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THE NAVY AND FILIBUSTERING IN THE FIFTIES

By LOUIS N. FEIPEL

FOREWORD

The unsettled political condition of some of the Spanish-American countries has always been regarded by the United States Government with solicitude and regret on their own account, while it has been the source of continual embarrassment in our public and private relations with them. In the midst of the violent revolutions and the wars by which they have been almost continually agitated, their public authorities have been unable to afford due protection to foreigners and to foreign interests within their territories, or even to defend their own soil against individual aggressors, foreign or domestic. The resultant inconveniences and losses, therefore, have devolved in no inconsiderable degree upon the foreign states associated with them in close relations of geographical vicinity or of commercial intercourse.

Such has been, more emphatically, the situation of the United States with respect to Cuba, Mexico and Central America. Notwithstanding, however, the relative remoteness of the European states from America, facts of the same order have not failed to appear conspicuously in their intercourse with Spanish-American republics. Great Britain has repeatedly been constrained to resort to measures of force for the protection of British interests in those countries; and France found it necessary to attack the castle of San Juan de Ulloa, and even to debark troops at Vera Cruz, in order to obtain redress of wrongs done to Frenchmen in Mexico.

In line with this well-defined policy, the American Government has uniformly and steadily resisted all attempts of individuals in the United States to undertake armed aggression, or filibustering, against friendly Spanish-American states. To say that our laws

in this respect have sometimes been violated or successfully evaded, is only to say what is true of all laws in all countries, but not more so in the United States than in any one whatever of the countries of Europe. In short, the laws of the United States prohibiting all foreign military eslistments or expeditions within our territory would seem to have been executed with impartial good faith, and, so far as the nature of things permitted, as well in repression of private persons as of the official agents of other governments, both of Europe and America.

The story of the rise and progress of filibustering in the fifties has been told repeatedly. Mention must be made of Caldwell's "Lopez Expeditions to Cuba," Scroggs's "Filibusters and Financiers," Roche's "Story of the Filibusters" (republished under the title of "By-Ways of War"), Walker's "War in Nicaragua," Wells's "Walker's Expedition to Nicaragua," and Jamison's "With Walker in Nicaragua." One looks in vain, however, in those published annals—or, for that matter, in the published histories of the United States Navy—for any comprehensive account of the important and sensational part played by our naval forces in the suppression of filibustering during the sixth decade of the nineteenth century. And yet it is undeniable that but for the interference of the navy in the events attending those enterprises, the history of the regions affected would have taken a far different course from what it did. For the sailor-diplomat, as one historian has it, is pre-eminently a "shirt-sleeve" diplomat. He is a stranger to the devious and tortuous methods of procedure which so long disfigured international statecraft. Being a fighter by profession, he does not underestimate the importance of a display of concrete force when temporarily filling the peaceful office of a diplomat.¹

For the preparation of an authoritative and intelligent account of the naval operations connected with filibustering, the author has had to have recourse to many original sources, many of them apparently hitherto unutilized by historians. For the general background of the story, however, he gratefully acknowledges his indebtedness to the sources and authorities mentioned above.

¹ Paullin's "Diplomatic Negotiations of American Naval Officers." That work, by the way, does not touch upon any of the events included in the present survey.

I. LOPEZ' FIRST EXPEDITION AGAINST CUBA

Filibustering, at least under that name, was unknown to the people of the United States until 1849. Early in August of that year, information was received at the State Department that an armed expedition, under the leadership of Narciso Lopez,² was about to be fitted out in the United States, with the intention of invading and liberating Cuba, and that certain persons were at that time engaged in enlisting and drilling soldiers at several points on our Atlantic coast, to be employed in this hostile enterprise, in violation of our laws and our conventional obligations. President Taylor, anxious to maintain the honor and peace of the country by the faithful discharge of his duties toward a friendly nation, accordingly directed Secretary of State Clayton to call the attention of the various district attorneys along the seaboard to this apprehended infraction of our laws. At the same time, the President issued the following proclamation:

11th August, 1849.³

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

There is reason to believe that an armed expedition is about to be fitted out in the United States with an intention to invade the Island of Cuba, or some of the provinces of Mexico. The best information which the executive has been able to obtain, points to the Island of Cuba as the object of this expedition. It is the duty of this government to observe the faith of treaties, and to prevent any aggression by our citizens upon the territories of friendly nations. I have, therefore, thought it necessary and proper to issue this proclamation, to warn all citizens of the United States who shall connect themselves with an enterprise so grossly in violation of our laws and treaty obligations, that they will thereby subject themselves to the heavy penalties denounced against them by our Acts of Congress, and will forfeit their claim to the protection of their country. No such persons must expect the interference of this government in any form on their behalf, no matter to what extremities they may be reduced in consequence of their conduct. An enterprise to invade the territories of a friendly nation, set on foot and prosecuted within the limits of the

² Lopez, a native of Venezuela, and an officer in the Spanish service, went to Cuba in 1843. In 1848, a conspiracy was formed in Cienfuegos and Trinidad, with the purpose of throwing off the Spanish yoke, but it was soon discovered and crushed. The principal leader in this movement was Lopez, who succeeded in making his escape to the United States.

³ Senate Exec. Doc. No. 57, 31st Cong., 1st Sess.

United States, is in the highest degree criminal, as tending to endanger the peace and compromise the honor of this nation; and therefore I exhort all good citizens, as they regard our national reputation, as they respect their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance and prevent, by all lawful means, any such enterprise; and I call upon every officer of this government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

Given under my hand, the eleventh day of August, in the year of our Lord one thousand eight hundred and forty-nine, and the seventy-fourth of the independence of the United States.

By the President,

Z. TAYLOR.

J. M. CLAYTON, *Secretary of State*.

Confidential orders had already, on August 9, been issued by the Secretary of the Navy, William Ballard Preston, to Commodore Foxhall A. Parker, commanding the home squadron, then stationed at Pensacola, Florida. These orders read as follows:

NAVY DEPARTMENT, August 9, 1849.*

SIR: Though the government has no precise information, yet it has been informed by communication from Brevet Major General Twiggs, "that 600 men raised in New Orleans landed on the 31st ulto. on Round Island, three miles from Pascagoula [Mississippi]; that they are unarmed, and encamped under their commander, Colonel White." General Twiggs was informed by Colonel White "that it was a party of emigrants destined to California." The general further states "that, large as was the body of men, he should have given the subject no consideration but for the popular belief that an expedition is being fitted out in the Southwest and West for the invasion of Cuba, or to revolutionize the Mexican States of the Sierra Madre." "Rumor here," the general remarks, "and in the city of New Orleans, points to this body of 600 men as a portion of the band to be employed, and which is to receive large reinforcements from the Western States." Other information, less authentic, has been furnished, in which it is alleged "that Colonel White is preparing an expedition against Cuba, that on the 28th ulto. he had raised 400 men in New Orleans, that he expected to raise in that city in all 800, and corresponding numbers in Boston, New York, and Baltimore, that the recruits at New Orleans are to be drilled at Cat Island, from which point they are to embark in the steamer *Fanny*, about the 20th or 25th instant, for the south side of Cuba, and that a considerable number of the military in Cuba are said to be in communication with them." "Colonel Briscoe, of New Orleans, and Charles C. Campbell are to be officers in the expedition," "that Whiting & Co., of New Orleans, have \$250,000 to forward the expedition."

* *Ibid.*

Any such invasion of either Cuba or Mexico is a violation of our obligations of neutrality, as we are at peace with both governments.

The United States are bound to respect the rights both of Spain and of Mexico, and "no person is permitted, within the territory or jurisdiction of the United States, to begin or to set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory of any foreign prince or state, or of any colony, district, or people, with which the United States are at peace."

You are therefore directed by The President to repair forthwith, with the force under your command, to the vicinity of Cat Island and the mouth of the Mississippi River, and co-operate with the district attorney of the United States and the collector of the customs at New Orleans, and act in concert with them, availing yourself of all such information and of all such means as they may have at their command, and vigilantly and actively observe the movements and operations of any bands or assemblages of people; for the purpose of ascertaining whether any hostile military expedition or enterprise is begun or set on foot, or any means provided, against the territory or dominions of any prince or state, or any colony, district, or people, with whom the United States are at peace.

Should you discover and ascertain any such attempt, by any portion of our citizens, to invade either Cuba or Mexico, you will employ the force under your command to prevent it.

If you should receive any information, or discover any fact, with regard to said movements, you will not only take prompt measures to arrest it, but you will give early notice to the Department.

Should you, on reaching Cat Island and its vicinity, ascertain that a hostile movement is on foot and has proceeded against the Island of Cuba, you will repair with the force under your command to that island, and use all proper means in your power by [?] for] preventing their landing, so as to avert and prevent the violation of our obligations of amity and peace with Spain.

The duty assigned to you may become highly delicate and important. The Department relies upon your prudence, your sagacity, and your discretion for the successful accomplishment of the service to which you are ordered.

Very respectfully, yours, &c.,

WM. BALLARD PRESTON.

COMMODORE FOXHALL A. PARKER,

Commanding U. S. Home Squadron, Pensacola, Fla.

Similar orders were sent to Commander V. M. Randolph, of the sloop-of-war *Albany*, to Commander Charles Lowndes, of the sloop-of-war *Germantown*, to Lieutenant W. W. Hunter, commanding the steamer *Alleghany*, to Lieutenant George M. Totten, commanding the steamer *Water Witch*, and to Lieutenant Eben Farrand, commanding the schooner *Flirt*.

On the 18th of August, the *Albany* proceeded to sea, and arrived shortly afterwards off Pascagoula, Mississippi. There Commander Randolph learned that the force which was being collected on Round Island, 3 miles distant from Pascagoula, was to be embarked in the steamer *Fanny* and other conveyances some time during August, and would then proceed with all despatch to the point of destination—either Tampico, Mexico, or some place on the south side of Cuba—there to unite with the disaffected natives in bringing about a revolution—if in Cuba, adverse to the rights of Spain, and if in the Sierra Madre states, adverse to the rights of the republic of Mexico. In the absence of Commodore Parker, who had sailed north with the greater part of the home squadron before the instructions from Washington had reached him, Commander Randolph considered it his duty, as senior officer afloat in the Gulf of Mexico, to maintain, as far as he had the power, that peace and amity which at the time existed between the government and citizens of the United States and those of the two nations mentioned. According to instructions, therefore, he at once communicated with the collector of customs at New Orleans, Mr. Samuel J. Peters, and conferred with him in relation to the situation.

According to Peters, there were about 550 persons then assembled on Round Island, under the command of Colonel G. W. White, and their numbers were daily increasing by small squads of from 2 to 10 men. They were without arms, and undrilled, and they carefully avoided all acts which would brand them as a military expedition. They appeared to have been carefully selected, and were well dressed, though not in uniform. None of them, except the officers, knew what was their destination. Peters was, therefore, of the opinion (and in this opinion the district attorney concurred) that there was no violation of the laws of the United States against raising and fitting out military expeditions against a foreign country with which we were at peace. But that there was an intention to violate those laws, as well as our treaty obligations with Spain or Mexico, there could be very little doubt. Such an intention, Peters held, could easily be frustrated. It was unlikely that these men would be landed in a foreign country without arms and previous preparation. Therefore they must rely on receiving arms and ammunition at some

point, and probably intended landing and drilling somewhere. One or two armed government steamers could prevent the consummation of these designs; but sailing vessels, it was clear, could not be relied on for this duty. By a strict examination of any steamer or other vessels that might be employed to carry these people to their destination or intermediate place of rendezvous, sufficient evidence could probably be obtained to enable the government to frustrate the object of the contemplated expedition. The collector of the port of Mobile, John J. Walker, also held that the strict letter of the Neutrality Act of April 20, 1818, did not admit any power to detain a vessel clearing from the United States under the circumstances indicated. But at the same time, he held, that inasmuch as it was designed to prevent the violation of treaty obligations, and as he was satisfied that the object of this expedition was unlawful, a constructive power might be derived from the act to justify him in refusing a clearance to the vessel.

It was impossible for the *Albany* to approach nearer than 8 miles to Round Island with safety. This was regretted exceedingly by Commander Randolph, as he believed that the scaling of his guns and the explosion of a few shells from the *Paixhans* in view of the encampment of the expedition, would immediately send the men back to their homes, and thus break up the enterprise. As it was, he wrote to Captain John T. Newton, commandant of the navy yard at Pensacola, requesting him to despatch the steamers *Walker* and *General Taylor* to join the *Albany* off the southeast end of Horn Island. With these two steamers, and the *Water Witch*, which had already arrived, Randolph believed he could disperse the band of adventurers, who had now (August 23) congregated on Round Island to the number of 800. His plan was to give the *Fanny* and other conveyances a thorough search on their arrival, and in case he should find arms or other munitions of war on board, he would deem it his duty to detain them and prevent the embarkation of the men, which would, in all probability, defeat the enterprise at once.

