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# SECRET EVENING NEWS.

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10 PAGES—LAST EDITION.

MONDAY, JANUARY 4, 1904. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

## SPECIAL MESSAGE TO CONGRESS ON THE PANAMA INCIDENT.

### NEW LIGHT ON THE PANAMA CANAL

President Lays Before Congress a Statement of His Actions Under Act of June 28, 1902.

### HIS DUTY WAS PERFECTLY CLEAR

Colombia in Dealing With the United States Was Neither Frank Nor Explicit

### REGARDING THE REVOLUTION.

No One Connected With American Government Took Any Part in Inciting Or Encouraging the Same.

Washington, Jan. 4.—The president today sent the following message on the Panama question to Congress:

President Roosevelt says that he lays before Congress a statement of his action up to the present time on the act approved June 28, 1902, which authorized the United States to acquire the Panama Canal company and the perpetual control of a strip six miles wide across the isthmus of Panama. It was further provided that "should the president be unable to obtain for the United States a satisfactory title to the property of the new Panama Canal company and the control of the necessary territory of the republic of Colombia within a reasonable time and upon reasonable terms, then the president should endeavor to provide for a canal by the Nicaragua route."

WHAT WAS TO BE DONE. "The language quoted," says the president, "defines with exactness and precision what was to be done, and what as a matter of fact has been done. This president was authorized to do the Nicaragua route only if within a reasonable time he could not obtain control of the necessary territory of the republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing circumstances to go to the Nicaragua route as an alternative.

PROPER POSITION OF UNITED STATES. The president then quotes, as he did in his annual message, what he terms was the proper position of the United States to assume in reference to this canal, and therefore to the governments of the isthmus, as set forth by Secy. Cass in 1858. He says the United States has taken the position that no other government is to build the canal and cites the action of the senate in 1889 in passing a resolution declaring that "the government of the United States will look with serious concern and disapproval upon any connection of any European government with the construction or control of an isthmian canal across the isthmus of Darien or across Central America."

HAY-PAUNCEFOTE TREATY. "Under the Hay-Pauncefote treaty," says the president, "it was explicitly provided that the United States should control, police and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all nations. The guaranty included as a matter of course the building of the canal. The enterprise was recognized as responding to an international need; and it would be the veriest travesty on right and justice to treat the government in possession of the isthmus as having the right, in the language of Mr. Cass, to close the gates of intercourse on the great highways of the world, and justify the act by the pretense that these avenues of trade and travel belong to them, and that they choose to shut them."

THREE THINGS SETTLED. The president says that when the government submitted to Colombia the Hay-Herran treaty, three things were foreseen, already settled. One was that the canal should be built. The second, that it should be "our purpose to deal not merely in a spirit of justice but in a spirit of generosity with the people through whose land we might build it. The Hay-Herran treaty," says the president, "if it erred at all, erred in the direction of over-generosity toward the Colombian government. In our anxiety to be fair we had gone to the very verge in yielding to a weak nation demands that that nation was hesitantly unwilling to enforce from us against our will. The only criticism made upon the administration for the terms of the Hay-Herran treaty was for having granted too much to Colombia, not for failure to grant enough."

THE TREATY. The president says that the treaty was formulated, at the time this treaty was formulated, was there complaint that it did not in the fullest and simplest manner guarantee to Colombia everything that she could by any color of demand.

NO IS THE FACT TO BE LOST SIGHT OF that the rejected treaty, while generously responding to the pecuniary demands of Colombia, in other respects merely provided for the construction of the canal in conformity with the express requirement of the act of the Congress on June 28, 1902.

Continuing, the president says: "The treaty, instead of requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed and preserved her sovereignty over it. The treaty in this respect simply proceeded on the lines on which all negotiations leading up to the present situation have been conducted."

COLOMBIA WAS SILENT. "During the years of negotiations and discussion that preceded the con-

clusion of the Hay-Herran treaty, Colombia never intimated that the requirement by the United States of control over the canal strip would render untenable the construction of a canal by way of the isthmus of Panama; nor were we advised, during the months when legislation of 1902 was pending before Congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated for in the Hay-Herran treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable treaty at all.

### PEOPLE DEMANDED CANAL.

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

### CANAL DEFINITELY LOCATED.

"Third—Finally the Congress definitely located where the canal was to be built. It was provided that a treaty should be made for building the canal across the isthmus of Panama; and if, after reasonable time, it proved impossible to secure such treaty, that then we should go to Nicaragua. The treaty has been made; for it needs no argument to show that the intent of the Congress was to insure a canal across Panama."

