, and that he was occupying buildings near the outskirts of the town. I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the alcalde due at 10:45 a. m., unless General Tobal sent word by the alcalde that he, Colonel Torres, should withdraw.

"That General Torres had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, re-occupied the same building; also landed two 1-pounders and mounted them on platform cars bearing protection of cotton bales, and then in company with the United States consul, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party, that the attitude was entirely neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that I should not be held responsible if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

"Colonel Torres' only reply was that it was unhealthy at Monkey Hill, a repetition of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

Not Quite So Threatening.

"On the return of the alcalde about 11 a. m. the Colombian troops marched into Colon, but did not assume the threatening demeanor of the previous day. The American women and children again went aboard the Marcomania and City of Washington, and through the British vice-consul I offered protection to British subjects, as directed in the department's cablegram. A copy of the British vice-consul's acknowledgment is hereto appended. The Nashville I got under way as on the previous day and moved close in to protect the water front.

"During the afternoon several propositions were made to Colonel Torres by the representatives of the new government, and he was finally persuaded by them to embark on the royal mail steamer Orinoco with all his troops and return to Cartagena. The Orinoco left her dock with the troops—474 all told—at 7:35 p. m. The Dixie arrived and anchored at 7:05 p. m., when I went on board with the commanding officer with the situation. A portion of the marine battalion was landed and the Nashville's force withdrawn.

"On the evening of November 4 Major William M. Black and Lieutenant Mark Brooks, corps of engineers, United States army, and Colonel Frank Culebra and volunteered their services, which were accepted, and they rendered very efficient help on the following day.

No Part in Negotiations.

"I beg to assure the department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as the same seemed to be no longer necessary for the apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the warring parties, my purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Very respectfully,
JOHN HUBBARD,
Commander, U. S. Navy, Commanding,
Bureau of Navigation, Navy Department, Washington, D. C."

American Action Too Long Delayed.

This plain official account of the occurrences of November 4, shows that, instead of there having been too much provision by the American government for the maintenance of order and the protection of life and property on the Isthmus, the orders for the movement of the American warships had been long delayed; so long, in fact, that there were but forty-two marines and sailors available to land and protect the lives of American men and women. It was only the coolness and gallantry with which this little band of men wearing the American uniform faced their times that the revolution was kept from carrying out the atrocious threat of the Colombian commander, that prevented a murderous catastrophe.

At Panama, when the revolution broke out, there was no American man-of-war and no American troops or sailors. At Colon, Commander Hubbard acted with entire impartiality towards both sides, preventing any movement, whether by the Colombians or the Panamanians, which would tend to produce bloodshed. On November 9 he prevented a body of the revolutionists from landing at Colon. Throughout he behaved in the most creditable manner.

Our Action Was for Peace.

The fact that in this last revolution not a life was lost, save that of the man killed by the shells of the Colombian gunboat, and no property destroyed, was due to the action which I have described. We, in effect, policed the Isthmus in the interest of its inhabitants and of our own national needs, and for the good of the entire civilized world.

Failure to act as the administration acted would have meant great waste of life, great suffering, great destruction of property, all of which was avoided by the firmness and prudence with which Commander Hubbard carried out his orders and prevented either party from attacking the other. Our action was for the peace of both Colombia and of Panama. It is earnestly to be hoped that there will be no unwise conduct on our part which might induce Colombia to embark on a war which can not result in her regaining control of the Isthmus, but which may cause much bloodshed and suffering.

No Part Taken By Us.

I hesitate to refer to the injurious instructions which have been made of complicity by this government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

The Recognition of Panama.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panama declared themselves an independent republic. Their recognition by this government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of non-intervention, and as a corollary of the principle of general recognition observed by the United States.

But, like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion clear and imperative reasons why a departure from it was justified and even required in the present instance. These reasons embrace, first, our treaty rights; second, the admission of honor and safety; and, third, the interests of collective civilization.

The First Object of the Treaty.

The attacks against which the United States engaged to protect New Granada's sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the Isthmus to the purposes of free and unobstructed interoceanic transit, the construction of which would be found in an interoceanic canal.