While the *Albany* kept her position off the east end of Horn Island, the *Water Witch* was stationed close to Round Island. The boats of the *Albany* assisted in guarding the spot night and day, so as to prevent arms and ammunition from being landed on the island, and also to prevent the adventurers from being

taken from the island in sea-going vessels. On the 28th, Randolph sent a written summons to the adventurers to disperse immediately. This summons read as follows:

TO THE PERSONS ENCAPMED ON ROUND ISLAND, NEAR PASCAGOULA.^a

Friends and Fellow Countrymen:

The proclamation of the President of the United States, and other instructions which I have received from the government at Washington, make it imperative and proper that I should immediately take measures to break up your unlawful assemblage, and send you back to your homes; and when I have said a few words to you in proof of your assemblage being unlawful, and of the utter impossibility of your evading the vigilance of our squadron and getting out of our waters to proceed upon your contemplated wild expedition to make war against nations at peace with our own, I feel sure you will at once disperse, and seek honest and peaceful occupations.

First. The very mystery which marks the movements and actions of your officers, and the blind ignorance of the men as to the destination of the enterprise, clearly show that the objects and purposes of those at the head of your affairs are known to be *unlawful*, and that plunder is the inducement held out to all who embark in this reckless expedition.

Second. We have proof that some of you have acknowledged that your destination was Cuba; and that others of your number have said that the expedition was fitting out for the invasion of the Sierra Madre States of Mexico; showing conclusively that your enterprise is one of a military character.

And *lastly*. You are *vagrants* in the eyes of the law, and in fact; and therefore cannot be allowed to occupy your present position, and must immediately disperse.

I will now prove to you that we have the means of not only preventing your embarkation to foreign parts, but that we can force you to abandon your present headquarters.

I shall employ all the vessels now in this vicinity, or which may hereafter arrive, in such manner as will most effectually bring about the ends desired.

First. I shall certainly prevent the steamers *Fanny*, *Maria Burt*, or any other steamer or steamers, vessel or vessels of whatever description, from furnishing the adventurers on Round Island with arms or other munitions of war.

Second. If said steamers or vessels have arms or other munitions of war on board, I shall take possession of said arms, etc., and detain said steamers or vessels until the men congregated on Round Island are dispersed.

Third. I shall prevent the band of men on Round Island from embarking on board of said steamers or vessels, or from having any communication with them at all.

Fourth. I will make said steamers or vessels anchor within range of our guns.

Fifth. After to-day (28th August), in accordance with a notice before given them, I shall cut off all supplies of provisions which may be intended for the persons on Round Island, and shall rigidly enforce this blockade or embargo until they abandon the spot and go home.

Sixth. I shall gladly give the persons on Round Island every facility to get away; taking particular care, however, that they do not embark in sea-going vessels.

V. M. RANDOLPH,
Commanding U. S. Ship *Albany*, and Senior
Officer Afloat in the Gulf of Mexico.

U. S. Ship *Albany*, off Pascagoula,
August 28, 1849.

But in Randolph's report, made the same day to Captain Newton at Pensacola, he spoke with considerable less assurance regarding his ability to disperse the expedition. He wrote:

I beg leave to reiterate my earnest request to have the *General Taylor*, and *Walker* too, if possible, despatched to this place. Should the *Fanny* and *Maria Burt* make their appearance off Round Island, I cannot answer for the consequences. Our present force is too small to keep the men on the island from being received on board, particularly should the two steamers come provided with arms, which is expected. Even the *General Taylor* alone would be of great service to us. Should you deem it impracticable to fit out the *Walker* for this service, could you not feel justified in chartering the *Creole* for a week or two, and sending her to us with two or more guns mounted from the navy yard, and to be manned and officered from the crew of this ship? I make this suggestion with all deference to your more mature judgment. Two or three field pieces and plenty of ammunition on board the *Creole* would make her an efficient vessel here. Sail vessels are of little use. We want a fast steamer or two, to give chase, should the *Fanny* and *Maria Burt* show themselves.

Captain Newton accordingly despatched the *General Taylor*, under the command of John Pearson, master. Pearson was well acquainted with all the islands and shoals in the vicinity of Round Island, and could be of great service in piloting through the intricate passages. The *General Taylor* had a six-pounder field-piece mounted, with the proper ammunition, etc., as well as small arms for the crew. At the same time, Captain Newton expressed to Commander Randolph his doubts regarding the propriety of interfering to stop the adventurers, in case they were found to have passports, and had taken their passages on board of any vessel

Ibid.

^a Senate Exec. Doc. No. 57, 31st Cong., 1st Sess.

or vessels properly and regularly cleared out of our custom house, and with papers all correct, according to law. Newton also thought that Randolph had transcended his powers in issuing the summons to the Round Islanders. "It is a high prerogative, peculiar only to the President of the United States, Governors of States, and to Commanders-in-Chief of Squadrons when on foreign service only."

The *General Taylor*, as also the schooner *Flirt*, arrived off Horn Island on the morning of the 29th, and the *Flirt* was at once despatched to join the *Water Witch* at Round Island. Randolph had, in the meantime, sent a copy of the summons to Collector Peters, at New Orleans, with the request that it be circulated in the city and up the Mississippi River. This request the collector declined to comply with, as he did not consider that the circumstances of the case sanctioned its issue. On the contrary, he entirely disapproved of it as being uncalled for and improper, adding that he and the district attorney were without any substantial and reliable proof which would sanction coercive action on the part of the government. The stringent measures of Commander Randolph were likewise denounced by the newspapers of New Orleans and Mobile.

By September 1, conditions appeared to Commander Randolph to be getting worse. His reports to the Navy Department contain passages like the following:

The more I see of this band of reckless men, the stronger is my conviction that they are ready for any expedition which may be started, and that they are pledged to go wherever their leaders may direct. It is my deliberate opinion that if a piratical enterprise were, or could be, projected at this point to rob upon the high seas, that more than one-half of the 450 now assembled on Round Island would instantly volunteer to take part in it. They are a terror to this neighborhood, and I have been assured by a number of the citizens of Pascagoula that they have strong fears for the safety of their lives and property, particularly as our troops have been removed from this vicinity. The civil authorities are afraid to act, and in one instance have been defied.

I have expected, and therefore am not surprised, to hear my stringent measures denounced by the newspapers of New Orleans and Mobile generally, and myself held up to derision, but this I do not regard, as I have seen for a length of time that the majority of newspapers of the two cities above named have been strangely silent on the subject of the movement which has been agitating these waters for the last six weeks. The irresistible inference to my mind is that the newspapers of New Orleans and Mobile have been paid to keep silence. And the same influences have caused them to ridicule and abuse the navy for using prompt and rigorous

measures to put down the lawless enterprise which they have studiously concealed from the people. The newspapers of New Orleans and Mobile were the last in the country to allude to the preparations which have been going on, for the last six weeks, to fit out an expedition against either Cuba, Mexico, or Yucatan; and even now they *feign* to make light of it—hence I care but little what they say of me: all that I am solicitous about is that the government will approve of what I have done. . . .

There was a fight on the island last night, and two of the band were so badly stabbed that their lives are despaired of.¹ These are wretched doings, sir, in our waters, on an island only four miles from a fashionable watering-place, and where there are justices of the peace, a sheriff, and, not very far off, a circuit judge, all afraid to act! I sent the murderer on shore to be dealt with by the civil authorities of the sovereign "State of Mississippi," but could find no one willing to act. Either the people here (including the civil authorities) are sympathizers in the movement, or else are afraid to interfere.²

Nevertheless, on September 1, the expedition began to show signs of breaking up. On that day, one of the boats of the *Albany* returned from a trip to Round Island, bringing 12 of the adventurers, who were seafaring men, and who were anxious to ship into the naval service. They were good-looking men, and Randolph believed them to be Americans. He therefore determined to let them sign the articles.³ Furthermore, a deputation from the band, in the persons of two of their officers, came to Randolph, and pledged themselves that they would accept transportation to New Orleans on the following day, provided Colonel White failed to send a steamboat before that time, and provided also that Randolph would feed them from his vessels in the meantime. To these terms Randolph readily agreed, and instructed Lieutenant Commander Farrand, of the *Flirt*, to convey on the morrow such of the men as were willing to disperse, either to New Orleans or Mobile, provided the number exceeded 50. When the time came, however, the adventurers declined to leave. It seems that Colonel White had arrived in Pascagoula, from New Orleans, and had prevailed upon them to play false to their agreement. Randolph had a talk with White, from which he gleaned that the adventurers still hoped to get to sea in the *Fanny*. He also learned that there was a plan maturing all over the West and Southwest to revolutionize Cuba.

¹One of the men had died soon after being stabbed.

²*Ibid.*

³Eight other Round Islanders subsequently shipped on board the *Flirt* and *Water Witch*.

On September 4, the persons on Round Island renewed their application to Lieutenant Farrand for transportation to New Orleans. They stated that they had intended availing themselves of Randolph's offer the day before, but that they were opposed by many of the officers or persons who had control, and those who wished to go were therefore kept scattered. But during the night a large number of them had taken their blankets and encamped on the beach preparatory to embarking in the morning. Lieutenant Farrand sent his boats on shore and had all who wished to leave the island put on board the *Water Witch*. They numbered about 90 persons. They were despatched to New Orleans in the steamer *General Taylor* on the 5th of September.

On the 10th, the steamer *Alleghany*, Lieutenant W. W. Hunter, commanding, arrived from Pensacola. Lieutenant Hunter was at once sent by Randolph to New Orleans, for the purpose of obtaining more certain information regarding the plans of those who were directing the secret movements at Round Island, and also of endeavoring to ascertain positively if the steamer *Fanny* had been purchased by them and was still designed to take them upon the secret expedition. Hunter was a native of New Orleans, and was expected to bring back important intelligence.

Upon his arrival in New Orleans, Hunter learned from Mr. Peters, the collector of the port, and Mr. Bradford, acting district attorney, that in their opinion the energetic and prompt action of the government, together with the apparent want of funds at the disposition of the leaders, had so paralyzed the entire operations, as speedily to bring about a dispersion of the people assembled at Round Island. The steamer *Fanny* had already been purchased. One-half of the purchase price had been paid, but the leaders were unable to pay the remainder. Collector Peters held the register of the *Fanny*. Peters also declared that he could prove the connection between the parties concerned in the purchase of the *Fanny* and persons in New York implicated in similar illegal acts at that place. It was highly improbable, therefore, that any further effort would be made to send abroad the remnant of the band assembled at Round Island. Yet, in order to guard against the possibility of such an event, it was agreed that Collector Peters should give Randolph timely notice of any measures looking to the despatch of the *Fanny* or any other swift light-draft vessel.

At New York, on September 8, District Attorney J. Prescott Hall caused the *Sea Gull* and *New Orleans* to be detained by the naval forces of the United States, as being vessels engaged in the military expedition against Cuba. Hall called upon Captain Isaac McKeever, commandant of the navy yard at Brooklyn, for a force adequate to make the seizures. McKeever detailed four officers and 50 men for this service. With this force, the marshal of the district proceeded to the quarantine grounds in a steamer, took possession of the *Sea Gull* (a vessel of considerable size, having a propeller as auxiliary to her sails), brought her up to the navy yard, and placed her under the guns of the ship-of-the-line *North Carolina*. He then placed an officer with a small body of marines on board the *New Orleans* (a large sea-going steamer), which was lying at Corlears Hook, and detained her in the harbor. The *Florida*, another suspected vessel, was not seized, as she was in no respect ready for sea, and also because the district attorney thought the seizures already made would be sufficient to accomplish all of the government's purposes. These seizures effectually broke up all the plans of the filibusters. The President highly approved all of these prompt, energetic, and judicious actions.

Meanwhile, events occurring in Cuba itself were such as to induce a feeling of insecurity in the greater part of our countrymen in Havana. Several towns issued revolutionary pronunciamientos, a Spanish regiment had passed over to the pronunciados, and the breaking out of a civil war was imminent. The Spanish Government, at the same time, was despatching troops in all directions, and ordering the militia into active service. Commodore Parker, with the *Raritan* and *Saratoga*, of the home squadron, had touched at Havana about the middle of August, but had departed again before the situation became at all tense. The English consul at Havana deemed it prudent to request the British admiral in those waters to send a squadron to the place immediately; and our own consul, Robert B. Campbell, on August 28, followed this up by requesting Commander Randolph to send as large a force as possible to protect American interests. But the breaking up of the expedition at its sources in New Orleans and New York, as narrated above, obviated the necessity of exposing the officers and seamen of our navy to the diseases then prevailing in Havana.