PANAMA BECOMES INDEPENDENT. The president relates the delay of the Colombian congress in taking action on the treaty and the breaking out of the revolution three days after that body ended its session in October, without passing upon the document, "Panama," he says, "became an independent state and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfillment. If the pending treaty with Panama should not be ratified by the senate, this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under the existing legislation."

### COLOMBIA REPEATEDLY WARNED.

The president says that Secy. Hay had repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty and although the administration has special means of knowledge, no such means were necessary in order to appreciate the possibility of a revolutionary outbreak. Quotations from daily papers, said he, "could be indefinitely multiplied to show this state of affairs; and the president quotes dispatches sent by special correspondents to Washington and New York papers under dates extending over a period from Aug. 31 to Oct. 25, telling of the stirred condition of affairs."

### REVOLUTION FORESEEN.

The president had also, on Oct. 15, at the request of Lieut. Gen. Young, seen Capt. H. R. Humphrey and Lieut. Grayson Mallet-Provost Murphy, who had just returned from a four-months' tour of duty in Colombia, and informed him that it was the general belief that the revolution might break out at any moment. "In view of all these facts," says the president, "I directed the navy department to issue orders such as would insure your having ships within easy reach of the isthmus in the event of need arising."

Then on Nov. 2, when it was evident that the outbreak was imminent, instructions were sent to the commander of the Boston, Nashville and Dixie to "maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of rail, and prevent landing of either government or insurgent, at any point within 50 miles of Panama."

### PRACTICALLY MADE WAR ON U. S.

On Nov. 3, Commander John Hubbard of the Nashville, had reported to the navy department that 400 Colombian troops from Cartagena had landed in the Colon and that the situation was most critical. The president's report on Nov. 5, to the navy department, in which the commander said the occurrences of Nov. 3, had "amounted to practically the making of war by the United States by the officers in the command of the Colombian troops in Colon." The United States consul had received notice from Col. Torres to the effect that if the Colombian officers, Gen. Tobal and Amaya, who had been seized at Panama on Nov. 3 by the United States, were not released by 2 o'clock, he, Torres, "would open fire on the town of Colon and kill every United States citizen in the place." Commander Hubbard then related the landing of the troops and the report of the commander of the Nashville, as told in the press dispatches at the time, and the threatening attitude of the native soldiers while the United States marines acted where our citizens had taken refuge. Commander Hubbard told also of refusing to allow Supt. Shaler of the Panama railway to transport troops for either side.

### ORDERS TOO LONG DELAYED.

The president continues: "This plain official account of the occurrences of Nov. 4, shows that, instead of there having been too much provision by the American government for the maintenance of order and the protection of life and property on the isthmus, the orders for the movement of the American warships had been too long delayed; so that the 400 soldiers and sailors available to land and protect the lives of American men and women. It was only the coldest and the gallantry with which the little band of men wearing the American uniform faced to trench their number of armed foes, bent on carrying out this atrocious threat of the Colombian commander, that prevented a murderous catastrophe. At Panama, when the revolution broke out, there was no American man-of-war and no American

### MAYOR MORRIS' FIRST MESSAGE.

Sends Pacific Communication to the City Council and Asks Co-operation of Members for Business-Like Administration—Will Recognize Both Democrats and Republicans.

The first official communication from Mayor Morris to the new city council, which was read to that body at noon today, follows:

Executive Office, Jan. 4, 1904. To the Honorable President and Members of the City Council. Gentlemen: Appreciative of the fact that we are about to enter upon important and public duties, I take this opportunity of addressing you briefly and congratulating you upon your election as members of this body—chosen as it is to the performance of a sacred trust—and to assure you at the outset that it is my sincere desire that we shall work harmoniously together for the best good of our rapidly growing city. To do this there are several prime essentials:

1. It is desirable that we recognize each other's rights. That we remember that we are chosen to represent the interests of all classes of the community without regard to political or other differences.
2. That we are face to face with problems of the gravest character and that it is necessary to approach, consider and dispose of them in an intelligent and proper manner. To accomplish this there should be an entire absence of the strife and discord that so frequently mar the work of public bodies.
3. That we should be mindful of the fact that we are expected—nay more; that it is demanded of us, that we give the taxpayers of this city a thoroughly business-like administration. That important questions be met with deliberation and wisdom; that public improvements be made according to our needs and ability; that our needs are great we all know; that our efforts should be equal to the occasion is apparent.
4. That to obtain these results it shall be my aim to appoint as heads of departments, only men whom I personally know to be honest and capable and peculiarly fitted by education and experience to the respective positions to which they will be named. In the selection of such officials I do not propose to confine myself to but one political organization. On the contrary it is my intention to recognize and deal justly with both so far as the proprieties of the situation will allow.

