

of Panama by Colombia, viz, to do nothing without the knowledge and consent of the Government of the United States, I beg to acquaint your excellency with the incidents that recently took place therein. Señor Arosemena, secretary of the legation of Panama, has handed me a draft of a treaty prepared as it appears in Panama and evolved out of the terms of the protocol signed on August 17 last by Señor Arango and myself. A copy of the draft has also been given to the Department of State, according to your excellency's note of the 17th instant to this legation. I immediately informed orally Señor Amador, as well as your excellency, that it would be necessary to add, in the final text of the treaty, certain explanations which would determine the scope of some of the stipulations of the protocol, without altering its fundamental bases.

As I informed your excellency, the Government of Bogota upon gaining knowledge of the letter your excellency was pleased to address to me from White Plains on August 26 last, which sets down the position of the Government of the United States in regard to the boundary between Colombia and Panama recognized by it, thought itself warranted in putting its authority into effect in Jurado and the adjoining territory.

It is true that the territory was in dispute between the former States of Cauca and Panama, and was at one time administered by authorities under the department of Panama, prior to the secession contemplated by the latter department, but the Government of Colombia had decided the question by recognizing that territory as belonging to the State of Cauca, which, in those parts, is now the territory of Choco, by means of the line described in the law of June 9, 1855, which is the line recognized by the United States. The authority exercised by the department of Panama, which prior to the secession was unimportant on account of the elimination of the system of Federal States and the adoption of the system of departments with scant local autonomy, resumed importance from the moment it involved an entity which claimed independent existence.

Yet, while it had an abundance of right, the Government of Colombia was perplexed as to the attitude it should assume, lest it might come into conflict with the United States. It therefore confined itself to appointing authorities in Jurado, which, as I am informed, have, with periods of intermission, exercised jurisdiction alternately with the authorities of Panama, but it has refrained from sending troops for the military occupation of the disputed territory. Once in possession of the State Department's note, however, the situation assumed a different aspect. And so, on hearing that Panamanian forces had been landed at Jurado, it made preparations to occupy that town, but issued orders to avoid any conflict. The incident gave occasion for an exchange of views between the Government of the United States, the American minister at Bogota, the Government of Colombia, and this legation. I am under instructions to request the withdrawal of the aforesaid forces, if they were there, and of the Panamanian authorities, and have so informed your excellency. But in view of the declarations of Panama, communicated to me by your excellency, to the effect that the occupation does not bear such features of gravity as had been believed, and that it

might be wiser to avoid incidents which might arouse public opinion in both countries at the very time when an effort was made to resume relations, I deemed it advisable to suggest to my Government the expediency of postponing the sending of forces to Jurado. In the meanwhile I gladly availed myself of an invitation I received from Señor Amador to an amicable conference in New York. Poor health prevented my going in person, but the secretary of the legation, Señor Guzman, and its counselor, Señor Pasos, went over. The last-named gentleman is an old personal friend of Señor Amador. The estimable secretary now in charge of the legation, Señor Arosemena, was present at the interviews, and it affords me pleasure to acknowledge the spirit of deference and friendship toward Colombia evinced by the two gentlemen at the conference.

From the outset, Señor Amador did not oppose the insertion in the treaty of certain explanatory clauses we might discuss. The first, which I mentioned to your excellency, is one by which it is made clear that, while Colombia recognizes the right of citizens of Panama to present private claims to the Colombian Government on account of incidents anterior to the recognition of independence, it is understood that the said claims shall be presented and received in accordance with the laws and administrative regulations in force in Colombia so that the citizens of Panama shall not be placed in a more favorable situation than the citizens of Colombia. Señor Amador and Señor Arosemena declared their readiness to accept this or a like explanatory addition to the protocol and found it fair and reasonable.

The Jurado matter was taken up next. Señor Amador had no knowledge of your excellency's letter of the 26th of August, which was then made known to him and of which a copy was subsequently given him with the consent of your department.

Messrs. Guzman and Pasos have a strong impression that Messrs. Amador and Arosemena consider that letter to be practically decisive in respect of the boundary between Panama and Colombia.

After the letter had been made known to him, Señor Amador was told that the Government of Colombia would desire to have steps taken toward the withdrawal of the armed force and of the authorities from Jurado, as the Government wished to have its authority respected there now that the situation had been defined by the said letter.

Señor Amador opposed no difficulty to the evacuation, but added that he could not issue orders from here; that he would sail for Panama on the 19th instant, and offered to give immediately upon his arrival precedence to this matter, which he hoped to be able to bring to a satisfactory solution.

Messrs. Guzman and Pasos represented to Messrs. Amador and Arosemena that the Government of Colombia believed, although the clauses of the protocol did not contain anything concerning the demarcation of the boundary line, it would be mutually advantageous to law down the said demarcation for the following reasons:

First. Because when the Colombian legation agreed, at your excellency's suggestion, not to mention the boundary question in the protocol it did so on account of Panama having advanced claims on this point to which it was absolutely impossible for the Colombian legation to assent, and, having received the State Department's letter

of the 26th of August, I thought that it practically settled any conflict that might hereafter arise on this point with Panama. But the Jurado incident has brought proof that in this the legation was mistaken, since other and similar possible conflicts may arise to-morrow, just as this one does to-day, and in the course of time, when the requirements and aims of commerce and industry in the Atrato region grow more exacting and acute, the possibility and danger of such conflicts and questions will grow larger, bringing out in full force the historical fact that an undefined boundary line is the most fruitful source of discord between bordering nations.

Second. Because the existence of the letter of August 26 makes it completely and absolutely impossible to carry out any attempt on the part of Panama to obtain Colombia's acceptance of any arrangement that would culminate in having the boundary defined as claimed by Panama. Hence the step which wisdom, foresight, and a spirit of fraternal harmony dictate seems to be that by which this vexatious question will be settled at once. And this can only be done by Panama accepting the boundary line recognized by the Government of the United States.

To the foregoing and other similar remarks Senor Amador, while he did not give his explicit assent, opposed no positive denial; he confined himself to saying that he would discuss the point with his friends at Panama. Senor Arosemena declared that, in view of the situation created by the letter of August 26, if the American Government declared it its wish to have the said demarcation of the boundary accepted, Panama could have no choice but to acquiesce, and added that Mr. Buchanan had made some intimation in that sense.

The foregoing relates as briefly as possible the general points considered at the New York interview by Messrs. Guzman and Pasos, Amador and Arosemena. They have been stated orally by me to your excellency, and are now repeated in writing in order to put the ideas in a more permanent form and to enable your excellency to take them into consideration when the time comes to fix the concrete terms of the treaty.

In this respect I am now engaged in the preparation of a draft of the treaty which I shall send in due time to the Department of State and which will set forth the amended and explanatory clauses, which in the opinion of Colombia ought to be inserted therein. In conclusion, I have to represent to your excellency that the Government of Colombia attaches great importance to the demarcation of the boundary line, believing that its omission would arouse considerable excitement in the public opinion of the country, owing to the impression that, by leaving the point unsettled, fresh supply would be added to a source of possible and probable conflicts which would impede the establishment of that complete and fraternal harmony sincerely desired by us and prevent its strengthening and cementing, which, after what has taken place, demand an elevated spirit of conciliation and prudence.

I beg your excellency to be pleased to accept the assurances of my highest and most distinguished consideration.

ENRIQUE CORTES.

*Colombian Minister to Secretary Root.*

LEGATION OF COLOMBIA,  
Washington, D. C., December 28, 1907.

SIR: I beg to refer to your honored communication of the 17th instant, No. 1502/60, to which you were good enough to accompany a copy of a draft treaty between Colombia and Panama submitted to the department by the chargé d'affaires ad interim of Panama.

As I had the honor to mention in my communication to you dated the 20th December, said draft required, in my opinion, certain alterations, the purport of which I detailed in my said communication.

In accordance with my letter above mentioned, I have the honor to submit a copy both in English and Spanish which I propose in lieu of the text submitted by Mr. Arosemena. My project adheres more closely to the words of the protocol and embodies certain explanations and additions. Regarding the latter, I beg to inclose an explanatory memorandum for your consideration, it being an extract of my train of argument in my above-mentioned letter.

I beg of you to give fair consideration to the subject, and have the honor to present the assurances of my high consideration.

ENRIQUE CORTES.

[Memorandum in explanation of the Colombian Legation draft of a treaty between Colombia and Panama as compared with the protocol of 17th August, 1907.]

#### THE INTRODUCTION OF THE PROTOCOL.

My draft conforms to the terms of the introduction.

Articles I and II of my draft conform to the terms of the protocol.

Article III conforms to my draft up to the words "to pay and discharge the same." Thenceforward my draft is worded thus:

and it agrees to indemnify and hold harmless the Republic of Panama, if occasion arises, from any liability toward the holders of such external and internal indebtedness.

instead of—

and agrees to indemnify and hold harmless the Republic of Panama from any liability and expense in respect of such external and internal indebtedness.

My changes are of small importance, conforming to the previous words and suppressing the word "expense," which by its vagueness might give rise to posterior misunderstandings.

Furthermore, my draft explains the meaning of external debt, which, in Colombia, officially and commercially only refers to the foreign debt toward the foreign bondholders' committee, of London, there being no other indebtedness known under that name.

Article IV of the protocol: My draft adds the following proviso:

It is understood that such individual claims and rights as may have had their origin in occurrences anterior to the 3d of November, 1903, shall be adjusted in accordance with the legislation of the Republic to which they may be presented and by the tribunals or authorities of the same, so that in no case the claimants may enjoy greater privileges and advantages than the citizens of the Republic against which the claim is made.

The reason for this addition has been explained both to his excellency Mr. Root and to Señores Amador and Arosemena, who con-

sider the explanation therein established as reasonable and just. In fact, I consider it indispensable.

Articles V, VI, and VII of the protocol, no change.

Article VIII of the protocol is suppressed, as its existence in the treaty seems irrelevant in so far as its purport remains binding on both parties as a part of the protocol for a future period. However, if it is not considered out of place in the treaty we are willing to accept it.

Article IX of the protocol, no change.

#### NEW ARTICLES OF MY DRAFT.

Article X, providing for submittal to ratification by the respective Governments. No difficulty should arise on this.

Article VIII: This article refers to the acceptance by Panama of our line of boundaries. Although no provision on this head appears in the protocol I consider that its insertion in the treaty is advisable for the mutual benefit of the parties concerned, and this for the reasons submitted by myself to Mr. Root, and by Messrs. Guzman and Pasos to Messrs. Amador and Arosemena in the New York conference. Briefly they are summarized thus:

First. The general convenience to avoid future complications and misunderstandings, it being a well-known fact in history that uncertainty in the demarcation of boundaries between adjoining nations is the most fruitful source of trouble in their relations.

Second. Because the danger of friction in the present instance has become apparent by the recently developed incident of the occupation of Jurado, which has produced considerable excitement in both countries, showing at measurable distance the possibility and danger of friction and even rupture.

Third. Because the respective positions in the matter of boundaries of the two countries, which at one period of the negotiations appeared impossible to conciliate, has been, in my opinion, completely simplified by the declaration of the United States embodied in the letter of Mr. Secretary Root to Mr. Cortes, of the 26th of August last, recognizing as boundaries between Colombia and Panama the same as upheld by Colombia. This declaration, throwing as it does the weight of the United States opinion on the side of Colombia, should be decisive as far as argument is concerned. Besides, it practically solves the problem as far as Colombia is concerned, since, for obvious reasons, the United States could not become a party, in its character of protector of Panama, by reason of any dispute as to boundaries.

It will therefore materially assist in cementing future friendship, not only between Colombia and Panama themselves, but likewise between these two nations and the United States, as it will forever dispose of a knotty situation and one which, as far as Colombia is concerned, is considered by all the Colombian Nation as of paramount importance.

ENRIQUE CORTES.

WASHINGTON, *December 28, 1907.*

[Treaty—English text.]

The Republic of Colombia and the Republic of Panama, being equally animated by the desire to remove the obstacles to a good

understanding between them, to adjust their pecuniary and other relations, and to mutually receive the benefits of amity and accord, have determined to conclude a treaty for the attainment of those objects, and have appointed their respective plenipotentiaries:

The President of Colombia, Senor Don Enrique Cortes, Envoy Extraordinary and Minister Plenipotentiary of Colombia in Washington; and

The President of the Republic of Panama, Senor Don Jose Agustin Arango, Envoy Extraordinary and Minister Plenipotentiary of Panama in Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The Republic of Colombia recognizes the independence of the Republic of Panama and acknowledges it as a sovereign and independent state.

#### ARTICLE II.

There shall be mutual and inviolable peace and friendship between the Government of Colombia and its citizens on the one part, and the Government of Panama and its citizens on the other part.

#### ARTICLE III.

The Republic of Panama agrees to assign and transfer to the Republic of Colombia and its assigns and nominees, the first ten annual installments of two hundred and fifty thousand dollars each in gold coin becoming due to Panama from the United States of America on the 26th day of February in the year 1908 and annually thereafter on the 26th of February up to the year 1917 inclusive, under Article XIV of the treaty between the United States of America and the Republic of Panama exchanged February 26, 1904, and under and pursuant to the amendment of said article embodied in a treaty of even date herewith made and entered into between the United States and Panama whereby said Article XIV is amended by substituting the words *four years* for the words "nine years," so that the first annual payment therein provided for shall begin four years instead of nine years, from the exchange of said treaty of February 26, 1904, in such manner that the said ten annual installments shall be paid for account of Panama by the United States of America directly to Colombia, its assigns and nominees, beginning on the 26th day of February, 1908.

