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THE INDEPENDENCE
OF THE
ISTHMUS OF PANAMA.

ITS ANTECEDENTS, CAUSES AND JUSTIFICATION.

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PANAMA.

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The Independence of the Isthmus of Panama,
Its Antecedents,
Its Causes and Its Justification.

THERE are people who have been and are ready to undertake the task of sustaining that the Isthmus of Panama has been happy under the dominion of the governments of Colombia; that the prevailing sentiments of the natives of this beautiful country, which serves as the highway of the civilized world, have been, and are, of such a nature as to perpetuate attachment and cordial gratitude for the great benefits we have derived from that country, and to demonstrate, in conclusion, that the secession movement carried to a successful issue on the 3rd of the present month is not the spontaneous offspring of the popular will, but a momentary deviation, dexterously brought about by a few bold speculators, who sacrifice the most pure ideals to the inordinate desire of making or increasing their fortunes with the interoceanic canal undertaking.

Other individuals, or perhaps the same, may attempt to prove that the first and only author of the transcendental event is the Colossus of the North, who has been instrumental in alienating our fidelity to Colombia in vengeance for the rejection made by this Nation of the Herran-Hay treaty, considered by the former in the light of an unpardonable offence.

That will happen, as we foresee, and the moment is therefore convenient to reveal facts which it is necessary

for the world at large to know, and to instil into the minds of the most incredulous and obdurate the conviction that the act executed on the third of November of this year is the logical outcome of a situation made untenable, the solution of a very serious and vexatious problem, and the sincere, firm, definitive and irrevocable manifestation of the will of a people.

I.

It would not be just to censure the eminent men who emancipated us from the power of Spain for their determination to annex the Isthmus to the Republic of the Great Colombia, which appeared as emerging, powerful and with a brilliant future, from the epic cycle of the Independence. Under identical circumstances we would, as contemporaries, have acted in a similar manner; but it is well to point out that the question of selecting the South American nationality to which the Isthmus was to be united brought forth warm and long discussions between those eminent men. The uncertainty that a small country, thinly populated, could exist without risk to its sovereignty, and the circumstance of our territory being adjacent to that of Colombia—although the vast extension intervening was then, as now, deserted, without means of communication, and almost under the influence of wild nature—were sufficient reasons for our ancestors to resolve upon the union of the Isthmian provinces with the aforesaid Republican State, remaining satisfied with maritime communication as the only means of maintaining intercourse with a government having its seat in the interior of the continent, thousands of miles away, on the summit of the almost inaccessible chain of the Andes.

Those material inconveniences to which we have alluded were complicated by others of a different and exceptionally serious nature. Colombia was organized under a system of central government, which had to be disastrous to the Isthmus because with that regime the provinces were left in a forlorn condition, more so when farther from the capital, deprived them of their means and resources wherewith to attend to their wants, and kept them in a state of deep depression. Deputies from the two Isthmian provinces of Panama and Veraguas attended the National Congresses, but the isolated action of those Deputies could not be productive

of any good for those provinces, and their sphere of action was circumscribed to the sharing of political responsibilities arising from the effects of the implanted system.

To make matters worse the Granadians, following in the footsteps of the Venezuelans, showed themselves as a turbulent race of separatistic tendencies.

Immediately after the independence the first symptoms of anarchy were observed. Civil war and dark conspiracies were the order of the day to such a pitch as to draw from the Liberator, Simon Bolivar, that afflictive phrase: *that he was not able to see the Country in a healthy condition.*

The confusion of ideas was such as to baffle description. Some Colombians actually thought of, and proposed, the setting up of a monarchy—a scheme that had many followers—and the Liberator, adverse to all monarchical ideas, declared that it was necessary to appeal for protection to a foreign power.

The contemplation of that deplorable state of affairs inspired a Colombian historiographer with this melancholy reflection: "*Colombia had lived so fast its years of glory and deeds that, still a child, she was reaching a premature decrepitude.*"—(Quijano Otero.)

The feeling of disgust was general on the Isthmus, and a sense of deep regret for what had been done overpowered our eminent men. The tendency to separate the Isthmus took root then and there, and in 1830, nine years after the voluntary annexation to Colombia, it was rudely manifested at a popular meeting convened in this city by General José Domingo Espinar, Panamanian by birth, distinguished soldier of the Independence, and at the time Governor of Panamá, and one of the warmest partisans of the separation scheme.

The resolution at that memorable patriotic meeting contained this first clause: "*Separation from the rest of the Republic, specially from the Government of Bogotá.*"

This first impetus tending to secession did not pass unperceived, and the aforesaid historiographer refers to it as follows:

The picture that the Republic, already enveloped in shadows, offered to the gaze of the Liberator, was deplorable. The Congress of Venezuela, his native country, demanded his expulsion; Montilla took up his cause in Carthagena, and his example was followed by the brave

sons of Mompox. From several parts of Venezuela he received warm backing to accept the struggle. Rio Hacha declared against Bolivar and demanded help of Venezuela, from where Carujo was starting with the forces which subsequently defeated Colonel Blanco at San Juan de César. The provinces of the Atlantic went so far as to entertain the idea of forming a fourth State, and *Panama even to the prohibited exaggeration of annexing itself to Great Britain.*

As a mark of deference to the prestige of the Liberator, the Isthmians abandoned their desire for separation and submitted to the National Government, putting full faith in the genius and sublime patriotism of the South American chief.

II.

But the feeling was not extinguished, nor could it be extinguished, inasmuch as its generating causes not only did subsist but were being aggravated. No sooner had several provinces of New Granada rebelled in 1840 against the central system than the people of this capital rose in arms on the 18th of November of that year under the leadership of the then Colonel Tomás Herrera, for whom the future was reserving such a brilliant career, and proclaimed once more the Independence of the Isthmus, leaving as a proof of the deed proper authentic record. The idea of separation was looked upon with such general favor by the people of all the Isthmian provinces that all joined in the proclamation and in due course sent delegates to the Convention, which a short time after, was convened in this city with the object of establishing the political status of the independent State and of organizing its public offices.