In his reports to the Navy Department, Commander Randolph was careful to justify his conduct with sound reasoning, and suc-

ceeded thereby in gaining the undivided approval of all his actions by the department. His justification was couched in these words:

I was sent here [to Round Island], as I conceive, to defeat the machinations of a large body of reckless and abandoned adventurers; and after obtaining the opinions of those whose position and intelligence enabled them to know best the character of these people, and what they purposed doing, I determined to break up the expedition and disperse the band before transports should be sent to convey them beyond our reach. I saw, as I thought, but one way of doing this, and that one I have adopted. Had I waited until the *Fanny* arrived in these waters, and had I permitted that fast steamer to have communicated with the four or five hundred desperadoes on Round Island, and allowed her to receive them on board, I should indeed have been most blamable. But I warned Colonel White against bringing the *Fanny* within reach of our vessels, and I am well pleased that no attempt was made to anchor her off the island. When I inform you that we had no vessel in the gulf squadron which would stand the slightest chance of overtaking the steamer *Fanny*, you will not be surprised that I positively forbid her coming to Round Island. But I beg leave to make another statement. When I issued the summons to the people on Round Island, there was only this ship [the *Albany*] and the little steamer *Water Witch* at hand. The *Albany* cannot approach nearer than ten miles to Round Island, so that in fact the *Water Witch* and the *Albany's* boats were all we had to keep off the sea-steamer and to guard the island. The *Water Witch* is exceedingly dull, and rarely ever reaches six knots; and the steamer *Fanny* is a large and swift sea-going steamer, and runs at the rate of twelve knots the hour. What possible chance would there be for this ship [the *Albany*], anchored ten miles off, and the little dull *Water Witch* to prevent the *Fanny* from taking the men to sea and going to their place of destination, supposing I had allowed her to approach the island? And how should I have known *where* to give chase? I might have shaped my course for the south of Cuba, and in three days the *Fanny* might have landed the adventurers in Tampico! Or I might have made sail for Tampico, and in five days the *Fanny* might have landed the men on the south side of Cuba, or on the Island of Cozamel, east coast of Yucatan!

I must most respectfully beg leave to repeat—I was sent here, as I conceive, to maintain untarnished the honor of the nation, by using all proper means to keep the Round Islanders from leaving our waters to wage war against powers with whom we are at peace and amity. I have protected our country from this disgrace, and I cannot believe that you will blame me for what I have done. I had no other alternative: either their sea-going steamship *Fanny* must have been allowed to anchor off Round Island, and so take the adventurers off to sea, or else she was to be warned to keep away, and the adventurers starved out, and thus made to disperse. I have taken the latter alternative."

[TO BE CONTINUED]

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U. S. NAVAL INSTITUTE, ANNAPOLIS, MD.

DIVING AND THE DIVING SCHOOL

By LIEUTENANT COMMANDER E. W. STROTHER, U. S. Navy

There are three books on diving that cover the subject as completely as possible at the present stage of development of diving. These books are: "Diving Manual 1916," "Report on Diving Tests 1915," and a "Report of a committee on Deep Water Diving to the British Admiralty" published in 1907. The purpose of this article is not to try to cover the subject of deep water diving, but to bring to the attention of the service the fact that a diving school has been established at the torpedo station, to outline the work that the diving school is doing, and to touch on the most important parts of diving, which are all more thoroughly treated in the above-mentioned books.

The knowledge of diving, which includes the reasons why deep water diving is dangerous, the precautions which are necessary to take in deep water diving, and the remedy for the bends or caissons disease, has not been taught the commissioned personnel. The better an officer in charge of a diving party realizes the limitations of a diver, and in case of emergency what to do, the better it will be for the diver; fewer accidents will then occur, and more will be accomplished. After four years' experience as a torpedo officer, without any experience or training in diving, it is my belief that every torpedo officer should have at least a month's instruction at the diving school.

On November 1, 1915, by orders from the Navy Department, the diving school was established at the torpedo station with the inspector of ordnance as the inspector of diving. At the same time or shortly after, several gunners and chief gunners mates of diving experience were ordered to the torpedo station for duty in connection with the diving school. At that time the diving equipment for a school at the torpedo station was insufficient and there was no building adequately equipped. The winter months of the first year of the school's existence were therefore spent by the

¹⁰ Senate Exec. Doc. No. 57, 31st Cong., 1st Sess.

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This table shows that our merchant marine is able to supply vessels suitable for colliers with a surplus of 175,000 tons. There is a large excess of tankers, but such a vessel unfortunately cannot be used for any other purpose, so this excess cannot be employed to cut down the large deficiency that exists in the transports. Assuming that the excess in colliers, 175,000 tons, can be employed as transports and supply vessels, the net deficiency in that class is 212,000 tons, and it must be remembered that the miscellaneous requisites of extra fleet scouts, district scouts, etc., are not yet provided.

It will also be noted that no surplus has been allowed to replace the losses which will inevitably occur by stress of weather and by hostile operations; neither is there any excess to permit of the periodical repair and overhauling which all vessels need.

Then too we may well give thought to the economic condition of the country if its entire merchant marine were suddenly diverted to the use of the army and navy.

There is no exaggeration in these figures. Every effort has been made to keep them down to the lowest terms consistent with the assumptions, and the experience of Great Britain in the present war gives point thereto. In 1914, her merchant marine totalled a little over twenty million tons, and, according to recent accounts, which are probably fairly accurate, about eight million tons is being used for strictly military purposes, and this huge amount is needed notwithstanding the fact that the grand fleet is operating from home bases, and that the bulk of England's army is just across the Channel, only 20 miles wide, while we have been calculating on an offensive 7000 miles from our home ports.

So far as the logistics of our fleet and of an overseas expedition are concerned, the lessons I derive from this study are, (1) the necessity for improving and fortifying bases in all probable theatres of operations, and (2) the great importance of developing our merchant marine.

We will refer to the example of England, a country which for three hundred years has been supreme at sea. Her naval history is an almost unbroken record of success. She has a chain of bases round the world in almost every conceivable direction. There is no part of the globe that does not possess a British naval base; and 46 per cent of the world's merchant marine is under her flag. While it would be rash to draw the conclusion that her naval success is due to these two facts, we can at least feel sure that they made that success possible.

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THE NAVY AND FILIBUSTERING IN THE FIFTIES (CONTINUED)

By LOUIS N. FEIPEL

II. LOPEZ' SECOND EXPEDITION AGAINST CUBA

Lopez, undaunted by this first mishap, travelled through the southern and southwestern states, secretly enlisting men and making provision for another expedition to Cuba. In April, 1850, the first detachment under Colonel Theodore O'Hara succeeded in sailing from New Orleans, on board the sailing vessel *Georgiana*.¹

The *Susan Loud* (also a sailing vessel), carrying a second detachment, sailed from New Orleans early in May. Both vessels were joined at the island of Contoy, off the coast of Yucatan, by Lopez with 450 followers, on board the steamer *Creole*. The whole command then sailed away for the shores of Cuba.

Representations to this effect having been made to our government by the Spanish minister at Washington, the Secretary of the Navy issued the following orders to Commodore Parker, commanding the Home Squadron, who was then in Washington:

[Confidential.]

NAVY DEPARTMENT, May 15, 1850.

SIR: Though the government has no precise information, yet it has been informed from sources entitled to great respect and consideration, that a military organization has been effected in the interior of the United States, formidable both in numbers and from the character of those engaged in it, for the purpose of attacking the island of Cuba, and of revolutionizing the government. This force is represented to consist of between 6000 and 10,000 troops, of the best kind and material to

¹The *Georgiana* seems to have been suspected by the United States revenue cutter which was cruising in the offing, but the government vessel contented itself with sailing around the bark two or three times, and then went away.—Caldwell, "Lopez Expeditions," p. 59.

render the assault formidable, and, as it is believed, is sufficient, with other means and resources at command, to emancipate Cuba from Spanish rule. Large numbers of those engaged in the enterprise departed, as it is alleged, from the city of New Orleans, accompanied by Generals Lopez, Gonzales, and others. It is represented that they expect to effect a landing upon the island about this time. All accounts concur in representing that it is a military expedition or enterprise begun and set on foot within the territory or jurisdiction of the United States, to be carried on from thence against the island of Cuba and the government of Spain.

Any such invasion of that island is in violation of our obligations of neutrality to the government of Spain.

The government of the United States is bound to respect the rights of the inhabitants of Cuba and of the government of Spain, and "no person is permitted, within the territory or jurisdiction of the United States, to begin or set on foot, or provide or prepare the means for, any military expedition or enterprise to be carried on from thence against the territory of any foreign prince or state, or of any colony, district, or people."

You are therefore directed by the President of the United States to despatch forthwith such of the vessels of the Home Squadron under your command, as may be within your reach, to the port of Havana, in the island of Cuba, where they will vigilantly and actively, in co-operation with Captain Tattnall, of the steamer *Saranac*, observe the movements and operations of all vessels approaching the harbor of Havana or the island of Cuba, for the purpose of ascertaining whether any military expedition or enterprise has been begun or set on foot, or any means provided, to be carried on from the United States against the territory or domains of Spain.

Should they ascertain that such hostile movement is on foot and is proceeding against the island of Cuba, they will use all proper means in their power to prevent a landing or the carrying out such expedition or enterprise, so as to avert and prevent the violation of our obligations of amity and peace with Spain.

Should the expedition from the United States have effected a landing, and a revolution be in progress, they will prevent the landing of any reinforcement or of any arms or provisions under the American flag.

To the citizens of the United States who may be there in the prosecution of their peaceful and lawful pursuits, and who may apprehend danger either to their person or property, they will extend the protection and aid to which they are entitled as American citizens.

Should they, upon their arrival at Havana, ascertain satisfactorily that no such expedition is on foot, they will return to the Atlantic States to prosecute the future orders of the Commander-in-Chief of the Squadron, in the mean time keeping the Department fully informed of all occurrences in connection with duty assigned to them.

I am very respectfully,

Your ob't servant,

COM. F. A. PARKER,

W. BALLARD PRESTON.

Com. Home Squadron, Washington.

Similar orders were sent to Captain Josiah Tattnall, commanding the steam frigate *Saranac*; to Captain Isaac McKeever, of the frigate *Congress*; to Commander V. M. Randolph, of the sloop-of-war *Albany*; to Commander Charles Lowndes, of the sloop-of-war *Germantown*; and to Lieutenant James H. Ward, commanding the steamer *Vixen*.

Some 19 armed vessels of the Spanish Navy were at that time coasting around various parts of Cuba to intercept the reported expedition. These vessels, according to the report of Consul Campbell, at Havana, were regarded as lacking in efficiency, and incapable of preventing the invaders, if coming in steamers, from effecting a landing.

As we have seen, the expedition had already departed from the United States. The three vessels had on board 650 men, with arms and ammunition. After getting to sea, the vessels proceeded to the island of Contoy, off the coast of Yucatan, after which the expedition was headed for Cardenas, on the coast of Cuba. The *Creole* reached Cardenas at 3 o'clock on the morning of the 19th of May, landed and took possession of the town, and burned the governor's palace, taking him prisoner after a battle in which 50 of the Spanish troops and 30 of the invaders were killed. The expedition then re-embarked and made for Key West, closely pursued by the Spanish armed steamer *Pizarro*. The *Pizarro* had a few days previously captured the two sailing vessels of the expedition off Contoy.

On the 21st of May, as the United States schooner *Petrel*, Lieutenant John Rodgers, commanding, was engaged in surveying duty, and standing across the Florida Reef, near the West Sambo, off Key West, she discovered the *Pizarro* with a signal flying for a pilot, while the *Creole* was in the distance hull down inside the reef. As there was no pilot-boat in sight, Rodgers determined to send his own pilot on board the *Pizarro* to bring her into Key West. When the *Pizarro* came near, the *Petrel* hove to, and an officer from the Spanish man-of-war came alongside and informed Rodgers that the other steamer (the *Creole*) was a pirate, and that General Armero, who commanded the *Pizarro*, wanted a pilot, in order to take the said pirate. Rodgers at once surmised that the *Creole* was part of the frustrated filibustering expedition. But it was by no means clear to him that it was any part of his duty to furnish a pilot to enable a foreign man-of-war to take American

¹ Senate Exec. Doc. No. 57, 31st Cong., 1st Sess.

citizens, in American waters and under the American flag, running into one of our own ports. He even decided that if an opportunity arose, it would rather be his duty to interpose the sides of the *Petrel* to the Spaniard's fire, and take possession himself of the American steamer, to be delivered over for legal action to the authorities having jurisdiction in the waters where she was found.

Rodgers sent a pilot to bring the *Pizarro* into Key West, directing the pilot, however, on account of the quarantine regulations, not to go on board, but to pilot the *Pizarro* from one of the *Petrel's* boats (as was the custom in foreign ports), and to take her nowhere except into Key West. The pilot could not understand Spanish, nor the Spaniards, English. The pilot told them to steer northwest, and they kept the *Pizarro* northeast, and were soon running on a shoal with nine feet of water on it. The pilot and the Spanish captain both became flurried, and finally the pilot-boat was cast off and returned to the *Petrel*. At this juncture, Rodgers himself went on board the *Pizarro* and offered to pilot her into Key West. The offer was refused, General Armero declaring that by not furnishing him with a pilot, Rodgers had prevented him from taking a pirate—that an officer had, under the Spanish flag, assured Rodgers of the piratical character of the *Creole*.