In consideration of the payments and releases by Panama, Colombia recognizes and agrees that Panama has no liability upon and no obligation to the holders of the external and internal debt of Colombia, nor to Colombia by reason of any such indebtedness. Colombia recognizes and agrees that it is itself solely obligated for such external and internal debt; it assumes the obligation solely to pay and discharge the same; and it agrees to indemnify and hold harmless the Republic of Panama, if occasion arises, from any liability towards the holders of such external and internal indebtedness. It is under-

stood that the external debt herein referred to is that which was recognized and set forth in the agreement signed in London April 20th, 1905, between the Government of Colombia and the Council of Foreign Bondholders, by the terms of which it was agreed that the Government of Colombia assumed the exclusive responsibility for the payment of principal and interest of the said external debt.

#### ARTICLE IV.

Each of the contracting Republics releases and declares the other free from all pecuniary claims and indebtedness of every character, including the external and internal debt of Colombia, the one upon the other, existing on the third day of November, 1903; it being understood that such mutual release relates to national claims and indebtedness only and not to individual rights and claims of the citizens of either republic. It is understood that such individual claims and rights as may have had their origin in occurrence anterior to the third of November, 1903, shall be adjusted in accordance with the legislation of the republic to which they may be presented and by the tribunals or authorities of the same, so that in no case the claimants may enjoy greater privileges and advantages than the citizens of the Republic against which the claim is made.

#### ARTICLE V.

The Republic of Panama recognizes it has no title or property in the fifty thousand shares of capital stock of the New Panama Canal Company standing on the books of that Company in Paris in the name of Colombia; and Panama confirms the renunciation of all claims and title thereto heretofore made by it in legal proceedings pending in the courts of France.

#### ARTICLE VI.

The citizens of either of the two contracting Republics residing in the other shall enjoy the same civil rights from time to time as are accorded by the laws of the country of their residence, respectively, to citizens of any other nation, it being understood, however, that the citizens of the two republics residing in the other, shall be exempt from military service imposed upon the citizens of such republics.

#### ARTICLE VII.

Both of the contracting Republics agree that neither of them shall admit to form a part of its nationality any portion of the territory of the other which may separate from it by force.

#### ARTICLE VIII.

It is hereby agreed and declared by the contracting parties that the dividing line between the Republic of Colombia and the Republic of Panama shall be that fixed as the boundary between the States of Panama and Cauca by the law of New Granada of June 9, 1855, in its article 7 as follows: "Por el Este desde el Cabo Tiburon hasta la

cabecera del rio de la Miel y siguiendo la cordillera por el cerro de Gandi a la sierra de Chugaigun y la de Mali a bajar por los cerros de Nigue a los altos de Aspave y de alli al Pacifico entre Cocalito y la Ardita."

#### ARTICLE IX.

It is expressly understood and agreed that the present treaty shall not become operative nor its provisions obligatory upon either party hereto until and unless treaties between the Republic of Colombia and the United States of America and between the United States of America and the Republic of Panama of even date herewith are both duly concluded and their ratifications are exchanged simultaneously with the exchange after ratification of the present treaty.

#### ARTICLE X.

The present treaty shall be submitted for ratification by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

*Colombian Minister to Secretary Root.*

No. 293.]

LEGATION OF COLOMBIA,  
*Washington, January 26, 1908.*

DEAR SIR: In reference to my communications of the 20th and 28th of December ultimo and my memorandum of same date accompanying a draft treaty with Panama, I have the honor to inform your excellency that I have received to-day a letter from the minister of foreign affairs dated Bogota, 31st December, the pertinent part of which I beg to inclose in separate copy, both in Spanish and English.

In my letter to you above quoted I have mentioned the extreme importance that my Government gives to the line of demarcation of boundaries with Panama, in accordance with the New Granada law of 9th June, 1855. The letter from the minister of foreign affairs herein referred to is, as you will perceive, so explicit and conclusive in the matter as to preclude my entertaining any stipulation in the treaty referring to boundaries other than the recognition of our line.

Allow me to express my hope that, joining efforts, we may come to a definite and satisfactory agreement with Panama on this all-important question.

The situation is such that unless our line is accepted no alternative would be left to me but to suspend the negotiations. This lame conclusion would be a source of great mortification to me personally, and would be compelled to adopt it with the deepest regret. I could not help it, however, in view of my instructions, feeling convinced, moreover, that a treaty without the acceptance of our line would have no chance of its ratification by the legislative body in Colombia.

I have the honor to present to your excellency the expression of my high consideration.

(Signed) ENRIQUE CORTES.

The Hon. ELIHU ROOT,  
*Secretary of State, State Department.*



[Copy of paragraphs from a letter of the minister of foreign affairs dated Bogota, the 31st December, 1907.]

JANUARY 26, 1908.

The Government of Colombia is in an absolute impossibility to accept any negotiation with Panama which is not based on the total recognition of the boundaries of the department of Panama, as fixed by the law of June, 1855, of which you have a copy. Any other line or any alteration whatever on the one fixed by said law, no matter how slight it may be, would be rejected almost unanimously by the public opinion in Colombia, and the Government believes that there is neither justice nor convenience in deviating from our right and would prefer not to enter into any treaty with Panama, rather than doing it with a line of boundaries differing from the one above stated.

I call your attention to a letter I wrote to the *El Correo Nacional* newspaper of this city, dated 25th November last, which I suppose you have seen, as it was reproduced by almost all the Colombian newspapers, in which, after expressing the line of conduct of the Government on these important matters, I added, "Such are the ideas which rule the conduct of the Government in the negotiations initiated by Dr. Mendoza Perez, and in accordance therewith would not on any consideration agree to the slightest alteration on the line fixed by the law of 9th June, 1855."

The above contains a solemn promise made by the undersigned to the Republic, in accordance with his excellency the president, and the government has the firm will not to deviate from it. You will be good enough to inform Mr. Root of the above at the nearest opportunity you have.

If you obtain the acceptance of the line stated, without alteration, this being the only case in which, as I have mentioned, the celebration of a treaty with Panama is made possible, you may accept definitely the payment of two and a half millions dollars in the terms agreed. The Government of Colombia gives to the monetary question a greatly inferior importance compared to the question of boundaries.

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*Secretary Root to Colombian minister.*

No. 48.]

JANUARY 28, 1908.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, in which you refer to your notes of December 20 and 28 last and to your memorandum submitting a draft treaty between Colombia and Panama, and invite my attention to an extract from instructions, dated December 31 last, from the Colombian minister of foreign affairs to you, under which instructions you are advised that a treaty with Panama can stipulate no other boundaries than those established by the New Granada law of June 9, 1855.

I have the honor to say in reply that it seems unnecessary to enter upon any further consideration of the views of the United States regarding the boundary line between Colombia and Panama further than those contained in my letter to you of August 26 last.

The subject matter of your note will be communicated to Mr. Arango immediately after his arrival here.

Accept, Mr. Minister, the renewed assurance of my highest consideration.

(Signed) ELIHU ROOT.

Señor Don ENRIQUE CORTES,  
*Minister of Colombia.*

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*Secretary Root to Minister Cortes.*

DEPARTMENT OF STATE,  
*Washington, February 18, 1908.*

SIR: On Monday last I had an interview with Mr. Arango and Mr. Arosemena, and Mr. Arango advised me that he is instructed by the Government of Panama to refuse assent to the proposed new Article VIII of the draft treaty communicated with your letter of December 28 last, stipulating that the boundary between Colombia and Panama shall be that described in the act of June 9, 1855.

Mr. Arango says, however, that if the treaty were made in accordance with the protocol he would take the responsibility of agreeing to submit the question to arbitration.

Accept, sir, the renewed assurance of my highest consideration.

ELIHU ROOT.

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*Minister of Colombia to Secretary Root.*

[Translation.]

No. 293.]

LEGATION OF COLOMBIA,  
*Washington, D. C., February 19, 1908.*

MR. SECRETARY: I have the honor to acknowledge the receipt of your excellency's obliging communication, dated yesterday, by which you are pleased to advise me that at an interview had with you the day before, Señor Arango declared to you that he had instructions from his Government not to accept the article I had proposed, under No. VIII, in my draft of a treaty with Panama, which relates to the acceptance by Panama of the boundary line established by the law of June 9, 1855, of New Granada. Your excellency adds that Señor Arango mentioned in this respect that if a treaty were made in accordance with the protocol, Señor Arango on his own responsibility promised to agree to an arbitration for the settlement of the boundary line.

I thank your excellency for that communication, which I consider important, and I should have hastened to have the honor to exchange views with the Secretary touching its contents had I not found myself disabled for the present by an attack of the grippe, which confined me to my room. But until I may have the opportunity and honor to call on your excellency, I venture to make one or two remarks which I believe pertinent.

From the knowledge your department possesses of the instructions I have received from my Government and by which I must abide as long as they stand, the intimation of Señor Arango is tantamount to an indefinite suspension of the negotiations, since I am inhibited

from affixing my signature to any treaty in which there be no recognition of the said boundary by Panama.

I permit myself to call to your excellency's mind that since the beginning of these negotiations—that is, since your excellency's conferences with the Colombian minister of foreign relations at Cartagena—the initial point of the negotiations has been the friendly mediation of the United States for the purpose of bringing about a convention between Colombia and Panama which would guarantee permanent friendly relations for the future and the recognition of Panama's independence. The highest importance was attached to this intervention by my Government in the belief that, without it, the position of Colombia became for obvious reasons a difficult one. The American intervention and mediation made it Colombia's duty to assume an extremely conciliatory and friendly attitude. This, I believe, is the path I followed; and, as your excellency will recall, Colombia in the course of my labors has endeavored most studiously to ward off any incident, allusion, or demand which might impart to the discussion the slightest feature of irritation or even lack of cordiality. Colombia went on narrowing and curtailing her claims in a consistent effort not to transgress the limits of the most scrupulous "compromise," and ever careful not to ask of the United States anything but a friendly attitude. We were nearing this goal when two important incidents sprang forth—your department's letter of August 26 and the excitement created by the occupation of Jurado. The first as it appears to me settled the boundary question as far as the United States is concerned, and should, ipso facto, settle it as far as Panama may be concerned. But the second again put the question in an acute phase and made it necessary for Colombia not to leave open a door which might in the future prove to be a source of controversy and danger.

Our demand that this question be settled is one of imperative importance. The dangers above alluded to are all the more obvious to me as Panama maintains her claims in spite of the declaration of the United States, under date of August 26, based upon a careful examination of the point which would seem to have been thereby determined.

Until I have the honor to call on your excellency, I permit myself to call your attention to the contents of this letter, which I hope will be favorably received.

I have the honor to be, Mr. Secretary, with the highest and most distinguished consideration,

Your obedient and very humble servant,

ENRIQUE CORTES.

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*Mr. Taft to Mr. Root.*

WAR DEPARTMENT,  
*Washington, March 11, 1908.*

MY DEAR MR. ROOT: I am in receipt of a letter from Mr. Cromwell, a copy of which I send for your files.

Sincerely, yours,

WM. H. TAFT.

## UNITED STATES-PANAMA-COLOMBIA TREATIES.

49 AND 51 WALL STREET,  
*New York, March 10, 1908.*

HON. WILLIAM H. TAFT,  
*Secretary of War, Washington, D. C.*

MY DEAR MR. SECRETARY: Referring to the protocol between the Republic of Colombia and the Republic of Panama, exchanged at Washington on the 17th of August last between the ministers of the Governments mentioned, and approved by you in behalf of the United States, under the direction of the President, I beg leave to advise you that since that date the New Panama Canal Co. and the Republic of Colombia have reached a satisfactory adjustment of the claims and interests of the Republic of Colombia in the 50,000 shares of the capital stock of the New Panama Canal Co. standing on the books of that company in the name of the Republic of Colombia, and also that the litigation instituted by the department of fisc of the Government of France respecting registration and stamp duties has been adjusted.

Under this arrangement there has been paid to the Government of France 7,000,000 francs, in satisfaction of its said claims, and the canal company has paid to the Government of Colombia direct about 4,000,000 francs, the balance upon the cash distribution appurtenant to said 50,000 shares.

This subject, therefore, has been adjusted to the satisfaction of all parties; the Republic of Colombia has received from the canal company the sum of about \$800,000 gold, and therefore there is no occasion to embody Article V in the treaty consummating the protocol referred to.

I always assured the President, Secretary Root, and you that we would aid Colombia in getting the proceeds of these shares (part of the forty million payment), and you will see that the assurance is fulfilled. It should facilitate the pending treaty.

As you may wish to keep Secretary Root's files complete, I inclose a duplicate hereof for the purpose.

Respectfully, yours,

WM. NELSON CROMWELL, *Counsel.*

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*Colombian Minister to Secretary Root.*

No. 295.]

LEGATION OF COLOMBIA,  
*Washington, D. C., March 12, 1908.*

SIR: In the matter of the treaties in course between the United States and Colombia and Colombia and Panama, I am becoming rather anxious, as the time is growing short and it will require a good deal of attention and time. I have therefore the honor to request your excellency to be good enough to inform me if you have been able to come to an understanding with Panama about the matter of boundaries as mentioned in my previous communications to you.

I am ready to meet the Panama representatives and discuss the matter with them at any moment, but consider it necessary to know exactly what is their final standing on the matter, as the result of the

change of ideas you have mentioned to me has been in course for some time.