Finally I desire to state that I shall address you at a greater length in the near future after I have received the reports of the heads of departments of the city government and can formulate my message to the council. In that I hope to be able to define a policy with reference to public needs that will meet with your approval and support. Meanwhile I desire to extend a cordial welcome at all times to the members of the council who may desire to visit me at the Mayor's office or elsewhere to confer or counsel with me regarding city business. Not only do I extend such invitation but I trust that it will be accepted in the hope that we will thoroughly understand each other in the discharge of the responsibilities we owe the public.

Respectfully,

RICHARD P. MORRIS, Mayor.

### J. C. STUBBS MAY SUCCEED BURT.

New York, Jan. 4.—The resignation of Horace G. Burt as president of the Union Pacific railway probably will be presented to a meeting of the directors this week. In well informed circles the belief prevails that it will be accepted, and that substantial recognition of Mr. Burt's services will be made.

Reports that E. H. Harriman will succeed him are encouraged in high quarters, though the name of J. C. Stubbs is frequently heard in this connection.

### BLOODSHED WAS PREVENTED.

"It thus clearly appears," says the president, "that the fact that there was no bloodshed on the isthmus was directly due—and only due—to the prompt and firm enforcement by the United States of its traditional policy. During the past 40 years revolutions and attempts at revolution have succeeded one another with monotonous regularity on the isthmus, and again against United States sailors and marines have been landed as they were at this time and under similar instructions to protect the transit."

### TREATY OF 1846.

Referring to the treaty of 1846, by the thirty-fifth article of which the United States secured the right to a free and open transit across the isthmus of Panama, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory," the president says:

"This article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition."

### ENGAGEMENT WITH NEW GRANADA.

The attacks against which the United States engaged to protect New Granada sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the isthmus to the purpose of free and unobstructed inter-oceanic transit, the consummation of which would be found in an inter-oceanic canal. To the accomplishment of this object the government of the United States had for years directed its diplomacy."

### INSURIOUS INSINUATIONS.

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

### REVOLUTION WAS UNANIMOUS.

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

### COLOMBIAN SENATE'S ACTION.

The president then cites the fact that the Panama canal committee of the Colombian senate had, on Oct. 11 last, recommended that the discussion of a law to authorize the government to enter upon negotiations be indefinitely postponed, that the subject be deferred until October, 1904. By that time, the committee urged, the extension of time granted to the new Panama company by treaty in 1893 would have expired and the new congress to meet in October, 1904, would be in a position to take up the question whether the company had not, in spite of further extension that had been granted by legislative acts, forfeited its property and rights."

"When that time arrives," the report significantly declares, says the president, "the republic, without any impediment will be able to contract and will be in more clear, more definite, and more advantageous possession, both legally and materially."

### COLOMBIA'S HOLDUP SCHEME.

"The construction of the canal," President Roosevelt says, "was relegated to the indefinite future, while Colombia was, by reason of her own delay, to be placed in the 'more advantageous' position of claiming not merely by compensation but by right the United States for the privilege of completing the canal, but also the \$40,000,000 authorized by the act of 1902 to be paid for the property of the new Panama Canal company. That the attempt to carry out this scheme would have brought Colombia into conflict with the government of France cannot be doubted; nor could the United States have counted up on immunity from the consequences of the attack, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia this government would have been summoned to intervene, in order to give effect to the guarantees of the treaty of 1846; and all this in support of a plan, which characterized its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the isthmus have become a matter of history."

### JUSTIFIABLE RECOGNITION.

"I confidently maintain that the recognition of the republic of Panama was an act justified by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the inter-oceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, recognizing in return nothing but our honorable pledge to build the canal and protect it as an open highway."