As Rodgers was departing, the general sent to ask the name of the vessel which he commanded. Rodgers replied to the officer that he had first sent a pilot, and the Spaniards not understanding him, Rodgers had come on board himself to pilot the vessel; that the general, in return, had not been entirely civil, and that he must find out the name of the vessel as best he could. Rodgers gave this message successively to two officers, each of whom apparently hesitated to deliver it; and the general, who had evidently heard the conversation, came himself to where Rodgers stood. With a manner changed decidedly for the better, he then said that he would have to report the facts to the United States Government.* Rodgers thereupon gave his own name, as also that of the *Petrel*, to the general, in writing.

Meanwhile, the *Creole* ran into Key West, made fast to a wharf, and her people delivered themselves over to the civil authorities.

* In transmitting these facts to the Navy Department, Rodgers reported "for official discourtesy to me while in the execution of a civility to his flag, the Spanish General of Marine on board the *Pizarro*."

Rodgers proffered the services of the officers and crew of the *Petrel*, numbering 18 men, for whatever aid they could furnish. They were the only force, either military or naval, in the place. On the requisition of the United States marshal, the *Petrel's* men aided him in taking possession of the *Creole*. Also, at the request of the mayor of Key West, Rodgers seized, and received on board the *Petrel* for safekeeping, 401 muskets and 700 sabers. The 600 men on board the *Creole* were assigned quarters in the vacant United States barracks at Key West. General Lopez, the commander of the expedition, was among them. However, he was soon set at liberty, in spite of instructions to the contrary given to the District Attorney of Savannah. Seven negro slaves, who had been brought over in the *Creole*, were temporarily committed to jail by the mayor of Key West, to await the pleasure of the President of the United States in the premises. They were subsequently claimed by the Spanish vice-consul on behalf of their owners—Spanish subjects resident in the island of Cuba—and surrendered to him to be conveyed again to Cuba by the *Pizarro*.

This expedition of 1850, and the attempts of the United States Government to circumvent it, had already been a prolific source of embarrassment to the administration. On May 20, the newspapers had denounced the action taken by the President in sending war vessels to try to prevent the expedition from landing, or at least to cut off supplies and reinforcements coming from the United States. This action was likewise made the ground for a bitter attack in Congress by Senator Yulee, of Florida. Yulee said he was doubtful whether any such expedition were contemplated. If it were, he did not believe it to be clearly illegal under the neutrality act of 1818. He said that the administration showed a desire to usurp powers which the Constitution never gave it. It (the administration) intended to deprive persons of life, liberty, and property, without due process of law. In attempting to keep provisions from reaching the island, the President was himself breaking our laws of neutrality by taking the part, in a foreign territory, of one belligerent against the other. The President had even gone so far as to make war without the authority of Congress. The government seemed to Yulee—as to a very large number of Americans—to be taking the side of despotism against liberal progress. Senator Yulee defended the filibusters, saying that they

were acting under "their personal civil right of emigration and expatriation."

This remarkable speech called forth a masterly reply from Daniel Webster. The senator from Massachusetts reviewed our promises to Spain, which had been repeated through the Executive again and again ever since Jackson's time. We were not only bound by treaties of peace, amity, and good will, but we had repeatedly promised that if Spain would abstain from surrendering Cuba to any other European power, she might be assured of the good offices of the United States to maintain her in possession of the island. Webster held it to be an unquestionable law that American jurisdiction followed the flag, whether that flag floated on the sea, or even in a foreign port. This jurisdiction imposed the duty of protection, not only for the benefit of the United States, but also, in true justice, for the benefit of a foreign country whose peace was threatened. Furthermore, the act of 1818 imposed it as a solemn duty on the President to preserve the peace of the country by suppressing every unauthorized expedition set on foot in the United States against any portion of a country with which we were at peace. Mr. Webster could not regard the clause in the Constitution which safeguarded life, liberty, and property as applying to armed insurrection. He expressed, moreover, the highest confidence in the President of the United States.

The administration had also to deal with a very delicate and important problem growing out of the Cardenas expedition. It will be recalled that the two sailing vessels of the expedition (the *Georgiana* and the *Susan Loud*) had been seized by the Spanish naval forces, on May 18, off the island of Contoy. The 52 men on board these two vessels were taken to Havana for trial, the vessels following with prize crews. But Contoy, lying near the coast of Yucatan, was plainly within the jurisdiction of the republic of Mexico, and therefore the prisoners were not properly amenable to Spanish justice. Many of them, moreover, were doubtless American citizens. The President of the United States, therefore, fearing that the Spanish authorities in Cuba, in their

*This view would have justified President Taylor's unfortunate threat, made in his proclamation of 1849, to refuse protection to filibusters as American citizens; and these views also tied the hands of the government when Crittenden and his men were captured in 1851, and later proved embarrassing in the famous case of the *Virginus*. (Caldwell, "Lopez Expeditions," p. 75.)

*Cong. Globe, May 21, 1850, Vol. XXI, pp. 1030-5.

excessive zeal to punish the invaders of that island, and all connected with them, while flushed with victory might possibly forget the difference between crime and the intention to commit crime, and thus wreak their vengeance on innocent American citizens, resolved that the American eagle must and should protect them against any punishment except such as the tribunals of their own nation might award. Our consul at Havana was accordingly instructed as follows:

Tell the Count of Alcoy* to send them home to encounter a punishment which, if they are honorable men, will be worse than any he could inflict, in the indignant frowns and denunciations of good men in their own country, for an attempt to violate the faith and honor of a nation which holds its character for integrity of more value and higher worth than all the Antilles together. But warn him in the most friendly manner, and in the true spirit of our ancient treaty, that if he unjustly sheds one drop of American blood at this exciting period, it may cost the two countries a sanguinary war.

And to support this declaration, our consul was instructed to call upon the frigates *Congress* and *Saranac*, and the sloops-of-war *Albany* and *Germantown*, which had been ordered to those waters.

The commanders of the American war vessels had received instructions which compelled them to resist all attempts on the part of the Spanish men-of-war to capture the filibuster ships. Captain Tattnall, in the *Saranac*, as we have seen, had been placed in command of all the American war vessels in those waters; and the administration, apprehending the probable capture of some of the filibuster ships by the Spaniards, and their forcible recapture by the American warships, had instructed Captain Tattnall to act according to circumstances.

On the 24th of May, Consul Campbell addressed a communication to the Captain General of Cuba, requesting that the two captured vessels, together with the persons who had been found on board, be immediately given up, in order that they might be sent to the United States for trial, and the legality of their capture and detention be left to the governments of the United States and

*Roncali, Count of Alcoy, was at that time Governor General of Cuba.

*Senate Exec. Doc. No. 57, 31st Cong., 1st Sess.

*The information received by the Executive Department relative to the above revolutionary movements in Cuba, and the armed expeditions from the United States connected therewith, was called for by the Senate of the United States on May 23, 1850, duly transmitted, and printed as Senate Executive Document No. 57, 31st Cong., 1st Sess.

Spain to be decided upon. The consul's letter was written in the morning, and was about to be sent, when Commander Randolph arrived at Havana in the *Albany*. An interview was at once arranged between Commander Randolph, the consul, and the captain general; and in the hope that this interview would end in the delivery of the ships and prisoners, the consul did not send the letter, but placed it in his pocket, to be delivered in the event of his and Randolph's requests being refused.

At the interview which followed, Commander Randolph told the captain general that he had understood that two vessels, reported to be American, had been captured by the general of marine, together with about 100 men, of whom some 14 had been brought to Havana. The captain general replied that two vessels, with some men, had been captured, and that the Cuban Government had in their possession proofs that those vessels and men were connected with the expedition which left New Orleans for the invasion of Cuba. Commander Randolph then desired to know whether the captured vessels had the American colors flying: whether they were on neutral ground, or on the high seas, or in Spanish waters; whether the men captured were Americans in whole or in part; and whether any overt act had been committed by them upon Spanish territory. The captain general replied that owing to the general of marine's short stay in the port of Havana, he had not received official information of the circumstances connected with the capture to enable him to give answers to the questions propounded to him, but observed that pirates could be captured wherever found, whatever flag or papers they might have.

Commander Randolph thereupon said to the captain general that vessels under American colors could not be stopped on the high seas by a foreign force unless suspicions were entertained of their being engaged in piracy; and then if proper papers were found on board, the vessels and men had to be delivered up to the authorities of the United States. In consequence of this, he accordingly demanded the delivery to him of the two vessels and the men captured by the general of marine, that they might be carried to the United States for trial, which the captain general refused to accede to, saying that he had no jurisdiction over the matter, it being a case which was to be tried by the marine court, over which he had no jurisdiction.

Upon being asked by Randolph for permission to see the prisoners then in the port of Havana, the captain general answered

that he had no authority; that the general of marine, being the judge of the cause, would, if he could, let Randolph see the prisoners. Randolph, thereupon, asked the captain general if he was not the head and chief of the Cuban Government. He answered, yes. He was then told that he was the source from which information ought to be secured, and not from his subordinates.

Commander Randolph and the consul explained to the captain general their views in regard to the policy theretofore pursued by the United States in relation to the right of visit and search, and expressed their opinion that the affair they had been referring to was more serious than his excellency thought, for it might involve the question of war. His excellency, however, thought differently, and said he was personally willing to give all satisfaction, but that he could not give way to threats; and if war was the consequence, he was prepared to meet it, using the expression, *que vengan* (let it come). Commander Randolph and the consul hastened to disclaim any intention of making threats. At the same time, Randolph informed the captain general that inasmuch as he had not been able to obtain any satisfactory information, and was not permitted to see and converse with the prisoners, he would report to his government that two American vessels and several American citizens had been captured on the high seas, or on neutral ground, and brought to Havana as prisoners; and that, in consequence, war virtually existed between the United States and Spain. The captain general replied that Randolph might do as he pleased, but the report would not be correct, for the captured vessels and men formed part of the expedition under Lopez were nothing but pirates, and therefore subject to the law of nations enforced by the power to which the cruiser that captured them belonged.

Thereupon Commander Randolph observed that he would perhaps think proper to address his excellency a note on the subject, and wished to know if it would be received. The captain general answered that if Randolph's letter was in proper terms, it would be received, a copy thereof sent to the general of marine to obtain information, and when that was received, he (the captain general) would be glad to answer Randolph's communication; also, that he would forward to the Spanish minister at Washington a copy of the correspondence, as it was a subject which had to be arranged by the representatives of the two governments, who alone had diplomatic power.

In the course of the conversation, Mr. Campbell took out and presented to the captain general the letter which he had previously prepared, which his excellency, upon learning the contents, refused to receive, asserting that the consul had merely commercial functions, and therefore had no right to interfere in the matter, observing also that neither he himself, nor the consul, nor Commander Randolph had any diplomatic powers. He moreover tried to persuade Randolph not to do anything more in the business, since he had already done everything which his duty as an officer of the United States required of him, more particularly so as it was in favor of men undeserving of his sympathy, who the year before had abused him for the affair at Round Island.

Immediately after this interview, Commander Randolph and the consul waited upon the general of marine. From him they learned that he had captured the two vessels and some men; that the vessels had no colors flying, and that the men on board (some 60 or 70) were partly Americans; that the vessels and men were on neutral ground, but that, having proofs in his possession that they formed a part of the expedition which had tried to invade his country, he had gone and captured them as pirates; and that some of the men were then in the port of Havana.

The general was asked by Randolph what evidence he had that the vessels and men formed a part of the expedition. The answer was that he had reliable information, corroborated by papers found with the ships, and the men's own confessions. Asked whether force or threats had been used to obtain those confessions, he replied that that was a question which he could not accept. To the question whether the vessels and men had any papers, and avowed themselves to be Americans, the general replied that they had not avowed anything; that when his steamer was seen by them to be approaching, they understood their position and said nothing; that he had not examined the papers; that his stay there was very short, merely long enough to put the captured vessels and men in charge of a sailing vessel of war to bring them into Havana; and that he picked out, and brought in the steamer *Pizarro*, such as he considered leaders.

Commander Randolph then said to the general of marine that he had been informed that two American vessels, having American flags and papers, had been captured, with a number of men on the high seas and beyond Spanish jurisdiction; and he therefore demanded the immediate delivery of the captured vessels and

men to him, in order that he might take them to the United States for trial by his government. The general answered that he had no authority; that the vessels and men had been captured as pirates; that he had proofs of it, and that the laws of Cuba would try them. Randolph then requested permission to see and converse with the prisoners who were in Havana, so as to obtain a fair statement, which request was refused. Randolph then demanded it as a right. The general refused again, observing that as the two captured vessels and the greater part of the men had not yet arrived in port, no declarations had been taken from them; that the summarial proceedings were not finished, and therefore the laws of the country did not permit the prisoners to hold communication with anyone but the court that was to try them; but that after that they would be allowed counsel and all facilities for making their defence. The general also contradicted the rumor that confessions had been extracted from the men by putting the rope to their necks, and added that no judicial investigation had yet been begun, but that the men in conversation had acknowledged that they formed a part of the expedition which, under the command of Lopez, was to have invaded the island. In the end, he admitted also that the captured vessels were American, and the men in part Americans.