I beg likewise to remind your excellency that it would be most important to have your letter of disclaimer from the part of the United States in the matter of a deposit made by the new canal company at the London & County Banking Co., London, within the nearest time, as the company will be extinguished on the 1st of April next.

Thanking your excellency beforehand, I have the honor to remain,

Your obedient, humble servant,

(Signed)

ENRIQUE CORTES.

*Secretary Root to Minister of Colombia.*

No. 53.]

DEPARTMENT OF STATE,

*March 17, 1908.*

SIR: Referring to the latter part of your note of the 12th instant, I have the honor to inclose a letter, of to-day's date, to the London & County Bank, of London, England, in which I state that this Government claims no interest in the sum of 750,000 francs, and interest thereon, deposited with it in 1878 or thereabouts by Lucien N. B. Wyse, under Article II of his concession from Colombia.

Accept, sir, the renewed assurance of my highest consideration.

ELIHU ROOT.

Inclosure as above.

DEPARTMENT OF STATE,  
*Washington, March 17, 1908.*

LONDON & COUNTY BANKING CO. (LTD.),

*Lombard Street, London, England.*

GENTLEMEN: I beg to state, with reference to the sum of 750,000 francs deposited with you in the year 1878 or thereabout, under article second of the concession granted by the United States of Colombia to Lucien N. B. Wyse for the opening and operation of a canal across the Isthmus of Panama, that the United States claims no interest in that sum nor the interest thereon.

Very truly, yours,

ELIHU ROOT,  
*Secretary of State.*

*Minister of Colombia to Secretary Root.*

LEGATION OF COLOMBIA,  
*Washington, D. C., March 31, 1908.*

SIR: As I have had the honor to inform you verbally, the Colombian Government, in view of the refusal of the representatives of Panama to agree to our line of limits, is quite ready to proceed on the basis of no mention being made of the boundaries in the treaty at all.

As your excellency is aware, when the Colombian Government desired so earnestly to have the line of limits of the laws of June, 1855, accepted by Panama, even when no mention was made of the matter

in protocol, the reason was twofold—on the one hand, that such line was accepted by the American Government; on the other hand, that we could not avoid to occupy Jurado, and that in so doing it we might bring on a collision or friction with Panama which might affect the fate of the treaty.

As far as I gather, such is the position now, but I am not perfectly clear about the attitude of Panama and must trouble your excellency, in prosecution of the rôle assumed by the American Government, to discuss the matter with the Panama representatives.

No mention was made in the protocol of boundaries, be it on any ideal line or on the statu quo; we are ready to carry on the provisions of the protocol. Are the Panama representatives ready to proceed in accordance? If so, we might at once arrange to carry on the necessary meetings together to give shape to the instrument.

But I must express the feeling of my Government that if Panama refuses to sign the treaty under the reason that we intend to occupy Jurado, that is a proceeding at variance with the lines of the protocol and which, in my opinion, is not justified.

In the hopes of hearing from your excellency on this important point, I am happy to renew the assurance of my highest consideration.

ENRIQUE CORTES.

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*Acting Secretary Bacon to Colombian Minister.*

Serial No. 54.]

DEPARTMENT OF STATE,  
April 9, 1908.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, in which you advise the department that "the Colombian Government, in view of the refusal of the representatives of Panama to agree to our line of limits, is quite ready to proceed on the basis of no mention being made of the boundaries in the treaty at all."

I have the honor to say in reply that your note will receive consideration.

Accept, sir, the renewed assurance of my highest consideration.

ROBERT BACON,  
*Acting Secretary.*

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*American Chargé to Secretary Root.*

No. 174.]

AMERICAN LEGATION,  
Bogota, October 6, 1908.

SIR: I have the honor to report, for the information of the department, that in an interview with Dr. Urrutia at the ministry for foreign affairs this afternoon he informed me that the Colombian Government had been gratified to learn, through its own sources, that the new administration of Panama was disposed to meet the Government of Colombia on the ground already outlined as that approved by the United States in the negotiations now pending at Washington for the conclusion of a treaty between the two countries. In Mr. Dawson's final interview with the President, at which both

Dr. Urrutia and myself were present, Gen. Reyes expressed great anxiety that an amicable conclusion to the negotiations between Colombia and Panama be reached as soon as possible. To-day Dr. Urrutia reiterated this desire, adding that it was hoped that the negotiations could be ended by the end of November.

I have the honor to be, sir,

Your obedient servant,

(Signed)

PAXTON HIBBEN,

*Chargé d'Affaires ad Interim.*

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*Secretary Root to Minister Cortes.*

DECEMBER 29, 1908.

MY DEAR MR. CORTES: Mr. Cromwell and myself passed the greater part of yesterday in examining carefully, section by section, the protocol of the Colombia-Panama treaty, the draft for a treaty based upon that protocol submitted by the legation at Panama and transmitted by me to you with my letter of December 17, 1907, and your counterdraft for the same treaty which you were good enough to send to me with your letter of December 28, 1907.

Upon very careful consideration of all the points, we worked out a draft which you will find in the main to agree with yours and which conforms to the protocol, and which we both agree in recommending to Colombia and Panama.

You will observe that this draft, besides reproducing the provisions of the protocol, also lays down the boundary line between Colombia and Panama, using the same words used by your draft down to the Heights of Espave, and thence provides that the location of the line shall depend upon the determination of an arbitral tribunal, which shall pass upon the nationality of the district of Jurado. This I understand to be in accordance with the informal arrangement to which both the Government of Panama and the Government of Colombia have expressed to me their intention to agree.

You will note that the arbitral procedure provided for follows The Hague Convention of 1907, which the representatives of both countries signed. You will observe, also, that we have included in the draft the provision regarding which you have several times spoken to me, under which individual claims against either country are to be determined in accordance with the legislation of the Republic against which they are presented.

Of course, any approval of this instrument by any one of us is dependent upon the satisfactory formulation of the other cognate instruments to which Mr. Cromwell and myself propose to immediately address ourselves.

May I ask for an early expression of your views as to whether the inclosed draft is satisfactory to the Republic of Colombia?

With kind regards, I am,

Very sincerely, yours,

ELIHU ROOT.

Inclosure: Draft as above.

*Between Republic of Colombia and Republic of Panama.*—The Republic of Colombia and the Republic of Panama, equally animated

by the desire to remove all obstacles to their good understanding, to adjust their pecuniary and other relations to each other, and to mutually secure the benefits of amity and accord, have determined to conclude a convention for these purposes, and therefore have appointed as their respective plenipotentiaries; that is to say:

The President of the Republic of Colombia, Enrique Cortes, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, and

The President of the Republic of Panama, Carlos Constantino Arosemena, envoy extraordinary and minister plenipotentiary of the Republic of Panama; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I.

*Recognition of independence.*—The Republic of Colombia recognizes the independence of the Republic of Panama and acknowledges it to be a free, sovereign, and independent nation as of the 3d day of November, 1903.

#### ARTICLE II.

*Declarations of amity.*—There shall be a mutual and inviolable peace and friendship between the Government of Colombia and its citizens on the one part and the Government of the Republic of Panama and its citizens on the other part, without exception of persons or places under their respective dominion.

#### ARTICLE III.

*Pecuniary relations; transfer of certain installments; indemnification of Panama against external and internal indebtedness.*—The Republic of Panama assigns and transfers to the Republic of Colombia and its assigns and nominees, in lawful and due form, the 10 first annual installments of \$250,000 gold coin each becoming due to it, the Republic of Panama, from the United States of America on the 26th day of February in the years 1908 to 1917, both inclusive, under and pursuant to the provisions of Article XIV of the treaty between the United States of America and the Republic of Panama exchanged February 26, 1904, and under and pursuant to the amendment thereof, embodied in a treaty of even date between said nations, whereby said Article XIV is amended by substituting the words "four years" for the words "nine years," so that the first annual payment of which that article treats shall begin four years from the exchange of said treaty of February 26, 1904, instead of nine years from said date, in such manner that the said installments shall be paid by the United States of America directly to the Republic of Colombia or its assigns and nominees for account of the Republic of Panama, in lawful and due form, beginning the 26th day of February, 1908. Such installments as may have matured when the ratifications of this treaty shall be exchanged pursuant to its terms shall be payable on the thirtieth day after the date of such exchange.

In consideration of the payments and releases which the Republic of Panama makes to the Republic of Colombia, the latter recognizes



and agrees that the Republic of Panama has no liability upon and no obligations to the holders of the external and internal debt of Colombia nor to the Republic of Colombia by reason of any such indebtedness of claims. Colombia recognizes and agrees that it is itself solely obligated for such external and internal debt; assumes the obligation to pay and discharge the same by itself alone; and agrees to indemnify and hold harmless the Republic of Panama, should occasion arise, from any liability and expense in respect of such external and internal indebtedness.

## ARTICLE IV.

*Mutual exoneration.*—Each of the contracting Republics releases and discharges the other from all pecuniary claims and obligations of any nature whatever, including the external and internal debt of Colombia, which either had against the other on the 3d day of November, 1903, it being understood that this reciprocal exoneration relates only to the national debts and claims of one against the other, and that it does not relate to individual rights and claims of the citizens of either Republic. It is understood that such individual rights and claims which originated in incidents occurring previous to the 3d day of November, 1903, shall be decided in accordance with the legislation of the Republic against which they are presented and by the tribunals or authorities of the same, so that in no case shall the claimant enjoy greater privileges or advantages than the citizens of the Republic against which the demand is made.

## ARTICLE V.

*Confirmation by Panama of its abandonment of any claim to.*—The Republic of Panama recognizes that it has no title or ownership of any sort to the 50,000 shares of the capital stock of the New Panama Canal Co., standing in the name of the Republic of Colombia on the books of said company at Paris, and the Republic of Panama confirms the abandonment of all right and title, which, with respect to said shares, it made in the courts of justice of France.

## ARTICLE VI.

*Rights of citizens.*—The citizens of each Republic residing in the territory of the other shall enjoy the same civil rights which from time to time are accorded by the laws of the country of residence to the citizens of the most favored nation. It being understood, however, that the citizens of either of the two Republics residing in the other shall be exempt from military services imposed upon the citizens of such Republic.

Citizens of Panama who shall prefer to remain in the territory of the Republic of Colombia may either retain the title and rights of citizens of Panama or acquire those of citizens of Colombia, and, reciprocally, citizens of Colombia who shall prefer to remain in the territory of the Republic of Panama may either retain the title and rights of citizens of Colombia or acquire those of citizens of Panama. But they shall be under the obligation to make their election before

the proper authorities within one year from the date of the exchange of ratifications of this treaty; and those who remain in the said territory after the expiration of that year without having declared their election shall be considered as having elected to become citizens of the country where they reside.

The natives of the country of either of the two contracting Republics who have heretofore or shall hereafter become citizens by naturalization in the other Republic shall not be punished, molested, or discriminated against by the Government of the country of which they were natives, or by the citizens thereof, by reason of their acts of adhesion to the country whose citizenship they have adopted.

#### ARTICLE VII.

*Neither nation shall annex territory of the other.*—Both Republics agree, each for itself, that neither of them shall admit to form any part of its nationality any part of the territory of the other which separates from it by force.

#### ARTICLE VIII.

*Negotiations to be conducted for treaty of commerce, etc.*—As soon as this treaty and the contemporaneous treaty of even date between the United States of America and the Republic of Panama and between the United States of America and the Republic of Colombia shall be ratified and exchanged, negotiations shall be entered upon between the Republics of Panama and Colombia for the conclusion of additional treaty or treaties, covering questions of commerce, postal, telegraph, copyright, consular relations, extradition of criminals, and the like.

#### ARTICLE IX.

It is agreed between the high contracting parties, and is declared, that the dividing line between the Republic of Colombia and the Republic of Panama shall be as follows, to-wit:

From Cape Tiburon, on the Atlantic, to the headwaters of the Rio de la Miel, and following the range by the Cerro de Gandi to the Sierra de Chugargun and that of Mali, going down by the Cerros of Nique to the heights of Espave, and from there to the Pacific at such point and by such line as shall be determined by the tribunal of arbitration hereinafter provided, and the determination of said line shall conform to the decision of the tribunal of arbitration in respect of the title and limits of the district or corregimiento of Jurado, as next provided.

As to the district or corregimiento of Jurado, the boundaries and attribution of which to either the Republic of Colombia or the Republic of Panama will be fixed by the determination of the line aforesaid by said tribunal of arbitration, the title thereto and the precise limits thereof and the right to the sovereignty thereof as between the high contracting parties shall be conclusively determined by arbitration in the following manner:

SECTION 1. A tribunal of arbitration shall be created to investigate and determine all questions of fact and law concerning the rights of the high contracting parties to all the territory in the above-mentioned region of Jurado. The tribunal shall consist of three mem-

bers; the Republic of Colombia shall nominate one member, the Republic of Panama shall nominate one member, both of whom shall be nominated within three months after the exchange of ratifications of this treaty, and the two members of the tribunal thus nominated shall jointly nominate a third member, or, in the event of their failure to agree within three months next after the appointment of the last of them and on request of the President of either of the high contracting parties, the third member of the tribunal shall be appointed by the President of the Republic of Peru.

The tribunal shall hold its sessions at such place as the tribunal shall determine.

The case on behalf of each party, with the papers and documents, shall be communicated to the other party within three months after the appointment of the third member of the tribunal.

The counter cases shall be similarly communicated, with the papers and documents, within three months after communication of the cases, respectively.