Our countrymen will surely read to-day, with interest and enthusiasm, the fundamental law enacted by that admirable Convention, which we herein transcribe :

FUNDAMENTAL LAW OF THE STATE.

The Convention of the State of the Isthmus,

CONSIDERING :

That the majority of the Provinces of New Granada have gone into open rebellion against the central government, separating themselves from it, and proclaiming the federal system of government, thereby breaking the agreement of 1832.

That while the Republic is being reconstituted, agreeably to

popular vote, the Isthmus can not remain indifferent to its fate, but must employ, at least provisionally, the means necessary for its safeguard and welfare; therefore,

In conformity with Article 15 of the Act of the 18th November ultimo,

DECREES :

Article I. The Cantons of the former Provinces of Panama and Veraguas shall compose a sovereign and independent State, which shall be constituted as such by the Constitution under the title of "State of the Isthmus"

Article II. Should the Government of New Granada be organized according to the federal system and convenient to the interests of the Isthmus, the latter shall form a State of the Confederation.

Special. In no case shall the Isthmus be incorporated with the Republic of New Granada under the system of central government.

Article III. Two Commissioners shall be accredited by the Convention to that body which shall duly represent the Provinces formerly constituting the Republic of New Granada, empowered to negotiate the incorporation of the State of Panama into the Federation which the latter may form. The Convention, by a special act, shall give the instructions whereby the aforesaid Commissioners shall be guided, and it shall regulate everything relating to the matter.

Article IV. The State shall not admit any section which, having separated itself from any of the Provinces of the Federation, shall desire to be incorporated into it. In a similar manner the dismemberment of any section of those which up to now have formed part of the former Provinces of Panama and Veraguas, shall not be permitted.

Article V. The State of the Isthmus acknowledges and promises to pay, in due proportion to the number of its inhabitants, the foreign and home debt with which the Granadians are now burthened; it likewise offers not to distract from its object the funds destined for the public credit.

Given at the Hall of Sessions of the Convention.

Panama, 18th March, 1841.

The President,	JOSE DE OBALDIA.
The Vice-President,	MARIANO AROSEMENA.
Deputy for the Canton of Alanje,	JUAN MANUEL LOPEZ.
Deputy for Bocas del Toro,	JOSE PALACIOS.
" " Bocas del Toro,	JOSE MARIA TRIVALDO.
" " La Chorrera,	BERNARDO ARZE MATA.
" " La Chorrera,	JUAN BTA. FERAUD.
" " Darien,	MANUEL JOSE BARBUA.
" " Darien,	MARIANO A. QUEZADA.
" " Natá,	MARCELINO VEGA.
" " Natá,	SATURNINO CASTOR OSPINA.
" " Parita,	JOSE G. DE PAREDES.

Deputy for Parita,	ANTONIO AMADOR.
" " Panama,	JOSE MARIA REMON.
" " Portobello,	RAMON VALLARINO.
" " Portobello,	ANTONIO N. AYARZA.
" " Los Santos,	JOSE MARIA GOITIA.
" " Los Santos,	FRANCISCO ASPRILLA.
" " Santiago,	JOSE FABREGA BARRERA.
" " Santiago,	NICOLAS OROSCO.
The Secretary of the Convention,	JOSE ANGEL SANTOS.

Panama, 20th March, 1841.

Let it be obeyed, published and circulated.

(Signed) TOMAS HERRERA.

By the Superior Chief of the State,
the Secretary-General, JOSE AGUSTIN ARANGO.

The Convention, which remained in session five months, regulated all the branches of the public service and confirmed the power conferred on Colonel Tomás Herrera, body and soul of the movement, and Dr. Carlos de Icaza, who were accompanied—in the capacity of Adjutant and Secretary General—by the intelligent and gallant gentleman, Mr. José Agustín Arango.* Of these acts, which seem to recover new life when brought in touch with current events, the following are worthy of notice :

DECREE

AWARDING A MEDAL OF HONOR TO COL. TOMÁS HERRERA.

The Constituent Convention of the State of the Isthmus,

CONSIDERING :

I. That to Colonel Tomás Herrera is due the gratitude of his countrymen for his able co-operation in accomplishing the political transformation proclaimed on the memorable 18th day of November, 1840, and for the admirable tact with which the Provisional Government of the State has been conducted under his management and patriotism ;

II. That these services are worthy of being remunerated by the whole Isthmian people,

DECREES :

Sole Article. A gold medal is hereby awarded to Colonel

* His son, bearing the same name, is one of the members of the Provisional Government Junta of the Republic of Panama.

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Tomás Herrera, which shall be worn on the left side of the breast, attached to a tri-color ribbon. This medal shall be elliptic in shape, one and seven-eighths inches in its greater diameter and one and three-eighths inches in its lesser diameter, and it shall bear, in bass relief, the following inscriptions :

On the obverse : " *Citizen Soldier.*"
and on the reverse, " *The Convention of the people of the Isthmus*
in the same way : " *in 1841.*"

everything designed according to the model accompanying this decree.

Given at the Hall of Sessions of the Convention.

Panama, 6th April, 1841.

The President, NICOLAS OROSCO.

The Secretary, JOSE ANGEL SANTOS.

Panama, 20th April, 1841.

To be obeyed and published.

CARLOS DE ICAZA.

By His Excellency the Vice Chief of the State, in charge of the Government.

The Secretary General, JOSE AGUSTIN ARANGO.

DECREE

REGULATING THE FLAG AND ESCUTCHEON OF THE STATE.

The Constituent Convention of the State of the Isthmus

DECREES :

Article I. The State shall continue, for the time being, the flag and escutcheon of New Granada.

Article II. In all official acts where " República de la Nueva Granada " was formerly used, shall in future be substituted " Estado del Istmo."

Given at the Hall of Sessions of the Convention.

Panama, 26th April, 1841.

The President, MARIANO AROSEMENA.

The Secretary, JOSE ANGEL SANTOS.

Panama, 4th May, 1841.

To be obeyed and published.