Thereupon Commander Randolph and the consul observed to the general that it would be better for him to deliver up the vessels and men; that the laws of nations were plain; that the capturing of the vessels and men on neutral ground was illegal. The case of the Duke d'Enghien, under the empire, was cited by them as a parallel, in order to bring to the general's mind the intense excitement produced in Europe and the world by that outrage. The general asseverated that the cases were not parallel, and that the duke was a gentleman. Campbell observed that the Duke d'Enghien had nothing to lose but his life and his soul (if he was not prepared for death), and the Contoy prisoners were in the same position. Randolph said the only difference was that the duke belonged to the blood-royal, and that these men were obscure citizens. But the general still thought as before, and appeared greatly astonished that the American officers should want to consider the two cases as parallel.

The result of the interview was that the general of marine refused to deliver up the vessels and men, and denied permission to Commander Randolph to communicate with the prisoners then

in Havana. He observed, however, that if Randolph would remain some days longer in port, he and the consul could then have the opportunity to learn the result of the trial and to communicate with the prisoners. But Randolph proceeded to sea at once, determined, if possible, to intercept and retake both the vessels and the prisoners, should they be alone or under convoy of Spanish men-of-war. This the consul and he had agreed he had a right to do under the law of nations, in conformity with the policy of the United States, as set forth by Daniel Webster in the Ashburton correspondence, and under the act of Congress authorizing our men-of-war to capture any vessel which should unnecessarily detain an American merchant ship in the Gulf of Mexico. They believed that these ships were being unnecessarily detained after having been demanded to be sent home for trial and the demand having been refused.

The *Germantown* joined the *Albany* on the following morning. A Spanish frigate kept near the two American war vessels continually. Altogether, the Spanish Government had about 21 war-ships on the station at that time. On the 25th of May, the *Saranac*, Captain Tattnall, arrived at Havana. Just before his arrival, Tattnall had fallen in with the *Albany*, and had been informed of Randolph's intention. While appreciating the motives and spirited conduct of Randolph, Captain Tattnall deemed it best, under the circumstances, to adopt a different course.

As soon as the *Saranac* came to anchor, Tattnall waited upon the captain general, and informed him that while it was not his desire or purpose to seek a meeting with the Spanish frigates, nevertheless, if he did fall in with them at sea, while they were in the act of convoying the two American vessels, he would certainly attempt the recapture of the ships. So impressed was the captain general with Tattnall's determination, that he immediately gave orders that the captured vessels should not depart from the port in which they then were. Thus was prevented the risk of a collision which might have caused a rupture between the two governments.

Captain Tattnall's conduct was fully approved by the administration at Washington. It is said that his letter, acquainting the Navy Department with his action and the reasons upon which it was based, was handsomely complimented at a Cabinet meeting where it was read, and pronounced a model report. His

reasoning was as follows: The two American vessels, detected in flagrant violation of international law and the President's proclamation, had been captured, were already in a Spanish port, and could not there be molested by United States war vessels. Should they be brought out of the port, however, and be found upon the high seas under convoy of the Spanish frigate which had been ordered to bring them to Havana, Tattnall intended to recapture them. This placed the matter of peace or war practically within the determination of the Cuban captain general. If the *status quo* remained unchanged, the capture of the vessels claiming the protection of the United States would then form the subject of negotiation between the two governments.

On May 30, Captain Tattnall, in company with consul, Judge Marvin, and Collector Douglass, of Key West, called on the captain general and said that he was about to return to the United States, and should be highly gratified to be able to communicate to his government that he had been permitted to see and converse with the Contoy prisoners, as, under existing circumstances, it might do much good and tend to allay any excitement that might exist at home. The captain general replied that personally he had no objection to permit the prisoners to be seen and conversed with, but the law would not permit it; that the prisoners were being treated well, and there was nothing of which they could complain, unless it was their not being permitted to go into the streets; and that the marine court before which their trial was pending consisted of calm and intelligent officers, who would dispassionately weigh the testimony and do full justice. The American officers did not attempt to controvert these statements, and left. Consul Campbell then reported the result of the several interviews to the Secretary of State, and concluded by saying: "Your consul, your naval officers, can do nothing for the relief of the parties; and it is left for the President to adopt such measures as his well-known firmness, patriotism, and devotion to the honor and interest of his country may dictate."

President Taylor accordingly deemed it proper to transfer the duties in regard to the Contoy prisoners to Commodore Charles Morris, of the navy. This officer was made the bearer of a special message from the President to the Governor and Captain General of Cuba. His instructions from Secretary of State Clayton read as follows:

DEPARTMENT OF STATE, WASHINGTON, June 29, 1850.

SIR: The President directs that you proceed, as soon as possible, to Havana; in the war-steamer *Vixen*; that on your arrival there you request an audience of the Governor and Captain General of Cuba, representing to him that you bear a message to him from the President of the United States, of importance to his country as well as your own. On being admitted to his presence, you will demand of him the immediate release of all the prisoners taken at Contoy and without the Spanish jurisdiction. When making this demand in the name and by the authority of the President of the United States, you will repeat to the Governor and Captain General of Cuba the assurance heretofore conveyed to him and his government, that the government of the United States has never ceased to perform every duty enjoined upon it by our treaty with Spain, and that it will faithfully continue in the discharge of those duties so long as the peaceful relations of the two countries shall continue. That the President expects, in return for this friendly disposition and conduct, the strictest observance of the rights of the United States and their citizens from Spain; that he recognizes no right on the part of the Spanish authorities to try and punish the prisoners taken at Contoy; and that he will view their punishment by the authorities of Cuba as an outrage upon the rights of this country. Without enlarging upon the grounds taken in making the demand through the consul, of which you are fully informed, the President is satisfied, from the reports which he has received of the evidence taken before Judge Marvin, at Key West, as well as from other information which he deems entirely reliable, that the men taken at Contoy had embarked to go to Chagres, and if any of them had ever designed to invade Cuba, they had repented of that design, and abandoned it. Under these circumstances, the President cannot consent that the lives or liberties of citizens of the United States shall be forfeited, or that the question of the truth of the evidence above mentioned shall be referred to any foreign tribunal.

You will say to the Governor that your mission has been occasioned by intelligence that the demand heretofore made by the consul, Mr. Campbell, in regard to these prisoners, was refused on the ground, among others, that the consul had no diplomatic powers. In reply to the demand made by Mr. Campbell, we learn that he was referred to the Spanish minister in Washington, Don A. Calderon de la Barca, and to the court of Madrid. The views of this government on the whole subject have been fully made known to the Spanish minister residing at Washington, of which he has doubtless fully advised the government at Madrid and the Captain General of Cuba. This government has no reason to suppose that a demand so just and reasonable would not now be acceded to by that minister, who is no less distinguished among us for his humanity than his justice, and who, while zealously on all occasions maintaining and defending the rights of Spain, has never shown himself insensible to the importance of preserving the amicable relations which have so long existed between our respective countries.

As to the reference made by the Governor and Captain General to the court of Madrid, you will say to that distinguished functionary that, in the judgment of the President of the United States, were he to abandon these prisoners to the consequences of the confinement which they must undergo in prison, in such a climate as that of Havana at this season of the year, until a demand could be made upon the court of Madrid and an answer returned, it would amount to a probable sacrifice of the lives of many of them, and a desertion of the duty of this government to protect its own citizens.

The owners of the bark *Georgiana* and the brig *Susan Loud* have exhibited to this department statements to prove the innocence of the captains who chartered those vessels; and you will inform the Governor and Captain General of Cuba that this government expects those vessels to be returned to their owners, with damages for their capture and detention. Those statements confirm the testimony taken before Judge Marvin of the innocence of the prisoners of any intention to invade Cuba; which testimony has, we learn, been fully communicated to the Governor and Captain General.

Should the Captain General refuse to release the prisoners upon your demand, you will then inquire fully into the manner in which they have been treated; their present and past condition; whether any have died, or are sick, and what attention has been paid to them; and what is that evidence upon which the Spanish authorities rely to establish their guilt. For this purpose you will demand admittance to all the prisoners in the presence of the American consul, and upon your return you will make a full report on all these subjects.

You will also respectfully request of the Captain General all the testimony which he has obtained, to enable this government to prosecute any person or persons in the United States who have been engaged either in invading Cuba or in getting up an expedition for that purpose; and you will say to him that I am encouraged to make this request by Don A. Calderon de la Barca, who assures me that some such testimony is in possession of the Spanish authorities and will be cheerfully tendered to this government to enable it to maintain its treaty stipulations with Spain.

I am, sir, very respectfully, your obedient servant,

JOHN M. CLAYTON.

COMMODORE CHARLES MORRIS, &C., &C., &C.*

Meantime, on June 30, Mr. Campbell, together with Commodore McKeever, several officers of the Congress, and Commander Lowndes, of the *Germantown*, again waited upon the Captain general. The captain general was, as always, polite and courteous. He spoke of the Contoy prisoners, and said, "*Viven y vivirán*" (they live, and will live), from which it was inferred that no capital punishment was contemplated. The captain general also

* House Exec. Doc. No. 83, 32nd Cong., 1st Sess., pp. 5-7; House Exec. Doc. No. 86, 33d Cong., 1st Sess., pp. 353-4.

expressed the opinion that the summarial proceedings would be concluded in a few days; that some of the prisoners were in truth passengers for California; but that the masters of the vessels were cognizant of the expedition, and had knowingly taken on board men, arms, and munitions of war.

On the 1st of July, Commodore Morris embarked in the *Vixen*, and arrived at Havana on the 10th. He immediately addressed a note to the captain general, requesting an audience, and received an oral message that he would be received the next day at noon. There were at that time in the harbor of Havana, in addition to the *Vixen*, the frigate *Congress* and the sloop-of-war *Albany*. From Commodore McKeever, commanding the *Congress*, Morris learned that he had held several conversations with the captain general respecting the Contoy prisoners, and had been assured by him that a part of them would be released before the 12th of the month. McKeever had intended sailing for Rio de Janeiro on the 7th, but had agreed to postpone his departure for four days upon receiving the above assurance. Early in the morning of the 11th, he received a note from the captain general, dated the 10th, informing him that 42 of the prisoners had been liberated, and would be sent to any vessel that he might designate. McKeever was accordingly instructed by Morris to receive them on board the *Congress*.¹⁰

At noon of the same day, Commodore Morris waited upon the captain general. When the main object of his visit, and the authority under which he was acting, were stated, the captain general declined to receive any communication as coming officially from the government of the United States, because Morris had no authority to act in any manner upon diplomatic subjects. At the same time, he expressed his readiness to receive any communication Commodore Morris might make in his official capacity as an officer of the navy, and to give to it the same consideration as though it had emanated from a higher authority. In reply, he

¹⁰ This was a notable diplomatic victory for Secretary of State Clayton. It is interesting to note, in this connection, that the Captain General of Cuba, in a letter dated July 9, 1850, complained bitterly to his home government of what he deemed the deliberate effort of Clayton to bring on a war between the United States and Spain. (Caldwell, "Lopez Expeditions," p. 80.) Torrente, also ("Bosquejo Economico Politico de la Isla de Cuba," Vol. I, p. 49), believes that war with Spain would have resulted if Clayton had remained Secretary of State.

was told that Morris could act only in conformity with his instructions, and that any communications which he might make would have to be made as under the authority and by direction of the President of the United States. The consideration and weight which the captain general might give to these communications would, of course, depend upon his own views of his duty.

In the course of the conversation which followed, all the communications required by Morris' instructions were made to the captain general, with the exception of a formal demand for the captured persons who were still detained. Morris was induced to defer this until he could communicate with those who had been released. The captain general stated that the persons who were still detained were beyond his lawful control until the judicial proceedings upon them (which were still in progress) should be completed.

On the morning of the 12th, Consul Campbell went with Commodore Morris to the *Albany*, where they saw and conversed with the 42 persons who had been liberated the day before.¹¹

From the statements of these persons it appeared that from the time of their capture almost up to the time of their release they had been more or less confined by leg-shackles, and generally on the lower gun-deck of the Spanish ship-of-the-line *Soberano*. In other respects none of them made any complaint of gross ill-treatment. None of the original number had died, and all were then present. When any had been sick, they had been sent to the hospital until they were well enough to return to the ship. All of them appeared to be in good health, excepting one who had returned from the hospital the day they were liberated.