And within two months after communication of the counter case the other party may communicate its reply.

The proceedings of the tribunal shall be governed by the provisions, so far as applicable, of the convention for the pacific settlement of international disputes signed at The Hague by the representatives of both the parties hereto on the 18th day of October, 1907.

The tribunal shall take into consideration all relevant laws and treaties and all facts proved of occupancy, possession, and political or administrative control in respect of the territory in dispute.

#### ARTICLE X.

*This treaty conditional upon exchange of treaties of even date between United States and Colombia and United States and Panama.*—This treaty shall not be binding upon either of the high contracting parties nor have any force until and unless the treaty signed on this same date between the Republic of Panama and the United States of America and between the Republic of Colombia and the United States of America are both duly ratified and ratification thereof exchanged simultaneously with the exchange of the ratification of this treaty.

#### ARTICLE XI.

*Ratification and exchange.*—The present treaty shall be submitted for ratification to the respective Governments, and ratifications hereof exchanged at Washington as soon as possible.

In faith whereof we, the respective plenipotentiaries, have signed the present ~~treaty~~ treaty in triplicate, in the English and Spanish languages, and have hereunto affixed our respective seals.

Done at the city of Washington the ——— day of ———, in the year of our Lord 1908.

*Secretary Root to Colombian Minister.*

DEPARTMENT OF STATE,  
December 30, 1908.

MY DEAR MR. CORTES: I send you herewith, for your consideration, a draft for the treaty between the United States and Colombia, which

I think accords with the views which I have already expressed. May I ask your early consideration thereof?

I am expecting to conclude with Mr. Cromwell this afternoon the draft treaty between the United States and Panama, which we will unite in recommending. In that case the next step will be the expression of your views upon the two treaties, the drafts of which you now have before you. I have been urging upon the representative of Panama, with all the earnestness possible, the very great importance of not losing a day in bringing this matter to a conclusion, so that I may be able to present the group of treaties to the Senate of the United States during the short period of my remaining service in the State Department.

With kind regards,

Very sincerely, yours,

ELIHU ROOT.

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The United States of America and the Republic of Colombia being equally animated by the desire to remove all obstacles to a good understanding between them and to facilitate the settlement of the questions heretofore pending between Colombia and Panama by adjusting at the same time the relations of Colombia to the canal which the United States is now constructing across the Isthmus of Panama, have resolved to conclude a treaty and to that end have appointed as their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States;

The President of the Republic of Colombia, Señor Don Enrique Cortes, envoy extraordinary and minister plenipotentiary at Washington;

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

#### ARTICLE I.

There shall be mutual and inviolable peace and sincere friendship between the Governments and peoples of the two high contracting parties without exception of persons or places under their respective dominion.

#### ARTICLE II.

The Republic of Colombia shall have liberty at all times to convey through the ship canal now in course of construction by the United States across the Isthmus of Panama the troops, materials for war, and ships of war of the Republic of Colombia without paying any duty to the United States; even in the case of an international war between Colombia and another country.

While the said interoceanic canal is in course of construction, the troops and materials for war of the Republic of Colombia, even in the case of an international war between Colombia and any other country, shall be transported on the railway between Ancon and Christobal, or on any other railway substituted therefor, upon the same conditions on which similar service is rendered to the United States.

The officers, agents and employees of the Government of Colombia shall, during the same period, be entitled to free passage upon the said railway across the Isthmus of Panama upon due notification to the railway officials and the production of evidence of their official character.

The foregoing provisions of this article shall not, however, apply in case of war between Colombia and Panama.

### ARTICLE III.

The products of the soil and industry of the Republic of Colombia, such as provisions, cattle, etc., shall be admitted to entry in the Canal Zone free of any special duty, with the exception of the duties paid on similar products of the United States of America under similar conditions.

Colombian laborers employed in the Canal Zone during the construction of the canal, who may desire that their own families supply them with provisions for their personal use, shall be entitled to have such provisions admitted to the Canal Zone for delivery to them free of any duty, provided that declaration thereof shall first have been made before the commissary officers of the Isthmian Canal Commission, in order to obtain the previous permit for such entry, and subject to such reasonable regulations as shall be prescribed by the commission for insuring the bona fides of the transaction.

### ARTICLE IV.

Colombian mails shall have free passage through the Canal Zone and through the post offices of Ancon and Christobal in the Canal Zone, paying only such duties or charges as are paid by the mails of the United States.

During the construction of the canal, Colombian products passing over the Isthmian railway from and to Colombian ports shall be transported at the lowest rates which are charged for similar products of the United States passing over said railway to and from the ports of the United States; and sea salt, exclusively produced in Colombia, passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast, shall be transported over said railway free of any charge except the actual cost of handling and transportation.

### ARTICLE V.

The United States recognizes and accepts notice of the assignment by Panama to Colombia of the right to receive from the United States payment of \$250,000 in gold in each year from the year 1909 to the year 1918, inclusive, upon the recognition of the independence of Panama by Colombia and the release of Panama from obligation for the payment of any part of the external and internal debt of Colombia in manner and form as contained in the treaty between Colombia and Panama bearing even date herewith.

### ARTICLE VI.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge

for any vessels employed in the canal enterprise and for all vessels in distress passing or bound to pass through the canal and seeking shelter or anchorage in said ports. Such vessels shall be exempt from anchorage or tonnage dues on the part of Colombia. And the Republic of Colombia renounces in favor of the United States of America all rights, interests, reversionary rights and titles, together with all claims whatever in connection with any concession heretofore granted by it, or in connection with any contract made and entered into at any time between it and any corporation, company, or person connected with or relating to the construction, maintenance, and operation of a canal or railway across the Isthmus of Panama, or in connection with such canal or railway; and all claims whatsoever that have or can be asserted against the United States of America arising out of or in connection with the construction, maintenance, and operation of an interoceanic canal across the Isthmus of Panama by the United States of America.

#### ARTICLE VII.

As soon as practicable after the exchange of ratifications of this treaty and the contemporaneous treaties of even date herewith between the United States of America and the Republic of Panama, and the Republic of Colombia and the Republic of Panama, the United States of America and the Republic of Colombia will enter into negotiations for the revision of the treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Grenada, concluded on the 12th day of December, 1846, with a view to making the provisions therein contained conform to existing conditions.

#### ARTICLE VIII.

This treaty, duly signed by the high contracting parties, shall be ratified by each according to its respective laws, and the ratifications thereof shall be exchanged at Washington as soon as possible.

But it is understood that such ratifications are not to be exchanged, or the provisions of this treaty made obligatory upon either party until and unless the aforesaid treaties between the United States of America and the Republic of Colombia, and between the United States of America and the Republic of Panama, bearing even date herewith, have been duly concluded, and the ratifications of such treaties are duly exchanged simultaneously with the exchange of ratifications of this treaty.

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*Colombian Minister to Secretary Root.*

No. 495.]

LEGATION OF COLOMBIA,  
*Washington, D. C., December 31, 1908.*

DEAR SIR: I have the honor to acknowledge receipt of your letter, dated the 29th instant, which reached my hands yesterday morning, covering copy of the terms agreed between you and Mr. Cromwell for a treaty between Colombia and Panama.

I thank you, very much, for your action in the matter, and the attention given to my remarks and desires.

I find the draft acceptable on the whole, a few points of small importance, however, require, in my opinion, to be altered in a manner which I consider acceptable for mutual benefit. I inclose a sheet covering the said points which I commend to your kind consideration.

I beg to remain, sir,  
Sincerely, yours,

ENRIQUE CORTES.

(Received from Mr. Cortes, January 2, 1909.)

LEGACIÓN DE COLOMBIA,  
*Washington, D. C., December 31, 1908.*

The Colombian minister respectfully offers the following suggestions in reference to the draft treaty between Colombia and Panama, which the honorable Secretary of State inclosed in his letter of the 29th instant:

#### ARTICLE I.

Accepted, suppressing the words "as to the 3d day of November, 1903," which do not appear in the protocol, substituting them by the words, "as to the 26th February, 1904," date in which the treaty between the United States and Panama, guaranteeing its independence, was proclaimed by the President of the United States.

The reasons are obvious. They pertain to certain consideration for Colombia's feeling, and to a historical event which built the foundations for the independence of Panama.

#### ARTICLE II.

Accepted.

#### ARTICLE III.

Accepted, suppressing the words "and expenses," in the penultimate line of the article. My reason is that the obligation of absolute release incidentally may include expenses, while these words by themselves may give rise by its vagueness to confusion and petty complications.

#### ARTICLE IV.

Accepted.

#### ARTICLE V.

Accepted.

#### ARTICLE VI.

Accepted, but between the first and second paragraphs to insert a new one, as follows:

Citizens of Panama who shall prefer to remain in the territory of the Republic of Colombia may either retain the title and rights of citizens of Panama or acquire those of citizens of Colombia; and, reciprocally, citizens of Colombia who shall prefer to remain in the territory of the Republic of Panama may either retain the title and rights of citizens of Colombia or acquire those of citizens of Panama. But they shall be under the obligation to make their election before the proper authorities within one year from the date of the exchange

of ratification of this treaty; and those who remain in the said territories after the expiration of that year, without having declared their election, shall be considered as having elected to become citizens of the country where they reside.

This stipulation, although not contemplated in the protocol, is for the obvious mutual benefit of the contracting parties.

In the second original paragraph, beginning with the words "The natives," I find in the sixth line thereof the words "or by the citizens thereof," which, in my opinion, impose on the parties a rather difficult obligation to fulfill. A Government may assume the obligation to punish the guilty parties to a crime, but could not guarantee that the commission of a crime shall not be attempted.

#### ARTICLE VIII.

Accepted.

#### ARTICLE IX.

The article requires an explanation.

Whenever in my various interviews with Mr. Root the question of Jurado was mentioned or discussed, no mention was ever made of Corregimiento, district or province, which might comprise a wider region than the village (Oaserio-aldea) and, naturally, its surrounding commons. When the said village was occupied by Colombian authorities in the early part of 1907 the same limitation characterized our conversations, so that when the appeal to arbitration was suggested I readily gave my acquiescence, with the proviso, never omitted when the subject was treated, that said arbitration should refer exclusively to the possession of Jurado by itself. Mr. Root, in my opinion, was fully aware that such was my idea, since I find in the report of the minister of foreign affairs of Panama for 1908 a quotation from a letter of Mr. Root to the said minister refusing to exercise against Colombia the guaranty of independence of Panama when Jurado was occupied. I quote the following passage (I translate from the Spanish):

In special reference to the small territory included under the denomination of Jurado, this Government is inclined to believe that the true boundaries between Panama and Colombia are those described in the law of New Granada of 9 June, 1855.

This being so, the rights of Jurado seem to depend on the position of the village (pueblo) and its jurisdiction accordance to the line of 1855.

In view of the letter of Señor Arango, dated 13 April, 1908, to wit: That the rights of Panama over the village of Jurado and its jurisdictional boundaries rest on facts and considerations which are not comprised in the dispute between Colombia and Panama about the general line of boundaries \* \* \* however, this Government is convinced, by the verbal communications exchanged on the subject, that the Government of Colombia would be desirous to go to an arbitration relating to its title over Jurado, provided that the general line of limits between the two countries, except in reference to Jurado, be accepted as described in the law of 1855.

My mind has been all the time to submit to arbitration the point about the possession of Jurado by itself, meaning the village of that name.

No mention was ever made of Corregimiento district or any other political division.

In view of the above considerations, and moreover that as far as I know the Corregimiento of Jurado is a rather vague designation, with uncertain limits and difficult to find on any map that has come to my cognizance, I venture to suggest the following:



(A) That all mention in Article IX of district of Corregimiento de Jurado be omitted, as neither being elements that have ever been taken into account in our view and discussions about the arbitration of Jurado.

Leaving out these words, Article IX should be worded as follows:

It is agreed between the high contracting parties and is declared that the dividing line between the Republic of Colombia and the Republic of Panama shall be as follows, to wit:

From Cape Tiburon on the Atlantic to the head waters of the Rio de la Miel, and following the range by the Cerro de Gandia to the Sierra de Chugargun and that of Mali, going down by the Cerros of Nique to the heights of Espave, and from there to the Pacific at such point and by such line as shall be determined by the tribunal of arbitration hereinafter provided, and the determination of said line shall conform to the decision of the tribunal of arbitration as next provided.

As to the territory submitted to arbitration, the boundaries and attribution of which to either the Republic of Colombia or the Republic of Panama will be fixed by the determination of the line aforesaid by said tribunal of arbitration, the title thereto and the precise limits thereof, and the right to the sovereignty thereof as between the high contracting parties shall be conclusively determined by arbitration in the following manner: The rest of the article as appears in the original.

What would be the result?

The result would be that the labor of the tribunal of arbitration would have as its broad task to define the line between the Altos de Espave and the Pacific, but without excluding a great deal of latitude, facilitating the labor and opening the way for a friendly understanding, in which, while not binding them to find out and discriminate the boundaries of the Corregimiento, a hard task in those deserts, does not exclude the taking into consideration all points which may enlighten their minds, as provided in the last paragraph of this article, in these words:

The tribunal shall take into consideration all relevant laws and treaties and all facts proved of occupancy, possession, or political or administrative control in respect of the territory in dispute.

I must mention that I have instructions to accept in case of a similar eventuality the Government of Chile or Brazil or their representatives in this country to designate the umpire and venture to suggest that it be so altered.

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[Copy of letter sent from Secretary's house.]