TOMAS HERRERA.

By His Excellency the Superior Chief of the State.

The Secretary-General, JOSE AGUSTIN ARANGO.

The Constituent Congress of 1841, as has been observed, was composed of men of the Isthmus distinguished for their talents and by their high social position. Those deputies were the founders of distinguished families, and the idea of emancipation, which they embraced with such decision and enthusiasm, had to be, as it has been, the moral legacy which their successors have inherited and preserved.

The numerous blanks noticeable in the history of Colombia respecting the political events, which followed in the second third of the last century, have prevented the investigation of details leading to the re-incorporation of the Isthmus of Panama into the Republic of New Granada, as it was then called. But we do know that the said re-incorporation was the work of diplomatic negotiations carried on in this city in 1842 between the government of the State of the Isthmus and the government of New Granada, represented by General Tomás C. de Mosquera, who, in the capacity with which he was invested, made generous promises concerning the decentralization, political and administrative, with a view to allowing the people of the Isthmus to manage their own affairs themselves, and he communicated his impressions in easier and better times for New Granada.

III.

The promises were illusory, for in 1843 a new Constitution was given to the Republic, which was simply a copy of the former, with slight modifications, even more stringent and centralist, and nothing was provided therein conducive to the establishment in Panama of a government adequate to its position and needs.

The civil wars allowed but short respite to the afflicted people, and took in as in a vortex the private fortunes after the public wealth.

However, the incessant clamor and protests of the Isthmians, heard at times in choleric accents, finally im-

pressed the Granadians with the conviction that to prevent Panama, alarmed by the danger, from plunging headlong into the abyss to which it was surely being driven, it was necessary to provide for it a special system of government, to be formed and organized by its people, leaving to them the care of conducting this far-off region to its destiny.

Our countrymen of the previous generation must have exclaimed "Better late than never" on the promulgation of the act of the 27th of February, 1855, additional to the Constitution of New Granada of 1853, by which the Sovereign Federal State of Panama was created, the rest of the provinces remaining linked to the chain of centralism.

The names of the illustrious citizens who exercised the Executive Power in Panama from 1855 to 1860—Justo Arosemena, Francisco de Fábrega, Bartolomé Calvo, Ramón Gamboa, Rafael Nuñez and José de Obaldia—support the assertion that the system of government put in practice during those five years in this territory was productive of the greatest good that could reasonably be expected therefrom.

It proved, however, inadequate to fulfill the patriotic aspirations and to remedy the evils oppressing the Isthmus, because the sovereignty agreed upon was illusory, since it was curtailed by great restrictions, maintaining between the State and the Nation such a bond as links the vassal to his lord, to whom he must surrender the best he possesses as irrecusable tribute.

In 1858 the system of federal government was implanted throughout New Granada, but in the following year it was deemed necessary to take in sail for fear that the ship of state might be steered along a course considered by many dangerous to the power of the Central Government. In 1859 the National Congress enacted several laws—one of them relative to elections—greatly restricting the power granted to the States, and clashing with the Federal Constitution.

The State of Cauca proudly rose in arms under the leadership of General Mosquera, disregarded the laws infringing on its rights, and refused obedience to the Government of Bogotá. Soon after the States of Bolívar, Santander and others likewise rose in arms, bearing for standard

the conquests of the Federation, and a bloody and terrible war ensued between the political parties of the Granadian Confederation.

During that bloody strife, which continued even after the triumphal entry of General Mosquera into Bogotá, the State of Panamá remained comparatively calm. The only event worthy of notice happened on the 27th of September, 1860, when General B. Correoso and some friends rose in arms, not against the President of the State, Mr. José de Obaldia, but more properly so against the Intendant, Mr. José Marcelino Hurtado, who acted as Agent of the President of the Confederation, Mr. Mariano Ospina, and was making efforts to draw the Isthmus into the conflict by rendering help to the cause of the Government he was serving.

Simultaneously with the action of General Correoso a movement was again on foot among the people of Panamá tending to its separation from the Granadian Confederation. The eminent citizen and distinguished patriot, Mr. José de Obaldia, from the high position he held, had categorically declared in a circular bearing his signature, dated the 4th of June, 1860, that the Isthmus, to insure its welfare, had no alternative but to take such steps as would lead to make it forever independent from the Granadian Confederation. (*) The people enthusiastically commenced preparations for the stroke that was to be productive of self-government for the Isthmus under the Protectorate of the United States of America, France and England, who considered the attempt justified. Active centres for those engaged in the enterprise were this city, Santiago de Veraguas, where the distinguished Isthmian, Mr. Francisco de Fábrega, had well-deserved influence, and other towns in the interior of the Isthmus.

But Panamanians were not found wanting who, discreet and optimistic, placing confidence in the foresight and sense of those at the helm of the Republic, cooled the ardor of the rebels with chilly advice. General Mosquera, already installed in Bogotá with the title of Provisional President of the Republic of New Granada, sent to the Governor of Panamá, Mr. Santiago de la Guardia, an interesting mes-

[*] Felipe Pérez. Anales de la Revolución.

sage, bearing date of August 3, 1861, wherein he complained of the attitude assumed against him by Mr. José de Oba!dia, in reference to whom he wrote as follows:—

The enunciation of these facts will prove to you, Governor, the degree of responsibility which weighs on your predecessor, whose political conduct has left you, full of difficulties, the high post confided to you by the inhabitants of the State. And when this conduct has placed the Isthmus in a difficult position the very same citizen, in his individual capacity, is one of those who promote the scheme of absolute separation of that State, shattering the brotherly ties which unite it in perpetuity to the rest of the Union, contriving thus to destroy the future of that interesting State, which is in store for it, when it should get to be, if not the capital, the centre of a great Confederation in the world of Colon.

Late he added:—

I trust, Governor, that in reply to this letter you will advise me that the State of Panama is united to the rest, and that you will send the plenipotentiary who is to take his seat in the Congress, the convening of which is being communicated to you.