The *Albany* sailed for Pensacola, with these men, on the morning of the 13th, with orders to hold them on board until Commander Randolph should receive directions relative to them from the administration at Washington. Upon the arrival of the *Albany* at Pensacola, Randolph was instructed by Commodore Newton to proceed to Mobile and to deliver the men over to the United States Marshal for the southern district of Alabama. After performing this duty, Randolph returned to Pensacola.

On the 15th, Commodore Morris had another interview with the captain general, at which he made the formal demand for

¹¹ The men had been transferred from the *Congress* to the *Albany* for transportation to the United States.

the ten prisoners who were still detained. The captain general, in reply, stated that these persons were then in the possession and under the control of the judicial tribunals, and that until those tribunals should decide on the guilt or innocence of the men, he could not lawfully interfere with them. He stated also that the master of the *Georgiana*, the mate of that vessel, and the mate of the *Susan Loud* were all that were on trial, and that the seamen were detained only as witnesses. He concluded by repeating assurances of his great respect for the President of the United States, and of his own desire to preserve friendly relations between Spain and the United States by all means that were consistent with his duties toward his own country.

By an arrangement with the general of marine, Commodore Morris and Consul Campbell visited, on the morning of the 16th, all the persons who were still detained. The two officers were told that the master of the *Georgiana* (Mr. Benson) had been sent to the hospital about the 14th of the month, in consequence of having shown symptoms of insanity. They found him there, suffering from mania of a violent character. Although he recognized the consul and a Spanish officer, he was evidently unable to comprehend and did not notice anything that was said to him. His mind appeared to dwell upon Lopez, whom he thought to be in the company of his visitors, and on whom he was frequently calling. The chief of the hospital promised to have him placed in the ward for the insane, and that every attention would be given to alleviate his condition. The two mates and the seamen, except one at the hospital, were on board the *Soberana*. On being questioned as to the treatment they had received, they said that they had no complaint to make; that when any of them had been sick, they had been sent to the hospital; and that none of them had died.

The permission to visit the master and the mates had been granted to the commodore and the consul as a special favor; for, by the Spanish laws, the prisoners were not allowed, at that stage of their trial, to communicate with any but the officers of the law. The American officers were therefore requested not to question the prisoners on the subject of their capture and trial, but every liberty was granted to question them about their condition and treatment. Commodore Morris was also authorized to inform the seamen that they were merely being held as witnesses, and that they would be released as soon as their testimony should be closed.

From the "dictamen" of the Auditor of War and Navy, which decided the case of the two captured vessels and the passengers taken with them, it was plain that the authorities of Cuba considered the capture of those vessels as authorized by the law of nations and were regulating all their proceedings accordingly. On being questioned by Morris, the Fiscal of Marine said that the evidence to be used at the pending trials would be the testimony of the seamen, the declarations of the parties, and the papers found in the vessels. Morris was also assured that the trials would be closed without other delay than was due to their great importance. Morris, believing that his longer stay at Havana could not be productive of any advantage, embarked and sailed in the *Vixen* on the afternoon of the 16th of July.

Eventually, all but three of the prisoners were found guilty by the Cuban maritime court. The master of the *Georgiana* and the mates of the two vessels were sentenced to long terms of penal servitude. The condemned men had already started for their destination, when the Queen of Spain, in October, 1850, desiring to give a new proof of friendship to the United States and of especial deference to our new Secretary of State, Daniel Webster, was pleased to exempt the master of the *Georgiana* from all personal punishment, and also extended her royal clemency to the other men. The Spanish Government accordingly took proper measures to set them at liberty the moment they reached Spain.

It seemed to be the policy of Webster to try to conciliate Spain, and the two sailing vessels were allowed to be confiscated by a Spanish prize court, although it was in time of peace, without any serious protest from the United States Government."

Lopez made still another filibustering attempt in the summer of 1851. On the 11th of August, he landed with 480 men on the northern coast of Cuba, where he left Colonel Crittenden and 100 men, and started to the interior, expecting to be joined by the

"In compliance with a resolution of the House of Representatives, dated December 15, 1851, President Fillmore transmitted to that body information respecting the seizure and confiscation of the *Georgiana* and *Susan Loud*. The documents were printed as House Executive Document No. 83, 32d Cong., 1st Sess. In further compliance with a resolution of the House, dated March 10, 1854, President Pierce transmitted additional information in this connection. These documents were printed as House Executive Document No. 86, 33d Cong., 1st Sess.

people. He was again disappointed. His army was attacked and dispersed. Crittenden and his party were captured and shot. Lopez and six of his companions were also captured, and afterwards executed at Havana. Of 226 prisoners who remained alive, 135 were sent to Spain under sentence of hard labor. Those who were left in Havana were released through the action of Commodore Foxhall A. Parker, who had been named by the President a special commissioner under the State Department to confer with the captain general of Cuba in the matter. Those who had been sent to Spain were also subsequently released at the earnest solicitation of the American minister at Madrid."

France and England now issued orders to their naval commanders to prevent by force, if necessary, the landing of adventurers from any nation on the island of Cuba, with hostile intent. This action led to a solemn warning in the presidential message of 1851. President Fillmore said in this connection:

The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent. . . . No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coasts of the United States or the seas adjacent thereto."

The various demonstrations under Lopez, and the general tone of encouragement accorded to those movements by the press and by public opinion, offered flattering inducements for the forwarding of other such enterprises. We find, accordingly, in July, 1853, William Walker organizing a force in San Francisco, for the conquest of the department of Sonora, in northern Mexico. The brig *Arrow*, in which the party were about to embark, was seized by the federal authorities, and the expedition frustrated. Opposition, however, only added to the number of Walker's re-

"Chadwick, Relations of the United States and Spain (Diplomacy), pp. 236-8.

"Fillmore, Message, Dec. 2, 1851. The American position was later stated most clearly as follows: "American vessels on the high seas, in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power, is in derogation of the sovereignty of the United States." (Senate Resolution, June 16, 1858.)

cruits, and on the 15th of October he left San Francisco, in the bark *Caroline*, and landed in La Paz, Lower California."

By February, 1854, desertions, wounds, and sickness had reduced Walker's effective force to 130 men. A Mexican brig-of-war blockaded the mouth of the harbor of Ensenada to prevent reinforcements from reaching him and on February 11 the United States sloop-of-war *Portsmouth* arrived in the harbor. The officers of the *Portsmouth* visited Walker at his headquarters. The visit boded no good to the filibuster cause, and Walker hastened his departure, spiking and burying all his guns but one, which he took with him, and leaving behind eight sick and wounded men. These were taken care of by Captain Dornin, of the *Portsmouth*, and carried to San Diego."

"Wells, Walker's Expedition, pp. 23-24.

"Scroggs, "Filibusters and Financiers, pp. 43-44.

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COMMANDER G. N. HOLLINS, U. S. N.

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THE NAVY AND FILIBUSTERING IN THE FIFTIES

(CONTINUED)

By LOUIS N. FEIPEL

III. THE BOMBARDMENT OF GREYTOWN, NICARAGUA, 1854

In 1855, the scene of American filibustering shifted to Central America, and in particular to the republic of Nicaragua. Events had been leading up to this ever since the year 1848. A few days after the conclusion of the treaty of Guadalupe Hidalgo, by which the United States became the rightful owners of California, and thus invested with augmented special interest in the political condition of Central America, the American Government learned that a military expedition, under the authority of the British Government, had landed at Greytown, (or San Juan del Norte, as it was then called), in the state of Nicaragua, and taken forcible possession of that port, which was the necessary terminus of any canal or railway to be constructed across the isthmus within the territories of Nicaragua. It did not diminish the unwelcome-ness to us of this act on the part of Great Britain to find that she assumed to justify it on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name even had become lost to history, who did not constitute a state capable of territorial sovereignty, either in fact or of right, and all political interest in whom, and in the territory they occupied, Great Britain had previously renounced by successive treaties with Spain, when Spain was sovereign of the country, and subsequently with independent Spanish America.

Nevertheless, and injuriously affected as the United States conceived itself to be by this act of the British Government, and by its occupation about the same time of insular and of continental portions of the territory of Honduras, we remembered the many

and powerful ties and mutual interests by which Great Britain and the United States were associated, and we proceeded in earnest good faith, and with a sincere desire to do whatever might strengthen the bonds of peace between us, to negotiate with Great Britain a convention to assure the perfect neutrality of all inter-oceanic communications across the isthmus, and, as the indispensable condition of such neutrality, the absolute independence of the states of Central America and their complete sovereignty within the limits of their own territory, as well against Great Britain as against the United States. That object was supposed to have been accomplished by the convention of April 19, 1850 (the Clayton-Bulwer treaty), which would never have been signed or ratified on the part of the United States but for the conviction that, in virtue of its provisions, neither Great Britain nor the United States was thereafter to exercise any territorial sovereignty, in fact or in name, in any part of Central America, however or whensoever acquired, either before or afterwards. The essential object of the convention—the neutralization of the isthmus—would, of course, become a nullity if either Great Britain or the United States were to continue to hold exclusively islands or mainland of the isthmus, and more especially if, under any claim of protectorship of Indians, either government were to remain forever sovereign in fact of the Atlantic shores of the three states of Costa Rica, Nicaragua, and Honduras.

But in August, 1851, more than a year after the Clayton-Bulwer treaty had been perfected, a British vessel-of-war appeared in the fine and commanding harbor of Ruatan, an island belonging to the republic of Honduras. The captain of this vessel, an officer named Jolley, then proceeded to organize the island as a dependency of Belize (sometimes called British Honduras); and in July, 1852, a proclamation was made from Belize as follows:

OFFICE OF THE COLONIAL SECRETARY,
BELIZE, JULY 17, 1852

This is to give notice that Her most Gracious Majesty our Queen has been pleased to constitute and make the islands of Ruatan, Bonacca, Utila, Barbarat, Helene, and Morat, to be a colony, to be known and designated as "The Colony of the Bay Islands."

By command of Her Majesty's Superintendent,
AUGUSTUS FRED. GORE, *Colonial Secretary*.

God save the Queen!

The British continued to hold possession of the Ruatan Islands up to 1856, and by the occasional presence of an English man-of-war at Greytown, continued their old pretensions to the Mosquito Coast. The threatened abrogation of the Clayton-Bulwer treaty restored matters to their old footing, except that the course of manifest destiny, during the intervening five years of drivelling diplomacy, ordained the occupation of the country by another race, in whom Great Britain found more energetic sticklers for the rights of their adopted soil than the dreamy and enfeebled creatures who for the preceding three centuries had claimed it as a home.

In March, 1852, Greytown was constituted a "free city," subject to the paramount authority of any power which might be decided to hold the government of the country to which Greytown belonged. All of its municipal regulations, port charges, and customs duties were determined by a mayor and council, who were, however, mere creatures of the British consul, the latter being virtually a dictator. The authorities of Greytown were formally acknowledged by the government of Great Britain, and Vice Admiral Sir George Seymour withdrew his ships from that station, as being no longer needed, thereby virtually confirming in the hands of, and acknowledging the ability of, the new government to maintain its laws. The people of Greytown looked with confidence for a similar recognition on the part of the United States.

At the time of which we are speaking, citizens of the United States had already established in the territory of Nicaragua a regular interoceanic transit route (the Accessory Transit Company), second in utility and value only to the one previously established in the territory of New Granada. By the year 1853, the Nicaragua route was doing a good business between New York and San Francisco. The trip between the two places was sometimes made in 19 days, which was shorter than by way of Panama. The steamer from New York went to Greytown, and there the passengers were put on board light-draft stern-wheel steamboats, which went up the San Juan River to Lake Nicaragua. There, at a village called Fort San Carlos, the passengers were transferred to commodious side-wheel steamboats, in which they crossed the lake to Virgin Bay, and from Virgin Bay they crossed in a conveyance of some kind to San Juan del Sur, a

distance of 10 miles, and then went on board the ocean steamer for San Francisco.