DEPARTMENT OF STATE,  
*Washington, January 1, 1909.*

DEAR MR. CORTEZ: I find on reading over the project for the United States-Colombia treaty which I sent you recently that the first clause of Article III ought to be qualified to prevent a possible inference that the United States means to grant more than it may itself possess, and for that purpose I propose the addition at the end of the clause, after the words "similar conditions," the words "so far as the United States of America has any right or authority to fix the conditions of such importations."

I think also that there would be danger of a misunderstanding from the use of the word "free," which might be troublesome to all parties and injurious to Colombians who might not know that United States products pay duties under all ordinary circumstances and are not free. To prevent this I think we should substitute the words "subject only to such duty as would be payable" on similar products of the United States, etc., in place of the words "free of any special duty with the exception of the duties paid" on similar products of the United States, etc. This conforms much more closely to the original memorandum of Mr. Vasquez Cobo, and obviates a danger of misunderstanding which would be unfortunate for us all.

With kind regards, I am, as ever,

Faithfully, yours,

ELIHU ROOT.

I inclose a draft of the clause as I propose to amend it.

E. R.

(Draft not on files.)

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*Private letter Colombian minister to Mr. Root.*

JANUARY 10, 1909.

(Not on files.)

Had for its object to "acknowledge and testify in the most emphatic manner possible" that Mr. Root's action in the matter of the treaties has been marked by the "highest degree of kindness, consideration, fairness, spirit of justice, and enlightened foresight as to the future relations of your country and ours."

We Colombians—

Says Minister Cortes—

fully appreciate your merits and desire for you still a long career of prosperity and success, for the benefit, not only of your great country, but for that of the whole mankind as the pioneer of an epoch-making foreign policy of the United States.

Minister Cortes refers to the signatures to the three treaties the night before, and says:

Many difficulties, delicate points, and intricate problems have been overcome and decided in honorable and fair conclusions.

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Message from the Secretary of State to the President, submitting tripartite treaties for the Senate. (Printed Ex. N, 60th Cong., 2d sess.)

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[Telegram from President of Colombia to Colombian legation, Jan. 12, 1909, handed to Secretary of State at Washington, Jan. 13, for his information.—Translation.]

Am extremely pleased news conclusion treaties. These will be submitted to national assembly. I trust it will approve them and likewise the American Senate and Panama Assembly. I have confidence in the Government of President Roosevelt and Mr. Root.

REYES.

*The American Chargé to Secretary Root.*

AMERICAN LEGATION,  
Bogota, January 13, 1909.

No. 223.]

SIR: Referring to this legation's Dispatch No. 185, of October 28,<sup>1</sup> last, I have the honor to inclose herewith, a cutting from *El Nuevo Tiempo*, of this morning, containing the telegrams received here in regard to the signing of the treaties between the United States, this country, and Panama, together with translation thereof.

Considerable favorable comment is made in the cutting in question on the character of the treaties as shown by the telegrams received, and, in my interview with the minister for foreign affairs yesterday, he assured me of the satisfaction of this Government with the conclusions reached. The article from *El Nuevo Tiempo* was inspired by the Government and carefully corrected by Dr. Urrutia himself. It may be taken, therefore, to express official sentiment on the treaties.

The minister for foreign affairs showed me a telegram yesterday from Mr. Cortes, stating that Mr. Dawson would leave Washington shortly to bring the treaty just made to this capital. Dr. Urrutia asked me, in this connection, the probable date of Mr. Dawson's departure. I replied that I had not been advised by the Department of State that Mr. Dawson was to leave Washington at any early date.

I have the honor to be, sir,  
Your obedient servant,

PAXTON HIBBEN,  
*Chargé d'Affaires ad interim.*

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[Inclosure 2 in No. 223.—Translation.]

[*El Nuevo Tiempo*, January 13, 1909.]

*Treaty between the United States and Panama.*

Effecting better conditions than the investigations of ex-Minister Mendoza Perez—The honor of Colombia saved—Colombia will have the right in perpetuity to the use of the canal—Colombia conceded \$2,500,000 gold as Panama's participation in our foreign debt—The present treaty surpasses that of the Herrán-Hay—Future of Colombia with reference to the Panama Canal—The emerald mines of Muzo saved, thereby assuring the resources for the conversion of paper money and the attainment of stronger capital in gold, changing the economic situation of the country—Colombia's foreign credit strengthened and bettered—Drop in foreign exchange—Bogota, with its emerald mines of Muzo and salt mines of Zipaquirá, the richest part of Colombia.

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<sup>1</sup> Not printed; not important.

During the ordinary night session of the council of ministers of the 11th instant, the minister for foreign affairs advised the council of the following cablegram:

WASHINGTON, *January 9, 1909.*

PRESIDENT, *Foreign Minister, Bogota:*

Treaties United States and Panama signed, bettering former conditions. Colombia conceded free use, in perpetuity, of canal and \$2,500,000 gold, participation Panama our foreign debt.

CORTES.

From London and from Washington we have received the following cablegrams:

LONDON, *January 11, 1909.*

NUEVO TIEMPO, *Bogota:*

Press published to-day treaties Colombia, United States, and Panama, by which Colombia is conceded perpetual use, free, of canal, and \$2,500,000 gold, participation Panama foreign debt. Press considers treaties satisfactory Colombia, saving its honor and assuring its material interests. Colombia credit strengthened and bettered. Colombia debt bonds rising in price. Railway and other Colombian enterprises will be bettered with treaties and contract emeralds Muzo with company handling diamonds South Africa. Among interested are Rothschild.

CORRESPONDENT.

WASHINGTON, *January 10, 1909.*

NUEVO TIEMPO, *Bogota:*

Press in relating treaties United States, Colombia, Panama, considers triumph and satisfaction given to Colombia. Is also opinion Latin-American diplomats resident in Washington.

CORRESPONDENT.

By the former of these cables it will be seen that the Government has finally obtained its just dues, the fruit of nearly five years of persevering and patient labor to save the honor of the country and to secure our great interests in relation with the Panama Canal.

The treaty in question must be considered more advantageous to Colombia than the Herrán-Hay treaty, as the latter submitted us to constant humiliations from the domination of a powerful foreign country over our territory—humiliations daily suffered by the Panamanians—obliging us to organize the police of the canal and to guarantee the preservation of order of the same, without the means to fulfill this obligation.

As recognized by the foreign press, the honor of Colombia is saved, and, consulting our immediate material interests, the most important that we have in relation with the Panama Canal, is the right of free use, in perpetuity, of the same, enabling thereby our merchant marine and war vessels to cross, which will result, perhaps, in far better results to Colombia than to the United States or any other country on the globe, because our immense and rich shores on both oceans shall be united and shall come to be in the future an emporium of riches to which all the Colombians of the country will rush in search of work.

Buenaventura, with its railway to the rich valley of the Cauca and the exploitation of the coal mines through which this line traverses, and Cartagena, with its beautiful and safe bay, will be in time two of the most important ports of the South American Continent, and at no distant date Japanese vessels will proceed to the same to exchange products of the advanced industries of the Land of the Rising Sun with our natural and agricultural products to the mutual benefit of the two countries.

It is to be hoped that these treaties will be approved by the legislative bodies of the respective countries.

In the same night session of the council of ministers of the 11th instant, the subsecretary of treasury in charge of the office of treasury and finance reported that he had received notice by cable that in London there had been signed a contract with a reputable company whose members intend to exploit and sell South African diamonds. According to this contract they will exploit the Muzo mines, the emeralds therefrom to be sold for account of the Government of Colombia and under its supervision; and the company binds itself during 20 years to account for an annual minimum sale of \$1,250,000, gold, at higher prices than those at which these precious stones have lately been sold.

We consider that the triumph gained by the country, and which we announce in the cables before mentioned, if they are perhaps not of so much importance and transcendancy as harmony between all Colombians and the solid preservation of peace, as the fruits of justice, they must be placed after these, as abundant material resources once placed in the hands of the Government for continuing the promotion of the construction and betterment of railways, cart roads, etc., gold capital will be able to come into the country in sufficient quantities to fill the most urgent needs for money, to the end that the money interest be lowered at least 10 per cent per annum, with which many industries, which to-day do not exist, on account of the scarcity of money, may be established. The Government as well as the banks must occupy themselves largely in providing a circulating medium, in order to avoid any sharp drop in foreign exchange, because it is clear that the country having but a third or fourth part of the coin that is indispensable, and always increasing its scarcity by the growing necessity of meeting the expenses of railroads, mining enterprises, etc., the day may arrive when foreign exchange will drop 10, 20, or 30, as in previous times, when no account was taken of the immense resources just pointed out, exchange used to rise.

With the fixed revenue assured by the contract relating to the Muzo mines, which is a minimum of \$1,250,000, gold, annually, which can easily be doubled, the Government should be able to obtain a small loan, guaranteed by said revenues, of ten to fifteen millions of pesos, which amount should be destined exclusively to the conversion of the paper money to gold or to gold bank notes, and in this manner change in a few days the painful economic situation of the country to one of abundance and welfare. It is to be hoped that the Government will follow this course, taking advantage of the foreign credit of the country, and so foster the growing confidence which we have in the preservation of peace.

The contract signed in London relating to the emerald mines of Muzo proves that the richest part of Colombia is Bogota, or, better said, the interior of the country, as the sole riches mentioned represent a fine annual revenue of some millions of pesos, and if the Muzo mines aggregate the large and inexhaustible banks of salt of Zipaquirá and Boyacá, the conclusion is reached that no other sections of the country are more effective and rich than these which benefit the whole nation.

Outside of being the capital of the Republic, there is another title possessed by Bogota. It is true that, in times past, it was very diffi-

cult to reach by the bad means of communication; but to-day, with the completion of the Girardot Railroad, the cart road of the north, having a length of more than 50 leagues, and which will be duly inaugurated on the 20th of July next as an automobile transportation enterprise, according to the contract already signed; the construction of the Las Papas road; the betterment, already under way, of all railways; within a few years this difficulty will have disappeared.

We are informed that in the session of the council of ministers, already referred to, all pending questions were settled, and it was resolved that in the future there shall be but one, in place of two, night sessions weekly. We understand that in a number of these sessions—as, for instance, in those of the 24th and 31st of December—the council worked until the following day. We extend our most hearty felicitations to the council of ministers, which, properly speaking, is the Government of the country, who, applying themselves strictly to the constitution and to the laws, have, by their constant and fecund labors, already formed a school for all public employees in all the branches of the administration.

These are the fruits of the national concordance, of order, of peace, and of justice.

Let us continue our labors.

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*Minister Squiers to Secretary Root.*

[Telegram.]

AMERICAN LEGATION,  
Panama (undated).

(Received January 30, 10.22 p. m.)

Recent treaty between Colombia and Panama ratified by National Assembly this afternoon without amendment or discussion.

SQUIERS.

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*Minister of Panama to Secretary Root.*

[Telegram.]

HAVANA (undated).

(Received January 31, 1909, 4.50 p. m.)

Secretary Arango cables me that both treaties have been ratified by Panama.

AROSEMENA.

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*Acting Secretary of State to Minister Dawson.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, February 9, 1909.

Department officially advised that Panaman National Assembly has ratified without amendment treaties between United States and Panama and Panama and Colombia. Use your best endeavors to urge Colombia to take similar action regarding her treaties with the United States and with Panama.

BACON.

*The American Chargé to Mr. Root.*

No. 232.]

AMERICAN LEGATION,  
*Bogotá, February 12, 1909.*

SIR: In reference to the department's cipher telegram of the 9th instant advising the legation that the Government of Panama had ratified the treaties between that country, the United States, and Colombia, I have the honor to inclose herewith a cutting from *El Nuevo Tiempo*, of this morning, together with translation thereof, announcing the convocation of the National Assembly for the 22d instant to consider the acceptance of the treaties in question. As will be seen from this article, as well as from those transmitted in this legation's Nos. 223 and 227,<sup>1</sup> of January 13 and 18, respectively, the treaties are received with favor by both the official and semiofficial organs of the Government, and no doubt is expressed as to their ultimate acceptance by the National Assembly. I have just seen the minister for foreign affairs, who questioned me closely in regard to the acceptance of the treaties by the Senate of the United States, and he assured me that it was the hope and belief of Gen. Reyes that there would not be the slightest difficulty in regard to the ratification of the treaties here.

I have the honor to be, sir,  
Your obedient servant,

PAXTON HIBBEN,  
*Chargé d'Affaires ad interim.*

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[Inclosure 2 in No. 232.—Translation.]

[*El Nuevo Tiempo*, February 12, 1909.]

*Treaties of Colombia with Panama and the United States.*

Favorable stipulations toward Colombia—Convocation of the National Assembly—To reunite February 22—To discuss the treaties and the budget of revenues and expenses.