The great revolution that had General Mosquera for its leader had practically broken the political and social ties which united the different ethnical portions of the Nation. The States of Bolivar and Cauca, with the object of helping each other, had formed an alliance by means of a treaty bearing the date of 10th of September, 1860, and each section showed a tendency to organize itself according to its own views.

The occasion was propitious for Panamá to constitute itself into a free and independent State. The President, Mr. Santiago de la Guardia, a loyal Isthmian and devoted partisan of separation, clearly understood the advantages of the situation, but did not undertake the task hoping to receive the unanimous assent of all the Isthmians.

However, observing on all sides the ardor and vigorous attitude of the people and their propensity to fight for their liberty, he deemed it his duty to avail himself of the moment and to declare, in the name of those whom he governed, that the Isthmus would not renew the ties formerly existing with the Nation, unless it were on conditions permitting the self-government to the Isthmus, which its welfare made indispensable.

Acting in that spirit, he proceeded to draw up an

agreement in the city of Colon, on the 6th September 1861, with Dr. Manuel Murillo, distinguished statesman, sent for that purpose by the Supreme Governor of the Nation. That agreement was to be submitted to the Legislature of the State and in it were embodied, in the way of stipulations, the demands made by the Isthmus for continuing united to the Nation. The text of that agreement is as follows:

"The undersigned, Santiago de la Guardia, Governor of the State of Panama, party of the first part, and Manuel Murillo Toro, Commissioner of the Government of the United States of New Granada, party of the second part, considering the circumstances affecting the territory of what was formerly the Granadian Confederation, and considering the necessity of putting an end to the abnormal condition of this State, whose interests demand the acknowledgment of a national government and covenant embodying, properly speaking, the federal principles, have agreed to what is herein stated, its execution depending on the approbation of what is called for in the final article.

"Article I. The Sovereign State of Panama shall incorporate itself into the new national entity to be denominated UNITED STATES OF NEW GRANADA, and, in consequence, remains forming one of the sovereign Federal States composing the aforesaid Association, on the terms of the treaty negotiated in Carthagena on the 10th of September, 1860, between the Plenipotentiaries of the States of Bolivar and Cauca, to which the State of Panama adheres, excepting only the items and conditions expressed in the following articles.

"Art. II. In conformity with the decree of the 20th of July last, relative to that of the 22nd of the previous month of March, the State of Panama shall send to the Capital of the United States of New Granada a Representative to the Congress of Plenipotentiaries to confirm the validity of the union covenant, and for the convention of the National Convention to be determined by the Constitution, remaining therefor incorporated into the United States aforesaid, but the State, in use of its sovereignty, reserves to itself the right to veto the new agreement and the Constitution from which it receives authority, whenever, in its judgment, the principles embodied in the treaty of Carthagena of the 10th of September are violated in detriment of the self-government of the States, as also if in favor of the Isthmus is not recognized, in cases of civil wars and rebellions breaking out in other States, the same neutrality agreed upon by treaty with the United States of North America in the event of international wars.

"Therefore, to make the treaty of the 10th of September between the States of Bolivar and Cauca more clear, it is herein stipulated:

"1. That there shall not be in the State of Panama other public employees, with jurisdiction and command, than those created by the Laws of the State, and these shall act at the same time as

Agents of the Government of the United States of New Granada in all business of their competency.

"2. The administration of justice shall rest solely with the State, and the acts of its judicial funcionarios shall be valid in all cases, without subsequent revision by other funcionarios, in all matters which do not directly concern the National Government.

"The Government of the United States shall not be allowed the military occupation of any portion of the State without the express consent of the Governor of the latter, so long as the State maintains the necessary force to insure the transit from one sea to the other; and

"4. That all the rents, property and rights of the Granadian Confederation in the State of Panama shall henceforth belong to the latter on the same terms as stipulated in clause eleven of the treaty of the 10th of September, 1860, between Bolivar and Cauca, excepting such obligations and compromises as affect said rents, property, or rights, and in which the United States is substituted on condition that what is paid by the State, or it should fail to receive, shall be deducted from the proportional contribution to be paid for the general expenses of the Union, less the value of waste lands liable to be ceded in virtue of former promises, respecting which no deduction shall be made.

"Art. III. The territory of Panama, its inhabitants, and government shall be considered neutral in the civil wars and rebellions that should break out in the rest of the territory of the United States on terms stipulated in article 35 of the treaty with the United States of America, and according to what is defined and statuted by international law relative to foreign countries.

"Art. IV. It has been further agreed that the neutrality referred to in the preceding article shall be strictly adhered to from now; hence this State shall take no part either in favor or against the Government of the Union while war is being waged against it by the partisans of the extinguished Confederation and the Government which represents it. Neither shall the State of Panama be called upon to contribute by forced loans and extraordinary contributions to defray running expenses or those to be incurred in the conflict now being carried on in the other States.

"Art. V. The Government of the United States of New Granada shall recognize the expenses incurred and to be incurred in the State of Panama up to this date for national purposes, provided that they are supported by proofs and were authorized by the laws in force in the Confederation. In like manner the expenses absolutely indispensable to discharge and send home the individuals forming the garrison which, in the name of the extinguished Granadian Confederation, were stationed in Panama, shall be for account of the Union.

"Art. VI. The individuals under arrest, or otherwise persecuted, with or without process of law, for motives arising from the war that is being waged in the other States, shall immediately be set at liberty.

"Art. VII. The ships, arms and other elements of war, which may have been acquired with funds of the extinguished Confederation

shall be surrendered to the United States Government as national property.

"Art. VIII. The present agreement shall be submitted to the Legislative Assembly, now in session, for its examination and approbation, without which it shall be void.

"In witness whereof two copies of this instrument have been signed at Colon this 6th day of September, 1861, and they shall be legalized by the Secretary of State.

"S. DE LA GUARDIA"

"M. MURILLO,

"The Secretary of State,

"B. ARZE MATA."

The Legislative Assembly of the State approved the treaty by law of the 15th of October of the same year, which, as a safeguard to the interests of the Isthmus, wound up as follows :—

".... on the reconstruction of the Republic the Citizen-Governor of the State is authorized to incorporate it into the former, *provided that the very same concessions of the agreement of the 6th of September last are granted.*"

IV.