The condition of Nicaragua would doubtless have been much more prosperous at this time, but for the occupation of Greytown by Great Britain and the disturbing authority set up and sustained by that power in the Mosquito Coast, by means of which the domestic sovereignty of Nicaragua became impaired, its public lands withheld from settlement, and itself deprived of all the maritime revenue which it would otherwise have collected on important merchandise at Greytown. The United States Government had never recognized the sovereignty of a King of Mosquito, or the protectorate of Great Britain over Greytown. Daniel Webster, as Secretary of State, had, however, declared, in a letter to Commodore Foxhall A. Parker, dated March 13, 1852, that "a temporary recognition of the existing authority of the place (San Juan de Nicaragua, or Greytown), sufficient to countenance any well-intended endeavors on its part to preserve the public peace and punish wrong-doers, would not be inconsistent with the policy and honor of the United States"; and he accordingly directed the commodore, in the name of the President of the United States, "to repair to Greytown, and, in conjunction with Her Britannic Majesty's admiral on the West India Station, to see that all reasonable municipal and other regulations in force there were respected by the vessels and citizens of the United States resorting thither." Webster, also, learning that in an assemblage of persons styling themselves citizens of Greytown, held there on the 28th of February, 1852, resolutions had been passed to send a deputation to the capital of the republic of Nicaragua for the purpose of soliciting a charter for their city, requested, on the 18th of March following, Secretary of the Navy Graham to give to the American citizens, believed to have formed a majority of said assemblage, timely warning "that they would not be countenanced by his government in any attempt, forcibly or otherwise, to subvert the acting authorities." Subsequently, after the election of new municipal authorities at Greytown, in conformity with the constitution of March 29, 1852, and after the conclusion of the new treaty between the United States and Great Britain signed on the 30th of April of the same year, Lord Clarendon stated, in a despatch to the British minister at Washington, dated July 22, 1853, that both the British and American governments

had ordered their naval commanders to support the government *de facto* of Greytown; and Secretary of State Marcy, in a despatch to Mr. Ingersoll, the American minister at London, dated June 9, 1853, referring to said joint order, says that its purpose was to preserve the public peace at Greytown, and to punish wrong-doers.

The harbor of Greytown was formed by an island at the mouth of the San Juan River, and lying opposite to the town. On this island (called Punta Arenas) the Transit Company had its store-houses, and as long as the California passengers were detained occasionally and sent ashore to the town to pass a night or two, everything went smoothly. Finally, however, the company decided to build a hotel on the island, to keep the passengers on its side of the river during the transit, and to prevent their landing at Greytown at all—in short, to do all the "skinning" itself. This was more than the Greytowners could stand, and they accordingly declared war to the knife.¹

On February 3, 1853, the "council" of Greytown passed a resolution ordering the Accessory Transit Company to remove within five days the buildings which it had just completed on Punta Arenas, and also to vacate the entire tract within 30 days. The company naturally ignored the demand; and the agent of the company, agreeable to instructions received from his principals in New York, proceeded to call on the British warship *Geyser* for protection. Captain Wilson, of the *Geyser*, however, informed the agent that he could render him no assistance. Getting wind of this state of affairs, the American sloop-of-war *Cyane*, Commander George N. Hollins, repaired to Greytown in order to keep the peace. The *Cyane* arrived on the 10th of February, and the agent of the company at once appealed to Commander Hollins for protection.

A portion of the property had already been destroyed, and the authorities of Greytown were proceeding to destroy the rest, when Hollins decided to dispatch his first lieutenant, Theodore P. Green, to the mayor of Greytown, with orders to state that information had been lodged with the American commander that on the succeeding day (February 11) a writ of ejectment would be served by the Greytown authorities upon the Transit Company, and in

¹ Parker, "Recollections of a Naval Officer," 165.

case of the company's refusal to remove the property, force would be used to compel them. Lieutenant Green found the council assembled, the mayor presiding, made the statement, and requested their answer. He was told to inform Commander Hollins that the process was a legal one, and that they would carry it into effect on the succeeding day, at 11 o'clock in the morning, unless prevented by a stronger force.

On the morning of the 11th, at 9 o'clock, Hollins went ashore to pay his respects to the mayor, and was received in the council chamber, the council being assembled. Hollins again informed them that in obedience to his orders he was compelled to put a stop to any depredations upon the property of the Transit Company. The mayor replied that "no depredations would be committed, they only intended to pull the building down." The mayor then requested a statement in writing of Hollins' intentions to prevent the execution of the process, which Hollins acceded to, and then withdrew to the ship.

Purser Charles C. Upham and Acting Lieutenant William H. Parker, of the *Cyane*, shortly afterwards returned from a visit to the town, bringing information that the troops were under arms and preparations making to proceed against Punta Arenas and its occupants, and that threats were being made to destroy the property by fire. Orders were accordingly given to land a marine guard on the Point, under the command of Lieutenant William Decatur Hurst, with instructions to inform the marshal that the property could not be molested, to warn off all suspected persons, and to prevent the execution of the threats. The marshal, upon being asked his business by Lieutenant Hurst, replied, "to tear down the buildings." Lieutenant Hurst then informed the marshal of his orders to protect the property of the company, and that he intended to obey and carry them out, whereupon the marshal immediately mustered his "posse of carpenters" and returned to Greytown.

From the many threats and the manifest excitement among the inhabitants of Greytown, Hollins deemed it necessary to continue the guard on Punta Arenas, about the property of the Transit Company, particularly at night. He also thought it proper to warn the citizens of Greytown of his intentions as to the persons and property of citizens of the United States who might be molested. One such instance had indeed already occurred. An American physician, named H. W. Wagner, was assaulted, on

March 14, in the most gross and indecent manner by three persons belonging to the militia of the town, who alleged, as an excuse, that Wagner had made false statements about the authorities having destroyed property belonging to another American citizen. Accordingly Hollins issued the following notice:

Inasmuch as no competent authority is in existence in the town of San Juan de Nicaragua to protect the property or persons of American or other citizens, and information having been lodged with me that an assault was committed upon the person of an American citizen by some person or persons in said town, I hereby warn all persons in said town that in case of any further molestation of any citizen or property, I shall take such steps as to bring the offender to punishment.

And further, that all boats to and from Point Arenas and San Juan de Nicaragua will pass within hail of the ship under my command.

Hollins was soundly abused by the Greytowners for this, but he bore it philosophically, especially as the proclamation was heeded.*

Shortly afterwards, the *Geyser* again arrived off Greytown, under orders from Commodore McQuhae, who, it seems, had received a dispatch from the mayor of Greytown, informing him that Hollins had landed the marines of the *Cyane*, hauled down the Mosquito flag, taken charge of the town, and blockaded the harbor. Under this false impression the commodore had sent the commander of the *Geyser* to inquire into the facts of the case. It was plain that Commodore McQuhae had assumed to himself the right to district the limits of the city of Greytown. He included Punta Arenas within the jurisdiction of the city of Greytown, thus giving that city the right to execute any decree of their court, no matter how unjust to either persons or property. Hollins was fully convinced, from all that he saw and heard, that the whole cause of the hostility of Greytown towards the Transit Company proceeded from the company's refusing to move their depot and steamers to the city of Greytown, which would have been detrimental to their best interests.

In his official report to the Navy Department, Hollins justified his actions in the following terms:

On my arrival here, not having any authority by which I could be guided, I obeyed strictly the orders from the Navy Department to protect the property of the Accessory Transit Company, and also took for my guide the instructions of the late honorable Daniel Webster, which prescribe no

*Senate Exec. Doc. No. 8, 33d Cong., 1st Sess.

*Parker, "Recollections of a Naval Officer," 165.

special limits to this town, nor recognizes any jurisdiction of its court other than for its own police purposes, but at the same time gives to commanders of both American and English vessels of war full power to correct abuses and settle all difficulties.*

The Navy Department approved the prompt and prudent action of Hollins, and under date of April 4, 1853, instructed him to remain in the vicinity of Greytown as long as his presence might be deemed necessary to protect the property and persons of American citizens. The Secretary of the Navy added:

It is, of course, very important, in order to avoid collision, that your course should be marked with caution; but, at the same time, the impression should be distinctly made that the United States are both able and determined to protect the property and rights of American citizens. Of course, you will confine yourself to that one duty, carefully avoiding any act committing your government in any of the contested questions of jurisdiction at present disturbing that country.*

In giving its approval to Hollins' conduct, the Secretary of the Navy deemed it proper, also, to state to him the real grounds on which that approval was based.

Your conduct in affording protection, and saving from destruction the property of that company, is commended not because of any supposed stipulation for that purpose by convention between Great Britain and the United States, but because American citizens are largely and chiefly interested in said company, the charter of which was granted and guaranteed by the State of Nicaragua, within the limits of which state the town of San Juan is situated, and which charter was granted even long before any attempt was made to convert Greytown into what is now alleged to be an independent city. The authorities of Greytown have no right to interfere with rights and privileges thus granted by the State of Nicaragua. When they therefore attempted to destroy the property of the company, your interference is justified and approved solely because it is regarded as an unauthorized attempt to disturb the rights of American citizens, and the United States desire that the American citizen "shall realize that, upon every sea and on every soil where our enterprise may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights."*

Meanwhile, however, on February 13, 1853,* Commander Hollins received a visit from the British vice consul, Henry Grant Foot, who had just returned from Bluefields. He brought with him dispatches from Vice Admiral Seymour and Commodore McQuhae, of Her Britannic Majesty's naval forces in the West Indies, directed to Commodore Parker, with directions to place

*Ibid.

*Ibid.

*Ibid.

them in the hands of the senior American officer in command, in case Commodore Parker should be absent. These dispatches had reference to the concerting and concluding of such arrangements between Commodore Parker and Commodore McQuhae as should appear to both, conjointly, best suited to carry out the views of the British and American governments for the recognition of the *de facto* governing authorities of the port of Greytown, until some permanent arrangement should be concluded for the general and final settlement of the Mosquito and Central American question then pending between Great Britain, the United States, and certain of the Central American States.*

By the 16th of April, all was quiet again around Greytown. Hollins, however, soon heard rumors that the authorities of Greytown threatened the destruction of the Transit Company's property as soon as ever he left the harbor. Under these circumstances he did not deem it advisable to leave the place before being relieved, or before some positive arrangements could be made with the authorities, by which the property of the company would be respected. The English commanders in that region also received orders from their minister at Washington not to permit the property of the company to be molested, but at the same time their orders from the commodore of the station were for them not to remain in port over 48 hours, on account of preserving the health of their crews. The *Cyane* remained at Greytown for 70 days, "The dreariest time," as one of her officers subsequently wrote, "I ever passed in any foreign port, and that is saying a great deal. Our only excitement was caused by the arrival of the steamers from New York and New Orleans, which made fortnightly trips and brought us our mails, and the arrival of the steamers from Lake Nicaragua with the San Francisco passengers."*

On May 30, 1853, the sloop-of-war *Albany*, Commander James T. Gerry, arrived at Greytown. The authorities of the place, as well as the agents of the Transit Company, immediately called on Commander Gerry, who soon perceived from their accounts that a mediator was required to bring the two parties to a mutual

*Ibid.

*Parker, "Recollections of a Naval Officer," 165. The documents bearing upon these transactions between Hollins and the authorities of Greytown were called for by the Senate on the 6th of April, 1853, and printed as Senate Executive Document No. 8, of the 33d Congress, 1st Session.

friendly intercourse and a better understanding of each other's rights and views of subjects in dispute. Commander Gerry expressed his readiness to intercede and bring about a better feeling, provided each party should state to him all its grievances, and provided they consented to be influenced by his advice and opinion. The sequel showed that both parties had acted under strongly excited feelings, and that the one was quite as much at fault as the other. But in Commander Gerry's opinion, the inhabitants of Greytown were certainly entitled to more consideration than the Transit Company had extended to them, inasmuch as many of them had, at the company's invitation and through inducements held out to them, made large investments for accommodating the passengers of the company when the latter was unable to do so and depended solely upon the conveniences to be found in Greytown. The results of Gerry's investigations were attended with the most favorable consequences. On the 5th of June, he sailed from Greytown, leaving all parties apparently friends and determined to settle every point of controversy between them in future by arbitration, and not by violence.

Shortly after the arrival of Gerry at Greytown, also, the mayor informed him that if he wanted a marine who had deserted from the *Cyane* to be apprehended, he (the mayor) would order him in custody of an officer on board the *Albany* the following morning, which was promptly complied with as set forth.*

About a year later, events again occurred by reason of which the government of the United States considered itself justified in treating Greytown as a hostile city. In March, 1854, new differences arose between the people of Greytown and the Transit Company over the question of jurisdiction in Punta Arenas. Mr. Joseph L. White, agent of the company, left the place on the 17th of March, without having effected any settlement of the difficulties. Before leaving, he gave instructions to the captains and pursers of the steamships to pay no more port charges at Greytown, and to take no letters or other packages or freight for, and have no communication of any nature whatever with, the people of the town. This proceeding on the part of the company greatly exasperated the townspeople. Also, during the month of May, certain effects belonging to the company were feloniously taken

away by a servant of the company and conveyed to Greytown, where they were withheld from the company by the corporate authorities. And at the same time, and in connection with this occurrence, two of the employees of the company were arrested on warrants emanating from the town authorities, charged with having resisted a legal process and committing an assault, and were placed under bonds to keep the peace towards the authorities and citizens of Greytown.

Moreover, about the middle of May, the United States minister to Central America, Mr. Solon Borland, was about to leave Nicaragua, and took passage on board the *Routh*, one of the San Juan River steamers. Nothing particular occurred during the passage down the river, until the steamer was within a few miles of Greytown. There Captain T. T. Smith, who was in command of the *Routh*, in turning a bend of the river, ran against a bongo freighted with merchandise which was lying near the shore, and damaged her by the collision. The master of the bongo began to abuse Captain Smith in Spanish, to which the latter retorted fully in English. While the steamer was being extricated from the brushwood, Captain Smith went and got his rifle from the cabin, vociferating repeatedly, "I must shoot the fellow; he has used threatening language that shall cost him his life." Shortly afterwards the master of the bongo was shot down by Captain Smith from the upper deck of the steamer, and the latter then proceeded on her way down the river.