### PAN-AMERICAN CONFERENCE.

President Roosevelt speaks of the resolution adopted by the Pan-American conference at the City of Mexico, on Jan. 22, 1902, approving the purpose of the United States to construct an inter-oceanic canal and calls attention to the fact that Gen. Heyes, the present delegate of Colombia to the Washington conference, was among those who signed the resolution. He continues:

"Little could it have been foreseen

### that two years later, the Colombian government, led astray by false assurances of selfish advantage and forgetful alike of its international obligations and of the duties and responsibilities of society would thwart the efforts of the United States to enter upon and complete a work which other nations of America, re-echoing the sentiment of the nations of Europe, had pronounced to be not only worthy of the greatness of the American people, but also in the highest sense a work of civilization."

"That our position as to the mandate of civilization was by no means misconceived is shown by the promptitude with which the powers have, one after another, followed our lead in recognizing Panama as an independent state."

### CAN'T UNDERSTAND "KICKERS."

"In view of the manifold considerations of treaty right and obligation, of national interest and safety, and of collective civilization, by which our government was constrained to act, I am at a loss to comprehend the attitude of those who can discern in the recognition of the republic of Panama only a general approval of the principle of 'revolution' by which the given government is overturned or one portion of a country separated from another. Only the amplest justification can warrant a revolutionary movement of this kind. But there is no fixed rule which can be applied to all such movements. Each case must be judged on its own merits."

### PANAMA HAD JUSTIFICATION.

"But in my opinion no disinterested and fair-minded observer acquainted with the circumstances, can fail to feel that Panama had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the civilized world by securing the immediate opportunity for the building of the inter-oceanic canal. It would be well for those who are pessimistic as to our action in peacefully recognizing the republic of Panama, while we lawfully

### OLD REGIME OUT AND NEW ONE IN.

Ex-Mayor Thompson Relinquishes Office to Mayor Morris, His Successor.

### CHANGE WITHOUT CEREMONY.

General Offices All Democratic, but Republicans Control Council and Name the President.

### FRANK J. HEWLETT THE MAN.

Gavel Presentation for Cottrell and General Felicitations—Next Meeting Next Week.

The change of the municipal administration today at 12 o'clock noon was witnessed by a large number of prominent citizens and politicians and the city council chamber presented a lively appearance during the last session of the old council and the first session of

### THE NEW COUNCIL.

The outgoing council was in session just fifty minutes and in that time transacted considerable routine business. The principal feature of the session was the presentation of an elegant ivory gavel to President Cottrell by all the members of the council. The presentation speech was made by Councilman Fernstrom, and was replied to by President Cottrell in a feeling manner. The council was called to order at 10:45 o'clock and adjourned sine die at 11:35 o'clock.

### GENERAL FELICITATION.

The intermission between the adjournment of the old council and the calling to order of the new council was spent in general handshaking and congratulations between the old members and the new and the old and new city officials. The new official present were Mayor Morris, City Treasurer Harris, City Attorney Dev, City Recorder Citchlow and City Auditor Felt. Among the prominent politicians present were Senator Simon Bamberg, District Attorney Eichner, Parley P. Christensen, Fred C. Loebow, United States Attorney Joseph Lippman, Internal Revenue Collector Callister and Orson Hewlett, brother of the new president of the council.

### PRESIDENT ON PARTY NOTE.

When the new council was called to order Frank J. Hewlett, the choice of the Republican caucus of yesterday, by a straight party vote of eight to five, was elected president of the council for the ensuing two years. He was escorted to the chair by Councilmen A. J. Davis and F. S. Fernstrom and made a brief speech of thanks for the honor conferred upon him. The mayor's first official communication, which appeared elsewhere in these columns, was read to the council and the appointments of the various city officials as published in Saturday's "News" were submitted and approved by the council. No appointments whatever were submitted by Mayor Morris. After completing what work was before the council adjourned until next Monday evening at 8 o'clock.

### ARTICLE 35, TREATY OF 1846.

"It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the isthmus so long as that sovereignty is not absorbed by the United States, rests upon some novel

(Continued on page 2.)

### COLOMBIA'S INVITATION DECLINED.

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

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The intermission between the adjournment of the old council and the calling to order of the new council was spent in general handshaking and congratulations between the old members and the new and the old and new city officials. The new official present were Mayor Morris, City Treasurer Harris, City Attorney Dev, City Recorder Citchlow and City Auditor Felt. Among the prominent politicians present were Senator Simon Bamberg, District Attorney Eichner, Parley P. Christensen, Fred C. Loebow, United States Attorney Joseph Lippman, Internal Revenue Collector Callister and Orson Hewlett, brother of the new president of the council.