The country being pacified in 1863, the great National Convention was convened, with its seat at Rio Negro, State of Antioquia, with the object of reconstituting the Republic. The delegates to that Convention, in representation of the Isthmus, were Justo Arosemena, Buenaventuro Correo, Gabriel Neira, Guillermo Lynch, José Encarnación Brandao and Guillermo Figueroa, who were, by one way or another, engulfed in the wave of enthusiasm which gushed forth from the Deputies when discussing the project of Constitution, having the federal organization implanted in the United States of North America as a model for that of the Republic. Disregarding the fact that the prosperity and progress of that great country are due to the result of combined circumstances, differing a great deal in our case, they thought that they had found the marvellous formula of political perfection, and that nothing more was needed to accomplish the task of endowing all the sections

of the Republic with the required peace and prosperity. The obligations assumed by the Republic in favor of Panama by the Guardia-Murillo agreement were naturally discarded by the Convention as inofficious and disturbing elements, detrimental to the general harmony.

The Constitution of Rio Negro appeared as a tree of luxuriant foliage on the soil of the United States of Colombia, extending its branches over the nine confederate entities. Shortly after the Isthmians were able to observe that the tree was developing in a stormy atmosphere, it absorbed poisonous juices, and cast evil shade. They observed at the same time that one of its roots penetrated vigorously and deeply in the territory of the Isthmus, absorbing its rich sap and spreading the contagion of a frightful disease, which seems to be connatural and chronic in Colombian land.

Conformably with the Constitution, the election for President of the Republic was made by the vote of the States, each State having one vote, which was the one of the relative majority of its respective electors, according to its legislation.

That principle, established on the foundation of the supreme law, and the authority which the chief of the executive of the Union derived therefrom to organize and maintain forces in his service in the States, were the chief causes for the great disaster that befell the whole Republic, and specially Panamá; but the principal factor, the deciding factor in all the evils, was the ambition of power; the political fanaticism, characterized by savage stubbornness, and the revolutionary spirit trained to all sort of violence, which appear to be, with rare exceptions, inherent conditions in all the public men in Colombia, civilian or military.

As the sectional governments exercised a decided influence in the popular elections, whenever the time came to replace the Presidents of the States, or to nominate a successor of the Supreme Chief of the Nation, or to designate the Senators and Representatives, who, by their vote, had to decide definitely the election of that functionary, the garrison stationed in each State undertook with frenzy the immoral task of curtailing or violating the vote in order that in the States, ironically styled *sovereign*, there should not be

any but servile instruments of the political ring holding power in the Capital, and that the final vote of each section should result in the manner most convenient to the interests of the Bogotá clique.

When the fact is considered that the presidential term was incorrectly limited to two years, it will be easy to explain why the evil that afflicted the Colombian Nation was made more serious and intense. This was the sole cause of the wars raging in the country, the insurrections, the scandals, and the shameful overthrow of the section Presidents; that long series of tragic events which took place on the Isthmus of Panamá during a quarter of a century, and made its inhabitants so miserable and unhappy, were all attributable to the governing men of Colombia.

All our countrymen are aware of the above facts, but, fearing that beyond the boundaries of our territory our assertion and veracity might be challenged, in support thereof we bring up the following testimony, taken at random from authentic records.

The first is the famous reply, full of indignation, which Dr. Pablo Arosemena, distinguished statesman of Panamá, audaciously overthrown from the Presidency of the State for not supporting the electoral plans of a President of the Nation, sent to General Sergio Camargo, when this officer communicated to him his scandalous resolution.

It reads as follows :—

UNITED STATES OF COLOMBIA,

Sovereign State of Panamá.

Office of the President,

Panamá, 12th October, 1875.

To the Commander-in-Chief of the Army of the Union :

Sir—I have just received, together with your dispatch of even date, unnumbered, the resolution issued by you this day, declaring me an enemy of the general Government, intimating my arrest, and demanding from me the disarmament of the forces maintained by my Government, and the delivery of all war implements.

Notwithstanding the transgressions committed by the Government of the Union and by its Agents, the resolution which you communicate to me—which in Turkey would warrant a protest—could not but surprise me, issued, as it has been, after you had told me repeatedly that you recognized my Government as legitimate, that you would have

intercourse with it, and that the rebels who had attacked it would receive no help from you.

Your conduct in this matter proves to me that you strictly adhere to that of the Government in whose service you are, that debases when it says promote, interferes barefacedly when it says forbear, shatters the institutions when boasting of defending them, and destroys the bonds of union when priding itself in strengthening them.

I decline to constitute myself a prisoner in my house, and likewise to obey the order of arrest that you attempt to impose on me, backed by the Colombian guard at your orders. Without elements to offer resistance there is nothing left to me but to protest against the foul deed of which you make yourself responsible, which is another blow to the institutions, that reveals the absence of all spirit of justice and throws fresh affront on the political ring which, from this rare laurel, has already reaped such an abundant crop.

I likewise protest, in the name of this country, so humbled today, which in times less unfortunate resisted the liberator of five republics, and the man who, at Cuaspud, honored the national colors, against this power that has substituted the whole chapter of individual rights by the rights of war.

The military commander of the town will deliver to you all the war elements.

PABLO AROSEMENA.

That daring act brought forth the following protest from the Legislative Assembly of the State:—

The Legislative Assembly of the State of Panamá, considering:

That, owing to the imprisonment of the Constitutional President of the State by General Sergio Camargo, General-in-Chief of the Colombian Guard, supported by the National forces, the aforesaid distinguished citizen is not able to discharge his duties.

That the aforesaid General has replaced the constitutional government by a *government de facto*, disregarding the substitutes.

That, in the absence of the constitutional President, the Assembly has no one with whom to treat with constitutionally for the sanction of the laws.

That the Colombian Guard has given decided help to the individuals who rebelled against the legitimate government of the State, contrary to the law of the 16th of April, 1867, relative to public order.