As our readers are already aware, from the reproduction made yesterday of an article from the Panamanian periodical, *La Estrella*, of some of the bases of the treaties which our minister in Washington signed with the representatives of Panama and of the United States—

In addition to the stipulations mentioned by *La Estrella*, we understand, on good authority, that in the treaties in question there appear the following conditions, which are more favorable to Colombia than those contained in the Herrán-Hay treaty:

The isthmian railroad will carry members of the Colombian Army, army provisions, mails, etc., under the same conditions as stipulated by Panama with the United States;

The salt from the national salt mines on the Atlantic will be transported free, with no other encumbrance than the wastes of loading and unloading. This concession is of great importance, as on account of the same the ocean salt of our country will be used in place

<sup>1</sup> Not included; not important.

of foreign salt. In this manner the hundreds of thousands of pesos, gold, going out of the country to pay for foreign salt consumed in the departments of the Pacific will be stopped;

Colombia is conceded the right to enter the Canal Zone with such of her products, as provisions, fatted cattle, etc., for consumption, under the same conditions as the products of the United States. This concession promises for our agricultural industries and the welfare of our shores on both oceans—especially for the farmers of the Atlantic coast—a benefit worth thousands of pesos, gold, annually in the exportation of fatted cattle only, which exportation, as we all know, has ended with great detriment, owing to the fact that the markets of Cuba and of the Isthmus imposed a duty of 15 pesos, gold, on each head of fatted cattle;

Further, the treaty concedes to us the free passage of the canal—free of all taxes for the navy of our country, whether in case of interior or exterior wars;

Upon guaranty of the United States, Panama will pay to Colombia \$2,500,000, corresponding to its participation in the foreign debt; and

The boundaries will be the same as those determined by the law of the 9th of June, 1855.

All these concessions are of such importance and magnitude that we have to recognize that the American Government has made an effort to give us satisfaction for the injustices committed against Colombia, and of which the diplomatic mission—of which the actual President of Colombia was chief—claimed, in the well-known note of grievance which to-day is placed in the right before the eyes of the civilized world.

In our yesterday's edition we gave space to a letter addressed to the Herald by the well-known American professor, Hamilton Rice, in which he recognized the unjust manner in which Colombia was treated, and with grand altruistic spirit advised his country that they give satisfaction enforcing the principles of equity, a satisfaction which must correspond to the greatness of the American people.

The council of ministers, in its session of yesterday, convoked the National Assembly to extraordinary sessions, which will reunite on the 22d instant to consider, in addition to the budget of revenues and expenses of the present year, the treaties in question. We understand that they have already been approved by the Assembly of Panama, and judging by cable advices, they will also be approved by the American Senate, which at present is discussing them.

Our minister in Washington was not mistaken when he reported to our minister for foreign affairs the generosity of these treaties, a fact which has been recognized by the sort of plebiscite which has begun in this country regarding this important question. By telegrams, which we have published in this periodical from several parts of the Republic, it will be seen that public opinion is unanimous in approbation.



*Minister Dawson to Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
BOGOTA (undated)  
(Received Feb. 14, 1909.)

Arrived. National Assembly summoned for February 22; prospects ratification favorable.

DAWSON.

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*Minister Dawson to Secretary of State.*

[Telegram.]

AMERICAN LEGATION, BOGOTA  
(Received Feb. 17, 1909).

After an informal conference with 21 members of the National Assembly already present, out of 48, yesterday, the President of Colombia and the Colombian minister for foreign affairs quite confident of the unanimous ratification so soon as the assembly meets. The treaties are satisfactory in every detail. Inform the minister of Colombia.

DAWSON.

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*Minister Dawson to Secretary of State.*

No. 235.]

AMERICAN LEGATION,  
Bogota, February 17, 1909.

SIR: As I had the honor of reporting to the department by my telegram of the 13th instant, I arrived in Bogota on that day, carrying the treaties between Colombia and the United States and Panama. They were at once delivered, but owing to the slight illness of the minister for foreign affairs and the intervention of Sunday I was not able to resume my official relations with this Government until the 15th. I inclose herewith a note to that effect addressed to the minister for foreign affairs and a copy and translation of his reply received to-day.

From Cartagena, Gamarra, and Ambalema I telegraphed President Reyes or the minister for foreign affairs. At Cartagena, Barranquilla, Gamarra, Honda, Mariquita, Ambalema, and Girardot, as well as on the steamboats and at Bogota, I conversed with a large number of Colombians of different shades of political opinion, and was able to detect no criticism of the terms of the treaties or indication of an intention to oppose their ratification by the National Assembly. Among some enemies of President Reyes it is said that he ought to call a new election for a congress composed of two houses, and submit the treaties to it, but there seems to be no likelihood of any concerted action in this direction. Prior to my arrival at Cartagena, President Reyes considered the advisability of such action, and

consulted many prominent citizens about it. While I was on the river he announced that since public opinion was overwhelmingly in favor of the treaties and their prompt ratification, he had determined to summon the National Assembly for the 22d instant. (See Mr. Hibben's Nos. 232 and 233 of the 12th and 13th instant.)

Yesterday (February 16) I had a long interview with President Reyes. He had read the text of the treaties and made no criticism of any of their details, referring with much satisfaction to their very exact correspondence with his instructions given in 1905 and 1906 through Dr. Climaco Calderon, then minister for foreign affairs. He had no doubt that the National Assembly would ratify them by an overwhelming or even a unanimous vote, and this by the end of next week. He and the minister for foreign affairs had an informal conference with 21 of the 48 members of which the assembly is composed. (See my telegram of to-day.) Their votes were assured. Members were arriving rapidly, and he would see about 20 more in a day or two. Telegrams were pouring in daily from all parts of Colombia expressing satisfaction with the treaties.

President Reyes manifested great anxiety about ratification by the United States Senate. He showed me a telegram, dated February 14, from Minister Cortés, in which the latter stated that it was probable the Senate would amend the treaty between Panama and the United States. Reyes fears that this may delay the Senate's ratification of the Colombian-United States treaty, and suspects that the Government of Panama will intrigue to this end. He had already answered Cortés's telegram saying something to this effect.

I told him that the latest instructions from my Government (see your telegram of February 9) indicated that the department was strongly of the opinion that Colombia's interests would be furthered by her immediately ratifying, and that I had no news of any disposition on the part of the Senate to amend the Colombian treaty or delay its ratification.

I have the honor to be, sir,  
Your obedient servant,

T. C. DAWSON.

[Inclosure 1 in No. 235.]

F. O. No. 42.]

FEBRUARY 15, 1909.

MR. MINISTER. I have the honor to announce to your excellency that, having returned after my congé, I have again assumed the discharge of my duties at this post.

I take advantage of this occasion to express my thanks for your excellency's kindness to Mr. Paxton Hibben, who has been chargé d'affaires since September 20 last, during my absence, and to express the hope that the admirable relations existing between your excellency's Government and my own and this legation will continue.

I improve this opportunity to renew to your excellency the assurances of my highest consideration.

To His Excellency Dr. FRANCISCO JOSÉ URRUTIA,  
*Minister for Foreign Affairs.*

[Inclosure 3 in No. 235.]

MINISTRY FOR FOREIGN AFFAIRS.

*Bogota, February 16, 1909.*

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous communication of yesterday's date.

By the same I note that your excellency, having returned to this city from which you have been absent on leave, has again resumed the exercise of the functions corresponding to your character as diplomatic representative of the United States to Colombia.

I highly appreciate the friendly manifestations you have had the kindness to extend to me, which inspire me with the assurance that not only will the bonds which so happily unite the Republic of Colombia with the United States become closer, but that the official relations with your honorable legation will, in the future, be as frank and cordial as those up to the present time, which I have had the pleasure of cultivating with the chargé d'affaires ad interim, Mr. Hibben.

I beg that your excellency accept the reiterated assurances of my most distinguished consideration.

FRANCISCO JOSÉ URRUTIA.

To His Excellency T. C. DAWSON,  
*Envoy Extraordinary and Minister  
Plenipotentiary of the United States.*

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*Minister Dawson to Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Bogota, February 23, 1909.*

The treaties passed reading to-day. The proceedings public. The treaties now are before a special committee. No unfavorable developments so far.

DAWSON.

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*Acting Secretary Bacon to Minister Dawson.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, February 26, 1909.*

On 24th instant Senate approved treaty with Colombia without change and treaty with Panama with understanding no questions shall be submitted to arbitration affecting vital interests of United States in construction, operation, maintenance, sanitation, and protection of canal.

BACON.

*Minister Dawson to Secretary Root.*

No. 241.]

AMERICAN LEGATION,  
Bogota, February 26, 1909.

SECRETARY OF STATE,  
Washington, D. C.

SIR: I have the honor to inclose herewith a copy of the exposition of the minister for foreign affairs accompanying the recent Panama and United States treaties, together with a translation thereof. The translation I was not able to complete in time to go with my No. 240, of February 24 last.<sup>1</sup>

A full translation is sent of this very long document, not only because of its intrinsic importance, but because between its lines is shown better than I have ever seen it the real state of opinion in Colombia in regard to the United States and the secession of Panama. I also desire to call especial attention to pages 9 and 10 thereof, containing words appreciative of Mr. Root.

I have the honor to be, sir,  
Your obedient servant,

T. C. DAWSON.

[Inclosure 2 in No. 241.—Translation.]

*Presidential message.*

*Honorable Members of the National Constituent and Legislative Assembly:*

The minister for foreign affairs will submit to your consideration the treaties signed at Washington on January 9 last by our minister, Enrique Cortés, and the plenipotentiaries of the United States and Panama, Elihu Root and Carlos Constantino Arosemena. Rightly viewed, this important and delicate negotiation was begun in Washington by the diplomatic note addressed on December 23, 1903, to John Hay, Secretary of State, by the mission which I had the honor of presiding over, and whose members were Jorge Holguín, Pedro Nel Ospina, and Lucas Caballero.

By the celebration of these treaties our legation in Washington has carried into effect the instructions given it by the Government through the various ministers who have had charge of the portfolio of foreign relations during the present administration, and it is just to recognize the patriotism and intelligence with which our present minister to the United States, Enrique Cortés, has conducted the negotiations and brought them to a happy termination.

I cherish the hope that when the Colombian people become familiar with their contents they will give a decisive verdict in their favor, since in making them the executive has taken into account not only the interests and needs of the people but also their commands.

In fact, the junta of commissioners of commerce, agriculture, and industry of the Departments, which met in Bogota in the month of July, 1906, to deal with economic subjects, at that time of great importance, and whose members belonged to all political parties, and

<sup>1</sup> Not printed; unimportant.

who, further, were favorably known on account of the high political and social position they occupy in our society, unanimously approved at their session of July 12, 1906, the following proposition:

The undersigned, commissioners of commerce, agriculture, and industry of the Departments of Narino, Cauca, Antioquia, Bolivar, Atlantico, and Magdalena, which are the coast Departments, some bordering on the Pacific and some on the Atlantic, respectfully represent to the executive the necessity of defining quickly and in a manner honorable and advantageous for Colombia the questions pending with the United States and with Panama, and ask that this proposition, which has been agreed upon with the minister for foreign affairs, be considered by the junta.

CALEDONIO PINERES.  
LUCIANO HERRERA.  
OSCAR A. NOGUERA.  
RICARDO RESTREPO C.  
LEONARDO TASCÓN.

The very respectable organs of the press received this proposition with applause, and public opinion, once in possession of the knowledge necessary for forming a judgment on such a grave matter, did not delay in making its preponderant influence felt in a like sense, as appears by the multitude of documents which were printed and which may reasonably be considered as the result of a full plebiscite.

The executive, which considers our relations with foreign nations related in a certain manner to our interior policy, conscious of its duties and responsibilities, and at the same time acting as the interpreter of the national will and looking out for the moral and material interests of the country which have been confided to it, has, during the last five years, uninterruptedly worked with the greatest zeal to obtain an honorable and advantageous arrangement of this delicate question, and entertains the belief of having done so by the treaties which are submitted to your enlightened consideration, and which should be, on your part, approved without any amendment.

R. REYES.

BOGOTA, *February 22, 1909.*

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*Exposition presented by the minister for foreign affairs to the honorable National Constituent and Legislative Assembly concerning the treaties celebrated by the Republic of Colombia with the United States and Panama.*

*Mr. President of the Assembly, honorable Deputies:*

I have the honor to submit to your consideration the following international agreements:

A treaty between the Republic of Colombia and the United States of America, signed in the city of Washington on the 9th of January of the current year, by Enrique Cortés, envoy extraordinary and minister plenipotentiary of Colombia at that capital, and Elihu Root, Secretary of State of the United States.

A treaty between the Republics of Colombia and Panama, signed in the city of Washington on the 9th of January of the current year, by Enrique Cortés, envoy extraordinary and minister plenipotentiary of Colombia to the United States, and Carlos Constantino Arosemena, envoy extraordinary and minister plenipotentiary of Panama to said Nation.

These agreements constitute the result of the long and difficult negotiations begun and carried on by the Government of the present President of the Republic, who, ever since he has occupied the chief magistracy, has been convinced of the necessity of regulating the relations of fact which have arisen as a logical consequence of the sad events which happened in Panama on the 3d of November, 1903, and of normalizing our situation and our rights as affected by the approaching opening of the Panama Canal. In order to arrive at the result now achieved, it has been necessary that the chief of state and those of us who have been his collaborators in the different epochs and phases of the negotiations, should, rather than complain over the cruel mutilation of our territory, that wounded our patriotism and caused national grief, pay attention to the imperious and not-to-be-neglected necessities of the future, and, accepting as irremediable facts that are so, should firmly confront the responsibility of putting an end to the terrible litigation which has stained and blackened so many pages of our contemporaneous history. Fully conscious of this responsibility before the country and before history, the Government presents to you to-day the agreements mentioned, with the desire that you give them your high sanction if you find them advantageous to our national interests, as the Government believes them to be.