To the accomplishment of this object the government of the United States had for years directed its diplomacy. It occupied a place in the instructions to our delegates to the Panama congress during the administration of John Quincy Adams. It formed the subject of a resolution of the senate in 1835, and of the house of representatives in 1839. In 1846 its importance had become still more apparent by reason of the Mexican war. If the treaty of 1846 did not in terms bind New Granada to grant reasonable concessions for the construction of means of interoceanic communication, it was only because it was not imagined that such concessions would ever be withheld. As it was expressly agreed that the United States, in consideration of its onerous guarantee of New Granada's sovereignty, should possess the right of free and open transit on any modes of communication that might be constructed, the obvious intent of the treaty rendered it unnecessary, if not superfluous, in terms to stipulate that permission for the construction of such modes of communication should not be denied.

Private Enterprise Inadequate.

Long before the conclusion of the Hay-Herran treaty the course of events had shown that a canal to connect the Atlantic and Pacific oceans must be built by the United States at all. Experience had demonstrated that private enterprise was utterly inadequate for the purpose; and a fixed policy, declared by the United States on many memorable occasions, and supported by the practically unanimous voice of American opinion, had rendered it morally impossible that the work should be undertaken by an international commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent state of Texas of commercial stipulations embodied in prior treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far.

Was Fully Sustained.

The principle thus asserted by Mr. Adams was affirmed and sustained by an international commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent state of Texas of commercial stipulations embodied in prior treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far.

Even if it be admitted that prior treaties of a political and commercial complexion generally do not bind a new state formed by separation, it is undeniable that stipulations having a local application to the territory embraced in the new state continue in force and are binding upon the new sovereign. Thus, in all hands conceded, that treaties relating to boundaries and to rights of navigation continue in force without regard to changes in government or in sovereignty. This principle obviously applies to that part of the treaty of 1846 which relates to the Isthmus of Panama.

In conclusion let me repeat that the question actually before this government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian canal.

I transmit herewith copies of the latest notes from the minister of the Republic of Panama to this government, and of certain notes which have passed between the special envoy of the Republic of Colombia and this government.

THEODORE ROOSEVELT,
White House, January 4, 1904.

Tomdix—What a sour-looking person that angular female is over there in the corner.

Bojox—Yes, she's a splinter.

Tomdix—And what a sour looking woman that is talking to her.

Bojox—Yes; she's married.

Willie—Mamma I told Aunt Zelen she grew homelier every day.

Mrs. Siltmore—You didn't tell her I said so, did you?

Willie—I had to, or she would have whipped me.

international relations, I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defense.

In transmitting to the senate the treaty of 1846, President Polk pointed out as the principal reason for its ratification that the passage of the Isthmus, which it was designed to secure, "would relieve us from a long and dangerous navigation of more than 2,000 miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy. The events of the past five years have given to this consideration an importance immeasurably greater than it possessed in 1846. In the light of our present situation, the establishment of easy and speedy communication by sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity, which do not admit of indefinite delays.

A Mandate from Civilization.

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated, and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, recognizing in effect that the canal was a public pledge to build the canal and protect it as an open highway.

Treaty Should Be Ratified.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the Isthmus to the terms which they regarded as oppressive, we shall, as in duty bound, keep the transit open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, but will restore to Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the Isthmus, so long as that sovereignty is not absorbed by the United States, rests upon some novel theory. No assumption could be further from the fact. It is by no means true that a state in declaring its independence rids itself of all the treaty obligations entered into by the parent government. It is a mere coincidence that this question was once raised in a case involving the obligations of Colombia, was based upon the treaty under which Spain had made with the United States many years before the Spanish-American independence.

Principle Asserted by Adams.

In that case Mr. John Quincy Adams, Secretary of State, in an instruction to Mr. Anderson, our minister to Colombia, of May 27, 1823, said: "By a treaty between the United States and Spain concluded at the time when Colombia was a part of the Spanish dominion, it was bound to other nations. This principle is not alterable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character."

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Urges Us to Violate Treaty.

Here is a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the treaty of 1846 as this government has uniformly construed it, a new revolt against Colombia's authority brought about by her own refusal to permit the fulfillment of the great design for which that treaty was undertaken. It is under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the treaty a reality, recognized them as the proper custodians of the sovereignty of the Isthmus.

Canal a National Necessity.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our