That the attack on the sovereignty of the State and the change of government was the work of the Colombian Guard ;

Resolves :

To protest, as it hereby protests, as becomes the dignity of the State, against the act committed by the chief of the Colombian Guard, of imprisoning the constitutional President, changing the government

for one *de facto*, and destroying the sovereignty of the State, which, from this moment, rests at the mercy of the chief of said guard and the rebels he has taken under his protection;

To denounce the act to the federal powers, and to the governments of the other States of the Union, and to suspend its ordinary sessions until the constitutional regime is again imperative in the country.

Panamá, 12th October, 1875.

J. M. ALZAMORA,
CLAUDIO J. CARVAJAL,
WALDINO AROSEMENA,
J. BRACHO,
MATEO ITURRALDE,
FRANCISCO OLACIREGUI,
ALEJANDRO ARCE,
A. AROSEMENA,
ANTONIO MARIA ESCALONA,

J. M. CASIS,
JOAQUIN AROSEMENA,
MANUEL P. OCAÑA,
MANUEL MARCELINO HURTADO,
DOMINGO DIAZ,
B. VALLARINO,
CARLOS YCAZA AROSEMENA,
JOSÉ E. BRANDAO,
JOSÉ MARQUEZ.

In 1882 the President of the State, Mr. Damaso Cervera, in his Message to the Assembly, eloquently described the situation of the Isthmus in the lines herein transcribed:—

..... The results of an open and friendly policy, as will be readily understood, had to be favorable for keeping order and maintaining the stability of the Government of the State, victim as a rule to the unhealthy influence of public employees of the nation, appointed at times with disregard to the interests of the country, with the preconceived idea and, what is more, with the deliberate intention of displaying hostility to the Government of the State.

"Frequent have been the scandals by which a federal policy, different from that lately adopted, had made impossible for the people of this privileged land the noble aspiration of enjoying a quiet and industrious life under the shelter of peace. And the worst of all is that Panamá has been nearly always burthened, before the civilized world, with the responsibility of those acts, whereas in fact if its sons were not endowed with a noble character and instinct the habits of work would have been lost and the most trivial notions of well-doing unknown, carrying us headlong to the depths of barbarism.

those irregularities, the main cause of the most serious disorders in
"The Administration of the State had already in 1878 perceived those irregularities, the main cause of the most serious disorders in Panamá....."

And in the following year he expressed himself in a more optimistic spirit, in another Message:—

"I am of opinion that the epoch in which the Colombian guard overthrew constitutional governments has passed, but so long as the Law of Public Order is liable to doubtful interpretations by those authoriz-

ed to apply it, the sectional governments, which rest exclusively on that entity, are exposed to fall when they least expect it, if this should be convenient to the political interests of the chief of the Union."

Investigating the general causes affecting the unfortunate condition of Colombia, Mr. Victorino Lastarria, impartial Chilian writer, in a book published in 1867, reproduced in *El Porvenir* of Carthagenia in 1886, expresses the following opinion:

"..... add to this the total absence of notions and habits of justice and morality in people educated under a system in which the law and power justify everything, and we shall be able to account for the wroth and cruelty with which the parties have harrassed each other, and the facility with which they have considered permissible all means of hostility, all exclusion, all infringement of the rights of others, even the men who by their personal honesty would never, in their private affairs, entertain the idea of such acts. This absence of political honesty and the want of respect for the opinion and interests of the adversaries are two reminiscences of the Spanish civilization which have neutralized the democratic conditions of the Colombian people, and which have imparted to their commotions a heinous aspect and a singular demoralization which have deprived their institutions and reforms of all their worth."

And in 1882 Doctor Rafael Nuñez, who was eventually to be elected President of the Republic for the fourth time, to impress on the people the convenience of reforming the institutions as advocated by him, condensed the political history of Colombia in this expressive reflexion:

"In the course of scarcely forty years that we have of political life since 1832, the maintenance of public order has been, therefore, the exception, and civil war the general rule."

If in political affairs the tutelage of Colombia was so obnoxious to the Isthmus, it was not less so in economical and fiscal matters. The institutions assigned to the State, property and rents of insignificant importance wherewith to attend to its urgent necessities, whereas the nation enjoyed the benefits derived from rents and the most important fiscal resources. The Isthmus being favored by a position second to none for the traffic of the world, it seemed fair that it should be allowed the enjoyment, in a corresponding proportion, of those means of prosperity with which it has been so richly endowed by Divine Providence; but it was only by dint of great efforts that the right was secured

to receive the tenth part of the rent emanating from the interoceanic railway, and as regards the contracts for the excavations of the canal in our territory, the Isthmus was excluded from participating in the immense profits derived by the Colombian nation from that source.

Under the federal regime of 1863 to 1865 the separation scheme in the Isthmus remained in a dormant condition, but that was owing, until 1878, to the strange phenomena resulting from the inebriation brought on the people by imbibing from a gilt goblet tracherously offered to them under the name of *Sovereignty of the States*; and subsequently to that year as the consequence of the contract for the opening of the canal, celebrated with Mr. L. N. B. Wyse, which quickened the hopes of the Isthmians and whose favorable influence in the cause of our independence will be dealt with in a subsequent chapter.

In the fifteen years prior to the celebration of that contract the Isthmians lived in a deceptive and artificial atmosphere, during which they lost sight of their true interests and traditional tendencies.

V

While the Isthmus was swelling through a great immigration comprising men of all races and from all climes attracted hither by the great canal work, then in full blast, and while the fruits of the remunerative labor soothed the condition of the less privileged classes, there sprung up in the nation a phalanx of statesmen, at whose head shone prominently Doctor Rafael Nuñez, who preached in clamorous accents in favor of establishing a new system of government to avoid the impending political catastrophe, attributing to the federation all the evils besetting the country.

There was a tremendous social convulsion, followed by a frightful butchery, and the institutions were transformed.

The central system of 1843 was again implanted. The political organism of the nation assumed once more the proportions of a gigantic octopus whose powerful tentacles, spread over the country, facilitated the work of smothering the slightest manifestation of independence in the municipalities, and of sucking the sap of their very existence.