In order to better aid your serene judgment, and before entering upon the analysis of the texts of the treaties, I am going to permit myself to call your attention succinctly to the history of the negotiations which have brought about the celebration of these treaties. These negotiations constitute antecedents of great importance in the matter, and have been so long and laborious that they make manifest that there has been no haste in this important negotiation, but that, on the contrary, they have been carried on with the calm serenity and prudence required by the magnitude of the question. As chief magistrate, Gen. Reyes has done nothing more than to carry on his labors to revindicate our rights, initiated immediately after the separation, when he went to Washington as chief of the special diplomatic mission, whose members were Jorge Holguín, Pedro Nel Ospina, and Lucas Caballero. The memorial of complaints of December 23, 1903, which so genuinely condensed the complaints of Colombian patriotism, was the point of departure for the process which has gone on ever since.

On February 28, 1905, Dr. Mendoza was named envoy extraordinary and minister plenipotentiary of Colombia to the Government of the United States, with the object of procuring the arrangement of the matters pending between Colombia and the United States and between Colombia and Panama. The instructions given to Dr. Mendoza by the then minister for foreign affairs, Dr. Clímaco Calderón, show the opinions of the Government as to the necessity of putting a dignified end to that situation, so disagreeable and prejudicial to our interests, which had been created by the separation of Panama.

Dr. Calderón, like the President, and like those of us who have been his successors in the department of foreign relations, well understood that the problem we had before us would only be complicated by indefinitely adjourning its solution, and that such a delay would be the origin, in the passage of time, of other problems equally

complicated. I take the liberty of copying here certain of the paragraphs of the instructions given by Dr. Calderón to Dr. Diego Mendoza, since they state perfectly and simply the intentions of the Government in relation to the transcendently important duty confided to the new Colombian envoy. Dr. Calderón said as follows:

In the discharge of his functions, Dr. Mendoza will begin by persuading the Government of the United States that the present Government of Colombia is fully conscious of the responsibility of its great duties; that all parties are making efforts to maintain peace; that Colombia has entered upon the path of good sense; and that obligations which may be contracted will be faithfully executed.

In the opinion of the Government of Colombia, the independence of Panama is an accomplished fact; and if any doubts remain on this point, they would be dissipated by recalling that the first treaty celebrated between Panama and the United States contains an express guaranty of the independence of the new Republic. As a consequence of our recognition of Panama, the minister is authorized to make a postal convention, a consular convention, a general treaty of commerce, and one of extradition. The rules to be followed by the minister in adjusting the above-mentioned international agreements are not given in minute detail, because besides the general principles applicable to such matters, and which the minister is familiar with, he should look to the particular circumstances of each case and bear in mind that Colombia does not ask for exorbitant concessions, but only for what will tend to mutual progress and good friendship between two nations of common origin and harmonious interests; for what will redound to the benefit of both and the well being of their citizens.

And further on, in the same instruction, Dr. Calderón adds:

Present general sentiment in Colombia tends toward the reestablishment of relations between the two entities. There are some who desire that Colombia should maintain a condition of hostility and rancor in respect to Panama. Such spirits will protest against anything that may be done. Nevertheless, having in view the great future interests of the country, the Government does not hesitate to follow a different policy from that advised by such citizens. They are doubtless zealous patriots, but they refuse to see the reality of accomplished facts. Therefore, the Government of Colombia assumes before contemporaries and posterity the responsibility of the policy which it now, after a thorough, serene, and impartial examination, orders to be followed. It is confident that the minister, freeing himself from prejudices and preoccupations of badly understood patriotism, will have the civil courage to assume in his turn the responsibilities of such a policy, and that he will not hesitate to attach his name to the transcendental acts we have spoken of, being sure that he will be acting as a good citizen and patriot. In its turn the Government is confident that the good sentiment of the country will prevail and leaves to the passage of time its historical justification.

The three years transpired since Dr. Calderón wrote these instructions have not lessened, but, on the contrary, accentuated and perfectly confirmed the logical force of his opinions. The Republic of Panama, recognized by the majority of the nations of the world from the beginning of its existence, has been able to continue its independent life under the same protection that sheltered its birth and its introduction into international society. The abnormality of our relations of public and private international law with an entity bordering upon us and profoundly linked to our own causes us continual difficulties. A very numerous group of our compatriots, formed by Colombians who have preferred to retain their original nationality in the territory of the new Republic and those who have gone to said territory since the 3d of November, 1903, live there without defined rights, seeing that, in the condition of our relations with the territory which, theoretically, we have continued to consider our own, notwithstanding its independence, in fact, from our sovereignty,

legal normality, or even the application of the principles of international private law, have not been possible. Such compatriots have not been able to perform any civil act intended to take effect in the rest of the territory of Colombia without exposing themselves to an unavoidable refusal on the part of our national authorities to recognize such an act. In Panama the passage of correspondence addressed to Colombia has suffered difficulties highly prejudicial to our commerce. Recriminations for what had taken place continued opening an abyss which ought not to exist between two neighboring peoples still united by indestructible bonds, even though such bonds had ceased to be those of a common nationality. Resolutely and even at the cost of the sacrifice of our self-love it was necessary to throw across this abyss a bridge that will facilitate our march to the conquests of the future. There in that very territory where the Colombian spirit can not help continuing to live with the life of an indelible past, although now no longer under our national flag, there is being accomplished one of the greatest events which the history of humanity registers, an event certain to revolutionize the political and commercial world, and we, at the very borders of this stream of universal civilization, can not remain impassive, inactive, silent, absorbed in our rancors, hoping for the promised day of vengeance which does not come—which will never come. Out of the excess of evil we should snatch a good, even if in doing it we are forced to restrain the expression of sentiments which, although they may be generous, nevertheless must be recast in the mold of present necessities and advantages.

Unhappily the mission intrusted to Dr. Mendoza did not obtain the desired results. He was received by the President of the United States on May 30, 1905, and continued in charge of his post until July, 1906.

The luminous exposition of December 23, 1903, which the man who is to-day president of the Republic addressed as a memorial of complaints to the Secretary of State in his capacity as special envoy, was confirmed in the various notes that Dr. Mendoza addressed to the American Government in defense of our injured rights. By these notes were added new pages to those which from the first moment when the said event was known proved eloquently not only the soundness and the moral value of our rights, but also the practical impossibility of making them effective. However, the negotiations began by Dr. Mendoza made no progress, and my predecessor in this department thought it advisable to recall him to this capital, with the object of consulting in regard to the form of proceeding to be followed in the future. Thereupon there happened those incidents with Dr. Mendoza that the people are already familiar with and which I do not think it necessary again to refer to here. My predecessor, Gen. Vásquez Cobo, has already recited them in the report he had the honor of presenting to you in your 1907 session.

On September 24, 1906, the Secretary of State of the United States, Elihu Root, came to Cartagena on a final visit, the last one of his journey through South America. He was received at that port by the minister for foreign affairs, Gen. Vásquez Cobo, in virtue of the especial commission of the President of the Republic.

Mr. Root, who had just finished visiting the South American capitals, amid an uninterrupted ovation during which he did not



neglect to show himself the determined defender of the great principles of international law, upon which the well-being of nations depends, was received by our minister for foreign affairs as a "herald of peace, of justice, and concord." On his part, Mr. Root manifested his—

sincere desire that all questions pending between the Republic of Colombia and the United States of America be peacefully arranged in conformity with a spirit of friendship, of mutual esteem, and in accord with the honor of the two countries.

Gen. Vásquez Cobo received from the President precise instructions to present to the Secretary of State the bases upon which the desired agreement could be reached. Upon these bases have proceeded the negotiations that have so seriously preoccupied this Government during the two years and some months elapsed since the visit of Secretary Root. They, with slight modifications, are to-day to be found in the treaties I submit to your consideration. Secretary Root has loyally fulfilled the promises made to Gen. Vásquez Cobo in Cartagena, and in the course of the negotiations of these treaties has once more proven his spirit of nobility and justice and his feelings of warm Americanism.

Since the Cartagena conference the negotiations in Washington have been in charge of Enrique Cortés, plenipotentiary named to replace Dr. Diego Mendoza. Mr. Cortés, who before his nomination as Colombian plenipotentiary in Washington had been accredited during the ministry of Dr. Clímaco Calderón as confidential agent to the Government of the United States with the duty of cooperating with Dr. Mendoza's labors, has in the performance of his delicate mission shown high diplomatic qualities, and I take pleasure in recognizing them on this solemn occasion as a tribute to his complicated labors—labors as patriotic as intelligent—and crowned by a result which, for fear of prejudicing a cause that affects me so much, I would not dare to characterize as happy had not that adjective already been agreed upon by the impartial and unanimous evidence of the American diplomats in Washington. In reaching this result the plenipotentiaries of the United States in Bogota, John Barrett and Thomas C. Dawson, have aided efficiently, and in the performance of their mission these gentlemen have shown themselves to be sincere and decided friends of Colombia.

When the negotiations had been renewed by our plenipotentiaries, Dr. Cortés, though he found a determined cooperation on the part of the Secretary of State, encountered an opposition that arose from elements interested in the prolongation of the indefinite status of matters, and that you will easily understand without the necessity of my specifying. Nevertheless, our legation succeeded in reaching an agreement which was embodied in a tripartite protocol, signed in Washington on August 17, 1907, by the plenipotentiaries of Colombia and Panama and Mr. Taft, Secretary of War of the United States, representing the Government of the latter Republic. In this protocol, whose text I furnish herewith, were embodied the substantial bases for the celebration of a treaty to be made immediately thereafter. When the text of this protocol was received the President and the minister for foreign affairs, Gen. Vázquez Cobo, gave it careful study, and the result of this examination was the sending of supplementary instructions to our minister in Washington calling atten-

tion to certain points that needed explanation, amplification, or modification.

After these instructions had been received, and when the work of embodying the clauses of the August, 1907, protocol in treaties was already under way, there arose the discussion over the proper boundary to be fixed between the Republics of Colombia and Panama. The Colombian Government, knowing the validity of its titles, taught by the experience of what our boundary disputes had signified in the course of our national existence, and wisely looking forward to what the future might bring, would not agree for a single moment to sign any treaty which did not recognize the boundary that, according to our laws, had divided the Departments of Cauca and Panama. The discussion between the representatives of Colombia and Panama on this point assumed a character that caused a fear that the negotiations might fall through, and the Colombian Government believed it its duty to occupy the Territory of Jurado, as you were informed in your former session. An expedition under the command of distinguished officers of our army traversed the virgin forests of the Choco with an intrepidity only to be compared with that of the early Spanish conquerors, and without encountering any resistance placed on those borders of the Pacific known as the Territory of Jurado the sacred emblem of our fatherland. Our authorities have since continued exercising peaceful jurisdiction there.

When I take up the clause of the treaty between Colombia and Panama in reference to the boundary I will call your attention in a more special and detailed manner to this very important matter. At present I will follow the history of the negotiations.

The recovery of Jurado by our forces and the establishment there of our officials provoked a formal demand for intervention by the United States from the Panamanian Government. This demand was based upon the stipulations of the treaty of November 18, 1903, between those two Republics. After a careful examination of our evidences of title and a special report of Mr. Taft, Secretary of War, the Government of the United States was of the opinion that the case did not justify a compliance with the demand of the new Republic. In spite of this refusal, the negotiations entered upon a period of complete paralysis that only ended several months later, when a new administration in Panama replaced the one presided over by Dr. Amador Guerrero.

Though negotiations were recommended, they progressed very slowly, and the moment came when the President made up his mind to declare his decision to withdraw the Washington legation if the disagreeable litigation which for more than five years had embarrassed the Colombian Government and people should not immediately end. Happily, at last an agreement was reached upon the stipulations contained in the treaties I now submit to you and which were signed by our plenipotentiary in Washington in accordance with the instructions given him.

Such is the synopsis of the history of the negotiations in Washington which followed the presentation of the memorial of complaints of December 23, 1903. They had been inspired by the very author of that memorial, the present President of the Republic, who has indefatigably sought satisfaction for the national honor. In this

patriotic desire he was seconded by the ministers, my distinguished predecessors, Dr. Clímaco Calderón and Gen. Vázquez Cobo.

I will now go on to treat of the texts of the treaties:

#### TREATY WITH THE UNITED STATES OF AMERICA.

The Colombian and American negotiators in Washington had discussed the terms of a general treaty of friendship, commerce, and navigation to replace the treaty of 1846 between the Republics of the United States and Colombia. In such a treaty it was understood that there should be incorporated advantages conceded to Colombia in relation with the Panama Canal. Afterwards it was found preferable to adjourn the consideration of a general treaty of friendship and to proceed simply to agree upon the special treaty now submitted to you, which was the one most imperiously demanded by our interests, and which we may consider as relatively a compensation for our injured rights.

There was another powerful consideration for preferring not to embody in a general treaty of friendship the clauses relating to our advantages in the canal. An ordinary treaty of friendship, commerce, and navigation implies the usual clause for denunciation either by fixing a limit of time or by establishing a period within which it may be denounced. Such a provision has been embodied in the project that the Secretary of State, Mr. Root, presented to our plenipotentiary in Washington. If, therefore, we had embodied in such a treaty the clauses relative to the canal, we would have accepted a limit of time for the enjoyment of the privileges conceded to us, and this would be equivalent to notably reducing the value of the concession we are seeking. The advantages conceded to us are now perpetual in their character. Nor would this inconvenience have been avoided by giving certain of the clauses of a general treaty the character of perpetuity, seeing that, although this method of procedure is not unknown in certain treaties, it is always the origin of dangerous distinctions to enact in a treaty what part shall be limited in time and what shall not be subject to denunciation, especially when a treaty itself shall have been denounced or the time fixed should have elapsed.