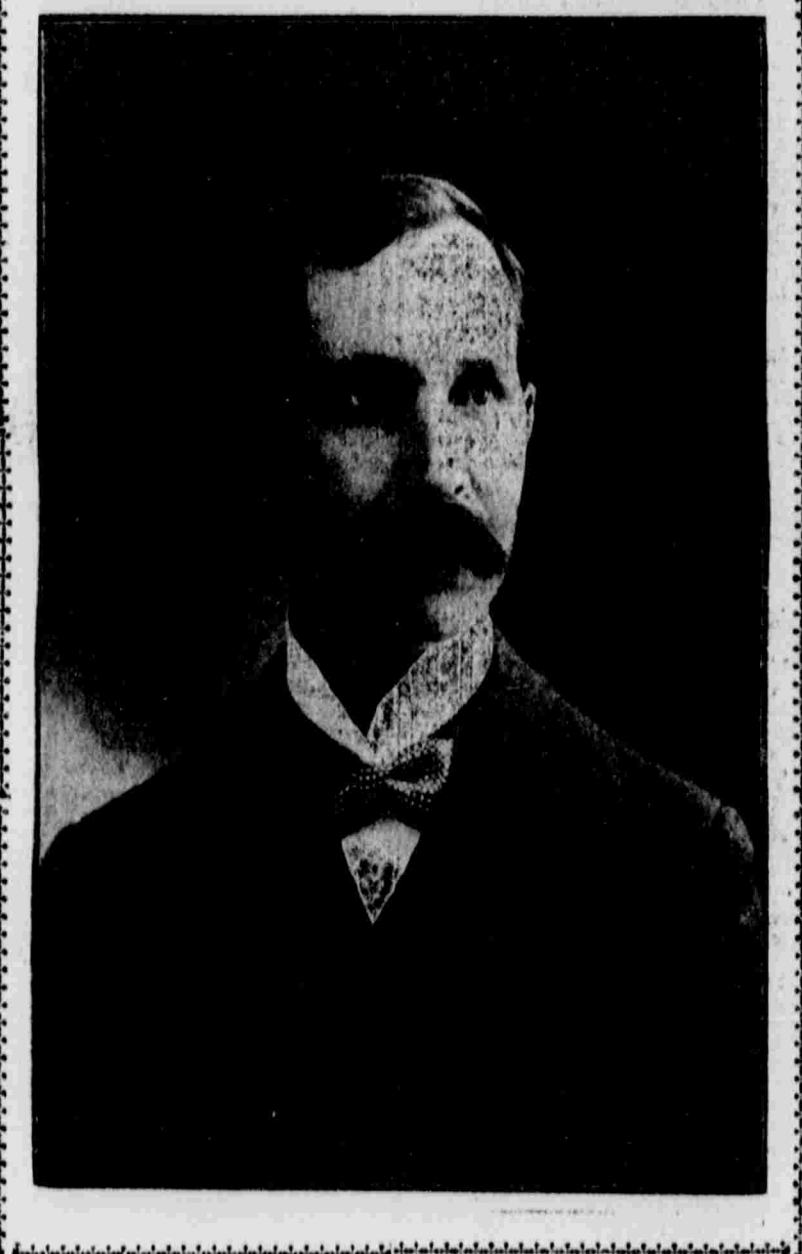
### PRESIDENT ON PARTY NOTE.

When the new council was called to order Frank J. Hewlett, the choice of the Republican caucus of yesterday, by a straight party vote of eight to five, was elected president of the council for the ensuing two years. He was escorted to the chair by Councilmen A. J. Davis and F. S. Fernstrom and made a brief speech of thanks for the honor conferred upon him. The mayor's first official communication, which appeared elsewhere in these columns, was read to the council and the appointments of the various city officials as published in Saturday's "News" were submitted and approved by the council. No appointments whatever were submitted by Mayor Morris. After completing what work was before the council adjourned until next Monday evening at 8 o'clock.

### ARTICLE 35, TREATY OF 1846.

"It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the isthmus so long as that sovereignty is not absorbed by the United States, rests upon some novel

(Continued on page two.)



FRANK J. HEWLETT, President of the New City Council.