During the crisis of 1885--1886 this city was the scene of various disorders, natural episodes of the national tragedy; but it is an undoubted fact that the new order of things found the Isthmians with the black banner of scepticism hoisted at their homes. Thus they were found--undeceived as to the vain promises and pompous theories by which their spirits had been blasted by the orators, statesmen and governing men of Colombia. And as the waters of the Pactolus, brought to this territory by the Canal Company, continued to flow incessantly, the Isthmians kept to the margins of this marvelous river bent on securing their personal prosperity by the material means most at hand. Few were the Isthmians who took any interest or had participation in the public affairs; the mass of the people held aloof, leaving everything in the hands of the Colombians who had made of the matter a lucrative business. Who could, therefore, place any faith in the efficacy of Centralism or Federalism, when both systems had been tried with equal disastrous results for Panamá, owing to the ineptitude or bad faith of the governing men of Colombia?

Were not they the same men, and after them their successors and pupils, who were to apply the laws? Why attempt to exercise influence on the destiny of the country when the fact is considered that the Isthmus, as a political entity, was nothing but a member depending for its health on the sickly body to which it was joined?

There was a novelty in the Constitution of 1886: the exceptional article 201, according to which the Dept. of Panamá, "was placed under the direct authority of the central government, to be ruled according to special laws."

It is still doubtful whether the majority of the legislators responsible for that novel article acted fairly or maliciously towards the Isthmus; it is a clear fact, however, that the said constitutional article humbled Panamá and brought to it a dictatorship of the most odious kind. This Department remained in worse condition than the rest: our Assemblies, Governors, corporations and employees of all ranks exercised nothing but the petty duties which the governing men of Bogota had the mercy or meanness to entrust to them.

Individual rights, as well as all other rights guaranteed

by the Constitution to the Colombians, did not exist for the Isthmians. That sort of life was intolerable for any people, and it was only by dint of hard work that in 1894 the abuse came to an end.

The generosity which inspired the Congressmen of Colombia on the derogation of art. 201 of the Constitution—which may be properly styled PANAMÁ ARTICLE—may be judged by the text of the law which abolished it, as follows:—

“LAW 41

(6TH, NOVEMBER)

Which reforms Art. 201 and clause IV of Art. 76 of the Constitution.

The Congress of Colombia

DECREES:

“Sole Article. Article 201 and clause IV of Art. 76 of the Constitution are hereby derogated: in consequence the Dept. of Panamá shall be comprised in the general legislation of the Republic.

§ In fiscal matters special legislative and executive ordinances may be enacted for the Dept. of Panamá.

Given at Bogotá, on this 3rd. day of September 1892.

The Prest. of the Senate,

JOSÉ DOMINGO OSPINA C.

The Prest. of the House of Representatives,

ADRIANO TRIBIN.

The Secretary of the Senate,

ENRIQUE DE NARVAEZ.

The Secretary of the House of Representatives,

MIGUEL A. PEÑAREDONDA.”

It was the misfortune of the Isthmians to experience, by sad reflection, the self-evident truth contained in this principle of constitutional law, taught by the most renowned jurists of the world: that all systems of government, even those intrinsically better, result bad, if they are to be put in practice by men who have not at heart the public welfare; who neither know the character of the people nor their in-

instincts, and who disregard their requirements and aspirations.

The only salvation for this country was the opening of the canal, inasmuch as this work, destined to satisfy the commercial requirements of the world at large, would place us under the vigilance of powerful and civilized nations which in the natural course of events, would collectively exercise over us a protectorate productive of great benefit; they would deliver us, in the near future, from this horde of aliens in whose power we injudiciously placed ourselves in 1821, or would eventually heal their ailments by the most approved scientific proceeding.

That solution was considered equivalent to the actual emancipation from the Colombian metropolis, and for this reason the idea of separation was not so freely launched as on former occasions, while there were hopes of arriving at that natural and conciliatory conclusion.

The interoceanic canal had to be our redemption. Whether it was through instinct, by presentiment, conviction or the clear evidence of what was in store for them, the fact remains that there was not a single Isthmian of sound mind who did not place his hopes of peace and happiness on the opening of the wonderful waterway, and who did not think it his duty to render all possible help tending to the conclusion of the great concern.

The foregoing gave rise to vehement requests and other manifestations made by the Isthmus urging the Government of Colombia to grant the extension of time demanded by the French Canal Company, for the fulfillment of its obligations, made necessary by the great failure of 1889.

It was finally observed, however, that the French Company did not have the means sufficient for the completion of the work, but the panic that such discovery was liable to produce in the Isthmus was averted by the news that the United States Government, acknowledging the advantage offered by our route over that of Nicaragua, for reasons of self-protection, and with a view to the development of its immense resources, was willing to undertake the gigantic task providing it were possible to conclude arrangements, on an equitable basis, with the French Company and the Government of Colombia. The shareholders of the French

Company overcame every obstacle, and the arrangements were made subject to approval by the Republic of Colombia.

As in the Salgar-Wyse treaty it had been stipulated that the concession could not be transferred to any foreign government, and according to the written law of Colombia those governments are legally hindered from acquiring real estate in the territory of the Republic, the permission for the transfer was a matter for the decision of Congress, the only institution authorized to derogate or reform the laws.

The determination of that sovereign body, in such an important matter, could not be sounded but by means of a convention *ad referendum* concluded between the two contracting nations, which, when signed by their respective legislators, would have the effect of a solemn public treaty.