Article 2 is as follows:

In consideration of the provisions and stipulations heretofore cited, the following has been agreed upon:

The Republic of Colombia shall have liberty at all times to transport through the ship canal the United States is constructing through the Isthmus of Panama, troops, military materials, and war ships of the Republic of Colombia without paying any duty to the United States, even in the case of an international war between Colombia and any other country.

During the construction of said interoceanic canal, the troops and military materials of the Republic of Colombia, even in case of an international war between Colombia and any other country, shall be transported by the railroad between Ancon and Cristobal, or by any other railroad which may take its place, on the same conditions as like services are rendered to the United States.

The officials, agents, and employees of the Government of Colombia shall have the right of being transported gratuitously by the said railroad through the Isthmus of Panama, notice having been given to the employees of the railroad and their official character proven.

The foregoing dispositions of this article shall nevertheless not be applicable in case of war between Colombia and Panama.

This article was intended to give to the advantages in our favor that are embodied in the treaty a character of reciprocal compensation, although by themselves they perhaps do not have such a nature. Besides, the desire on the part of the Government at Washington that the treaties should have such a character was very natural on account of many reasons which will not escape your enlightened penetration. Even if it be thought that the renunciation on our part embodied in article 6 does not equal the advantages given by the other articles, such advantages could not be called gratuitous and would not place the Government at Washington in the position of being obliged to concede like advantages should they be solicited by other nations under the favored-nation clause.

The liberty of transporting our troops, war ships, and ammunition, through the Panama Canal, which thereafter is given us by the said article 2, is of the greatest importance and we can truly say that it signifies for our future a precious concession. It would be such for any nation, but for Colombia, who has coasts on both sides of the canal, such a concession signifies in effect the reestablishing of the continuity of these coasts and the adjacent seas, a continuity which the segregation of Panama put us in the position of being obliged to obtain. The liberty of trade now obtained was the ideal which our negotiators in Washington had pursued energetically ever since the lamented Dr. Carlos Martínez Silva reached that capital with Colombia's first propositions. As you may see by the reading of those propositions, there was always included in them a clause concerning canal traffic, analogous to the one embodied in the article of the treaty which I am treating. Article 17 of the treaty of January 22, 1903, the Herran-Hay treaty, also embodied a like stipulation. That article said:

The Government of Colombia shall have the right of transporting its ships, troops, and ammunitions of war through the canal at all times without paying any duty. This exception extends to the service railroad as to the transporting of persons in the service of the Republic of Colombia or the Department of Panama, and of the police charged with the preservation of public order outside of said zone as well as of their baggage, arms, and provisions.

The stipulation of the present treaty is broader and better secures our rights, since it expressly provides that the liberty of traffic exists even in the case of an international war between Colombia and any other country. The stipulation contained in the second and third clauses of article 2 of the present treaty in relation to our rights concerning traffic and transportation over the railroad between Ancon and Cristobal during the construction of the interoceanic canal is also broader than the analogous provision in the Herran-Hay treaty.

The liberty of transit for our Navy, even in the case of international war, places us in an advantageous situation in respect to all the nations of the world, although by the concession itself and also by the circumstances already noted of our having coasts and important posts on both sides of the canal, this privilege will become more valuable in the lapse of time, and the day will come in which the generations that succeed us will esteem it in all its value for the benefit they will derive from it.

Further the restrictions embodied in the last clause of article 2 in the case of a war between Colombia and Panama is perfectly justifiable in view of the stipulations of the treaty between Panama

and the United States, which imposes on the latter Republic, among other duties, that of guarding the integrity of the former.

Article 3 implies a concession of great importance for our economic and commercial interests, especially for those of the Departments on the Atlantic and the Pacific Oceans. What is stipulated in said article can be of the greatest advantage for our cattle industry, especially during times when the difficulties placed in the way of the exportation of cattle to Cuba and other circumstances have produced a real oversupply in some of the Colombian markets.

According to very recent data there are 50,000 consumers in the Canal Zone to whom the zone commissariat sold last year articles of primary necessity to the value of \$3,793,593 gold. The largest articles of this consumption are meat, flour, tobacco, potatoes, and others which we produce under conditions that permit the export of most of them to the Isthmus. Therefore a rich market is opened to us by the treaty with the United States, and it is opened to us under the most favorable conditions, seeing that our products are exempt from the payment of duties just as are products coming from the United States. Not even the Republic of Panama has conditions as favorable as Colombia in the matter of the introduction of her products into the Canal Zone, and in any case a privilege which would mean for Panamanian producers and merchants only a competition, and would be the origin of daily quarrels, is, for Colombian producers and merchants, simply an advantage which places them in exceptional conditions.

The stipulation relative to provisions for Colombian laborers not only favors our numerous compatriots who work on the canal, but is also a means of encouraging the export of products which we produce in great abundance on our coasts.

Article 4 of the treaties with the United States contains two stipulations not less important than the former ones—the one in relation to the transportation of our mail sacks and the one in reference to the transportation of our products, especially Colombian sea salt.

An account of the difficulties which we have encountered in regard to the passage of correspondence coming to Colombia by the Isthmus would be very long. Such difficulties were only slightly ameliorated by the creation of an agency in Panama charged with the duty of watching over our interests. The gratuitous transportation of our mail sacks through the offices at Ancon and Cristobal and the equality of treatment with the mail sacks of the United States, which is conceded for them, will noticeably better the previous unfortunate conditions.

In respect to sea salt, the advantages in its transport ceded by the treaty—advantages which have been sought energetically from the commencement of the present negotiations—will put the Government in the position of continuing, as at present, furnishing the Colombian Departments on the Pacific with the sea salt produced by our Departments on the Atlantic. Seeing that the Government was able to carry out its designs, even paying the high freight rate on the Panama Railroad, as happened last year with large shipments, it is evident the advantages now conceded will make it easy for the Government to finally effect the dislodgment of all non-Colombian salt from Colombian markets. For the economic future of the Republic, so intimately connected with the favorable trade balance we hope to

obtain, the avoidance of the payment we now make to Peru of half a million dollars annually for our consumption of her salt will be of great value, and we can do this without endangering our purpose of enabling consumers to buy this article at a really low price.

The recognition of the transfer of 10 annual payments of \$250,000 each, made in our favor by the Republic of Panama, obliges the United States to deliver these installments directly to the Government of Colombia. In the course of the negotiations we obtained the elimination from this article of any expression which might give it a character of compensation for the recognition of the new Republic, a compensation which certainly was not proper, and which we could not accept under any form.

Article 6 embodies the concessions and recognitions on our part which appear as a compensation for the concessions hereinbefore mentioned. In reality the right of refuge for ships in distress is one recognized by international law, and does not constitute a concession on our part, seeing that the restriction is imposed that such a permission shall, in case of war, be subject to the laws of neutrality. The concession we made by article 15 of the Herrán-Hay treaty was much broader, since it did not contain any restriction in case of war, notwithstanding the commission which reported on said treaty in 1903 did not make any objection to the said article.

The renunciation we made at the end of article 6 amounts to a renunciation of the right which the Republic of Colombia formerly had under the concessions given Luciano Bonaparte Wyse, the Universal Panama Canal Co., the Panama Railroad Co., and the New Panama Canal Co.; that is to say, the same renunciation which is referred to in article 12 of the Herrán-Hay treaty.

Although it may have been logical when we were negotiating in Washington before 1903 to discuss serenely what value these concessions had for us before accepting the compensation offered, at the present juncture and in view of accomplished and universally accepted fact there is nothing for us to do but to bow before the absolute power of the inevitable, leaving, however, evident to the world that the laws granting these conventions, their generosity and breadth, constitute a most eloquent proof that Colombia never opposed any obstacle to the civilizing stream that was trying to open the splendid throat of the Isthmus for the universal benefit; and of how, from the beginning of our republican life until the day when the immortal De Lesseps trod our beaches and was welcomed by the enthusiastic acclamations of the Colombian people, being received as the precursor of a new era of civilization, our governors and legislators never ceased a single day to occupy themselves in the prompt realization of the cherished conception, and that later, when the great Frenchman was dead and his gigantic scheme was dying, they preoccupied themselves in like manner. Colombia aided him by granting new and almost gratuitous extensions of time for the finishing of his work, and a support that the world had already denied him: 1835, 1838, 1851, 1852, 1858, 1866, 1868, 1870, 1876, 1878—there has hardly been a year in the history of new Colombia that does not register an act, a law, an effort, to show how intense were national preoccupation and desires in favor of the civilizing work, to whose realization an effort was made at a mournful time to make us appear as opposed—as if to add ridicule to injustice.

These brief reminiscences may appear out of place in this document were it not that the solemnity of the present moment requires them as a justification of the memory of those many illustrious Colombians who, with patriotic zeal and altruistic purposes, took part in the various negotiations relative to the Panama Canal and railroad.

Article 7 refers to the approaching revision of the 1846 treaty, seeing that, as I have previously indicated to you, it was not possible or deemed advantageous to include the clauses of the present treaty among those of a general treaty of friendship. In the new treaty stipulations should be included securing the putting into effect the principles of arbitration. Following its instructions from the Government, our legation has worked to secure its immediate signing. The Republic proves its determination undeviatingly to continue the honorable traditions of our foreign office, which come down from the glorious epoch of Bolívar and the Great Colombia.

Article 8 of the treaty establishes the interdependence of the three treaties—ours with the United States, ours with Panama, and the one of the latter Republic with the United States. If one of the three treaties fail, all three fail.

Further, this interdependence was inevitable. On one side, the United States recognized the transfer to us of certain sums it owes to Panama; it was, therefore, necessary that this transfer be perfected by the acceptance of the creditor and debtor nations. Further, the existing treaty between the United States and Panama provides that the annual payments of \$250,000 should begin to be paid February 26, 1912, while, according to the treaty agreed upon with Colombia, these installments will begin on February 26, 1908, the date when the transfer begins to run in our favor. It is, therefore, necessary that the treaty altering such conditions and which further implies an increase of four years of payments (that is to say, a million dollars) be approved by Panama and the United States in order to be effective.

An intimate connection is very natural between treaties intended as a solution as far as possible of difficulties which arose and were developed inextricably and as a consequence of the same facts.

#### TREATY WITH PANAMA.

The principal articles of this treaty are those which provide for the recognition of the new Republic by Colombia, the sum to be paid us for the exemption of Panama from responsibilities as to the payment of our foreign and domestic debts, that which fixes the boundaries between the two Republics, and that which determines the conditions under which Colombians and Panamans, born in the territory of either of the two Republics before November 3, 1903, and who on that date resided within the territory of the other, may choose their nationality. The article relative to the recognition of the Republic of Panama requires no reasonings or commentaries. So far as we are concerned it does not even permit them. I would fear that the weakness of my words might not do justice to the immensity of the sorrow and misfortune of our fatherland. If I should say anything to-day about this article, it would be only to express the wish that the people who formed with ourselves during 82 years

a single national entity should now be honored and respected, and to express my hope that the beautiful star which has been separated from the Colombian constellation may shine with an inextinguishable light in the heaven of American democracy.

By article 12 of the treaty the Republic of Panama cedes us 10 annual payments, of \$250,000 each, in exchange for the recognition made by Colombia that said Republic shall have no obligation or responsibility to the holders of the foreign and domestic debt of the Republic of Colombia, or to the Republic of Colombia on account of the debts and reclamations originating said debts. Colombia assumes all responsibility for such debts and assumes the obligation of holding Panama harmless on account of them.

I will not enter upon arithmetical calculations to try to elucidate whether the proportion adopted was or was not a just one, whether taking population as the basis of the division as was done when the debt of old Colombia was distributed by the Pombo-Michelena convention of December 23, 1884, or whether taking other elements as a basis for calculation. For us the amount agreed upon has a secondary interest in comparison with the moral result obtained—that is to say, the obtaining of a recognition of the obligation to contribute to the payment of debts which, as was natural, also rested upon the separated territory—debts which Colombia had recognized as a whole and was regularly paying in accordance with her agreements and existing laws.

By article 4 of the treaty, the two Republics reciprocally declare themselves free of all pecuniary responsibility or obligation of whatever nature; but this exemption does not touch the rights and individual actions of citizens of either of the two Republics, providing that such reclamations can be considered valid in accordance with the laws now in force and those in force on November 3, 1903. This provision of exemption guarantees both Republics against ill-founded claims.

By article 5 of the treaty, Panama's abandonment of every right and title to the 50,000 shares in the New Panama Canal Co. is confirmed. You already know the issue of the laborious litigation concerning these shares—a litigation intrusted from the beginning to the indefatigable as well as intelligent, enlightened, and patriotic efforts of Gen. Jorge Holguín who, to-day present in the body of the legislative assembly, can give you, should it be necessary, an account of the tremendous efforts that he and his coadjutors, Gen. Marceliano Vargas and Dr. Juan E. Manrique, made in order to reach the final result which safeguarded our honor and our interests.

Article 6 settles, in accordance with international principles and practices, one of the problems which naturally resulted from the separation of the inhabitants of such territory, when it constituted itself into a new nationality. The right of choice of nationality which article 6 establishes in favor of those individuals born before November 3, 1903, within the territory that to-day belongs to the Republic of Panama, and who on the said date were residing within the territory that to-day belongs to the Republic of Colombia, and vice versa, in favor of the individuals born within the territory of Colombia who were in like manner residing in Panama, constitutes an exception to the ordinary rule of choice of nationality established by international law and which our constitution likewise recognizes,