The Herran-Hay convention was concluded, and the North American Senate sanctioned it immediately; not so the Senate of Colombia, which, against all reasonable expectation, disregarding the immense benefits to be derived by the Republic from the Treaty, oblivious of the great interests of the United States of America and France, kindled by a false pride and mastered by a wrong notion of patriotism gave an angry and emphatic *veto*, which was a mad challenge to the civilization and progress of the world. *Quidquid delirant reges plectuntur achivi*: "each time the kings are delirious, the Greeks receive blows." The news of the rejection flashed across the Isthmian territory as the announcement of an impending catastrophe, because it was known that the Nicaragua route had many bold and decided partisans in North America and by its attitude the Colombian Senate simply played into their hands, more so when it is considered that simultaneously with the decision of that body of legislators, the election for President of the Republic was approaching. Whisperings of sinister meaning were heard, suggestive of a fresh armed strife and the eyes were turned with amazement to the formerly smiling hamlets and pleasant fields of the Isthmus, turned into graveyards by the havoc of the late war.

The hour had struck. The people of the Isthmus, after suffering in agony during eighty years, were receiving from their masters the sentence of death!

But a desperate condition works prodigies; desper-

tion, like faith, transports mountains and also, at times, shatters them with formidable effort. The keen desire for liberty, long suppressed and silenced, though feverishly beating in the popular masses, burst at last, like a thundering Volcano, and flung far off the power that intended to hold in bondage the virile and generous people of this country.

VI

Jealous and rancorous individuals may perhaps accuse the United States of America of having promoted the insurrection on the Isthmus; but such an incorrect and vile charge can never stain the immaculate glory of this holy hour, in which the nations of the world salute with rapture the advent of the new Republic and praise the wonderful courage of its founders.

Whomsoever has read this lengthy exposition will be convinced that the tendency to separation has been transmitted by tradition, from generation to generation, and that the most distinguished isthmians of all times cherished it with enthusiastic devotion. Whosoever may study in an unbiassed manner the grand political transformation that has just taken place on the Isthmus of Panamá and examines the motives that caused it, will easily observe that an act of such magnitude and of so great a social transcendence cannot be due to any but the expontaneous and unanimous sentiment of the people, who seek with a sure instinct its own welfare, and that such act and the way in which it was accomplished bar all suspicion of foreign intervention.

Revealing aptitude of statesmanship, unsuspected in Colombia, the isthmians did but consult at the proper hour the signs of the times; to calculate with cool judgment the quality, the number and the power that could favor the independence; to foresee the contingencies; and to strike with the faith and resolution enkindled by a lofty purpose, without vacillating before the tremendous consequences of a possible failure. The decisive step was taken without the aid of any foreign power, because it was obvious that the action would be entitled to the applause and the favor of not only the great North American Republic—on the point of rupturing its relations with Colombia, and the natural and

admirable protector of all the oppressed countries of this continent—but likewise of the other nations having immense interests in our territory, which lately have been audaciously disregarded by the Colombian government

Those interests, which are also our interests, ought to be, and have been, a conclusive reason for an alliance, which, not because it is not written it is none the less effective and which will insure permanently the independence and the prosperity of our Republic.

Praise be to the men who guided the movement and accomplished the work with such a happy result! Praise be to the people who secured full political liberties without the necessity of appealing to extermination or the shedding of a drop of blood! To corroborate the lengthy enumeration we have made of the causes which originated and justified the final separation of the Isthmus from the Nation of which it had formed a part, we quote herein a fragment of a speech delivered by the present President, Mr. José M. Marroquin, on the 7th. August 1898, in the Congress of Colombia, on the occasion of his taking the oath of office, heard by us and now submitted to the consideration of the world:

“ ... Hatred, envy and ambition are elements of discord; in the political arena the battle rages fiercely, not so much with the idea of securing the triumph of principles as with that of humbling or elevating persons and parties; public tranquility, indispensable to every citizen for the free enjoyment of what he possesses either by luck or as the fruit of his labor, is gradually getting unknown; we live in a sickly atmosphere; crisis is our normal state; commerce and all other industries are in urgent need of perfect calmness for their development and progress. Poverty invades every home.

.....

THE NOTION OF MOTHER COUNTRY IS MISTAKEN OR OBLITERATED OWING TO OUR POLITICAL DISTURBANCES. THE CONCEPTION OF MOTHER COUNTRY IS SO INTIMATELY ASSOCIATED WITH THAT OF POLITICAL DISORDERS AND WITH THE AFFLICTIONS AND DISTRUST *which they engender* THAT IT IS NOT UNUSUAL TO HEAR FROM ONE OF OUR COUNTRYMEN WHAT COULD NOT BE HEARD FROM A NATIVE OF ANY OTHER COUNTRY: ‘I WISH I HAD BEEN BORN SOMEWHERE ELSE.’ COULD MANY BE FOUND AMONG US WHO WOULD FEEL PROUD WHEN EXCLAIMING: ‘I AM A COLOMBIAN,’ IN THE SAME WAY AS A FRENCHMAN DOES WHEN EXCLAIMING: ‘I AM A FRENCHMAN’? (*)

Those were honest opinions of the Supreme Magistrate of Colombia, since they were the residuum from the crucible

(*) Foot note. Inauguration Speech of the President of the Republic, Mr. M. José Marroquin. Official organ of Colombia N.º 10,724 of 7 Aug. 1898.

of public opinion, the candid disclosure of a state of mind prevailing among the majority of Colombians. Those words savoring somewhat of the biblical, which have a particularly sharp meaning for the inhabitants of Panamá, are the best, most complete and highest vindication of the present attitude of the Isthmus and of those who, not being natives of the soil, came hither, established honorable homes, joined their interests with ours; likewise their desires and their hopes; suffered side by side with us the burthen of the Bogotá Government and in the supreme hour joined us in forming a better country, willing to sacrifice, together with ourselves, tranquillity, fortune and life itself if it were necessary.

However, the evils of which, as in the case of his predecessors, the present President of Colombia has made a brief and sombre recital, have failed to produce disastrous effects, thanks to the glorious Independence which has plucked them up by the roots. All minds are at ease; the mortal enemies of yesterday, in the air-stirring fields of the incipient Republic, fling aside, as a burning tunic, the political hatred enkindled in them by the parties in Colombia; they step forward simultaneously and in a fraternal embrace exchange the kiss of peace.

Blessed be the work that commences by producing such an immense welfare.

Panamá, 18th. November, 1903.

(s) RAMÓN M. VALDÉS.