Mr. Borland had witnessed, if not the beginning, at least the greater part of this shooting, from the upper deck, but apparently made no interference. Another passenger, however, a Mr. H. Wiedemann, tried to persuade Captain Smith not to carry out his design. Wiedemann even went so far as twice to prevent Smith from firing. The third time, Smith exclaimed, "I am captain of this boat, and I will not permit even my best friend to interfere." After having committed the deed, he made the following remark to Wiedemann: "I am sorry for this, but I could not help it."

On the evening of the 16th, the *Routh* arrived at Punta Arenas and went alongside the steamer *Northern Light* to disembark her passengers. About dusk, while the passengers were going from one steamer to the other, a bongo, having on board some 25 or 30 armed men, mostly Jamaica negroes, headed by a mulatto man calling himself the "marshal," came over from Greytown

* House Exec. Doc. No. 86, 33d Cong., 1st Sess., p. 230.

and ranged up alongside the *Routh*. The so-called marshal, accompanied by several of his armed men, jumped on board the steamer, and announced his purpose of arresting Captain Smith, by virtue of a warrant from the mayor of Greytown, on the charge of murder. Captain Smith, however, refused to be arrested and armed himself for resistance.

At this stage of the proceedings, Minister Borland, who was at the time on board the *Northern Light*, was informed of what was going on. He immediately went on board the *Routh*, where he found a crowd of persons, among them a number of the armed men from the bongo, in a high state of excitement. The marshal, with his men, was attempting to arrest Captain Smith; and the latter, standing at the cabin door, was keeping them at bay. Mr. Borland at once interposed, telling the marshal that no authority recognized by the United States existed at Greytown to arrest or in any way to interfere with an American citizen, and ordered him to withdraw his men from the steamer and go away. The marshal proposed to exhibit the mayor's warrant under which he was acting, but this Mr. Borland declined to examine.

After some hesitation, the marshal announced his purpose of withdrawing, as advised by Mr. Borland. But while this was going on, and before the marshal and his men had left the steamer, much excitement was manifested among the men who had remained on board the bongo. Loud, threatening language was used by them, and, brandishing their weapons, several at once rushed on board the steamer. At this moment, Mr. Borland, taking a rifle from the hands of a bystander, stepped over the railing upon the guards, and warned the men in the bongo to keep off, and at their peril not to put a foot on the steamer. Upon this, the movement towards boarding the steamer ceased, and in a few minutes the marshal and his men returned to the bongo, and she returned to Greytown.

About dark, Mr. Borland, accompanied by Mr. Scott, a son of the agent of the Transit Company, boarded one of the boats of the *Northern Light* and went across the harbor to Greytown, in order to visit Mr. Fabens, our commercial agent. Soon after arriving there, Mr. Borland heard that at a meeting of the people of the town, held at the station-house, and presided over by the mayor, it had been proposed, and seemingly agreed to, that he (Mr. Borland) should be arrested. In a few minutes the execu-

tion of this act was attempted. A loud knocking was heard at the lower doors of Mr. Fabens' house, and upon his going to ascertain the cause, a body of men, armed with muskets, consisting in part of the regular police of the town, and headed by a Jamaica negro, inquired for Mr. Borland, and declared their purpose of arresting him.

Mr. Borland, hearing this, went down-stairs, and demanded their business with him. The leader informed him that they had come by order of the mayor to arrest him because he had prevented the arrest of Captain Smith. Mr. Borland then repeated to them what he had said to the marshal about their want of authority, and inquired of them if they were not aware of his exemption from arrest in his capacity of minister of the United States. To this they replied that they cared nothing for all that, but that they had come to arrest him, and meant to do it. He then warned them of the serious consequences to themselves and to all concerned with them, if they proceeded to the extremities they proposed. They replied that they knew the consequences and were prepared to meet them. Mr. Borland then declared that they must proceed at their peril, and called several gentlemen, who were in an upper room, to come down and be witness of the threatened assault upon him. Thereupon the leader of the armed force called a Mr. Martin, who was ex-mayor, as if for the purpose of consultation, and Martin not answering, they went off a little from the door, in the direction where, from their manner, they expected to find him.

About this time, Mr. Borland still standing at the door, the mayor (a Frenchman) came up and said that these proceedings had been without his order and authority. To his proposition whether the minister would be satisfied with an address signed by all the respectable inhabitants of the place, expressing their indignation at the insult, Mr. Borland replied: "It is not I who have been insulted, but the government of the United States in my person." This naturally cut off all further endeavors on the part of the inhabitants to redress the matter. While this conversation was going on, some one from the crowd threw a broken bottle which struck Mr. Borland and slightly wounded him in the face. The particular person who threw the missile was not recognized, as the night was dark and there was a crowd on the porch about the door. Soon after this, the crowd dispersed.

Mr. Fabens, the commercial agent, then procured a canoe and crossed the harbor to the *Northern Light*, to make known the state of affairs on the other side. A meeting was held, at which it was agreed to send a committee of three gentlemen to consult with Mr. Boland as to the best steps to be taken. These gentlemen, with Mr. Fabens, proceeded in one of the steamer's boats to the town; but upon approaching the shore, they were hailed by a number of armed men, who fired one gun over the boat, and threatened to fire into them if they attempted to land, and this although informed that Mr. Fabens was on board and desired to go to his consulate. Thus forcibly prevented from landing, the boat returned to the *Northern Light*. During the night, Greytown was occupied by armed men, whose sentinels were stationed between the American consulate (where Mr. Boland still was) and the harbor, challenging all who attempted to pass, preventing boats from landing or leaving, and thus keeping Mr. Boland a prisoner all night.

The next morning, Mr. Boland procured a boat and returned on board the *Northern Light*, where he was informed by Mr. Fabens of the violent and lawless disposition manifested by the people of Greytown. The persons and property of our citizens were not deemed safe from aggression, or from destruction, in the absence of force sufficient to protect them. A meeting of the passengers was accordingly held, at which Mr. Boland proposed to engage the services of 50 men to remain and afford the necessary protection, until our government, informed of the state of affairs, should send a proper force for the purpose. The requisite number of men volunteered, and were organized under the command of Crawford Fletcher. Mr. Fabens took up his abode under their protection, while Mr. Boland embarked in the *Northern Light* to proceed forthwith to Washington and lay the matter before the government.

The *Northern Light* sailed on the evening of the 17th. The next morning the British war-steamer *Argus* arrived. The people of Greytown at once applied to her commander for an order to disperse the force of Americans at Punta Arenas, which he declined giving. The *Argus* remained four days in port, and sailed for Port Royal, Jamaica. On the morning of the arrival of the *Argus*, all the authorities of Greytown resigned their offices. The station-house, with the arms and ammunition belonging to

the town, continued in the possession of the Jamaica negroes, the same who had committed the outrage related above.

With respect to the existing controversy between the authorities of Greytown and the Transit Company, it was alleged by the residents of Greytown that the agents of the company wished to overthrow the authorities for two reasons: first, to relieve the company from port charges; and, secondly, to secure to certain employees of the company possession and title to lands within the jurisdiction of Greytown, acquired under an imperfect title. In order to carry out their object, it was alleged that the President of the United States was informed that it was due to the protection of American property there located, and in transit across the territory occupied by them, that Greytown should be destroyed and the inhabitants thereof dispersed. Accordingly, the President sent the sloop-of-war *Cyane* to the harbor of Greytown, with instructions to demand that immediate indemnity in a large amount should be made to the Transit Company, with prompt apology for the insult offered the United States minister, and satisfactory assurance for the future good behavior of the community.*

On June 10, the *Cyane*, which was then in New York, was ordered to proceed to Greytown. The orders to Commander Hollins included the following admonition:

It is very desirable that these people should be taught that the United States will not tolerate these outrages, and that they have the power and the determination to check them. It is, however, very much to be hoped that you can effect the purposes of your visit without a resort to violence and destruction of property and loss of life. The presence of your vessel will, no-doubt, work much good. The department reposes much in your prudence and good sense.

Meanwhile, on June 24, our consul, Mr. Fabens, notified the late "acting authorities and the people of the town" that the United States Government would require of them reparation for the wrongs they had committed against our citizens. He received no official reply, the town being, as has been said, without political organization. But the information which reached Fabens through private sources was to the effect that the people of the town were fully determined to make no pecuniary redress, either to the Transit Company or to the government of the United States, for

* House Rept. No. 281, 36th Cong., 1st Sess.

any obnoxious acts they might have committed. In the matter of the personal assault upon Mr. Borland, they were especially insulting in their remarks, and regretted, to use their own language, that they had not kept him a prisoner at Greytown and made him answerable for the act alleged to have been committed by Captain Smith.

The *Cyane* arrived at Greytown on July 11. After conferring on the situation, it was decided by Mr. Fabens and Commander Hollins that it would be expedient to renew the demand already made for reparation, and in such a manner as to impress the people of the town with the idea that satisfaction for their past injuries and insults towards American citizens must and would be had. Thereupon Fabens proceeded at once to Punta Arenas, to agree with Mr. Scott, agent of the Transit Company, as to the sum of money proper to be demanded for the losses and damages suffered by the company. Mr. Scott placed the sum at six thousand dollars. This amount being fully approved by Commander Hollins, on the same evening the demand was made, as follows:

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,
SAN JUAN DEL NORTE, NICARAGUA, July 11, 1854.

To those now or lately pretending to and exercising authority in, and to the people of, San Juan del Norte:

GENTLEMEN: On the 24th ultimo, in accordance with the instructions of the government of the United States of America, I notified you that the said government would require of you immediate reparation for the property belonging to the Accessory Transit Company, which was stolen from the said company and received by you, as specified in my letter of that date, as well as for all damages suffered by their agents and employés while endeavoring to repossess themselves of the same. I have now, acting in concert with Commander Hollins, of the United States ship *Cyane*, at present in this harbor, to demand of you immediate payment of the sum of sixteen thousand dollars, which has been adjudged to be the proper sum for you to pay for the said property and the gross outrages perpetrated by you upon the persons of American citizens, as set forth in protests of Mr. Scott of the 12th May last, copies of which have already been served upon you.

There is likewise a claim of the Accessory Transit Company versus the acting authorities of San Juan del Norte for the sum of eight thousand dollars, as specified in my letter to you of the 24th ultimo. This you will be likewise expected to pay forthwith.

For the indignity offered to the United States of America in the conduct of the authorities and people of this town towards their minister, Mr. Bor-

land, while recently in this place, nothing short of an apology, promptly made, and satisfactory assurances given to Commander Hollins of future good behavior on the part of said authorities and people towards the United States and her public functionaries, who may in future be here, will save the place from the infliction which its late acts justly merit.

Your obedient servant,

JOSEPH W. FABENS,

United States Commercial Agent.

To this demand, the same reply, substantially, was given as to the previous one, only it was couched in more insolent language. But the presence in the harbor, at the time, of the British war-schooner *Bermuda* may have had some influence on the conduct of the people of Greytown on this occasion.

On the 12th of July, Hollins decided to give the offenders 24 hours' further notice to render satisfaction, and if this was not offered at the expiration of that time, to bombard the town. He accordingly, on the morning of that day, issued the following proclamation:

PROCLAMATION

To all men to whom these presents shall come, or to whom they may concern, greeting:

Know ye, that whereas certain gross outrages have, at sundry times, been perpetrated by the "authorities" (so called) and people of San Juan del Norte upon the persons and property of American citizens at that place and vicinity, and whereas a serious insult and indignity has been offered to the United States in the conduct of the said authorities and people towards Mr. Borland, United States minister to Central America, for which outrage and insult no indemnity has been given, and no satisfactory reply returned to demands already made:

Now, therefore, I, George N. Hollins, commander of the United States ship of war *Cyane*, by virtue of my instructions from the United States Government at Washington, do hereby solemnly proclaim and declare, that if the demands for satisfaction in the matters above-named, specified in the letter of Mr. Fabens, United States commercial agent, dated 11th instant, are not forthwith complied with, I shall, at 9 o'clock a. m., of to-morrow, 13th instant, proceed to bombard the town of San Juan del Norte aforesaid, to the end that the rights of our country and citizens may be vindicated, and as a guarantee for future protection.

GEORGE N. HOLLINS, *Commander.*

U. S. SHIP "CYANE,"

HARBOR OF SAN JUAN DEL NORTE, NICARAGUA, 9 a. m., July 12, 1854.

Copies of this proclamation Fabens caused to be posted in the three most conspicuous parts of the town, where they were

universally read. The British man-of-war *Bermuda* was still lying in the harbor, right between the *Cyane* and the shore. The British captain, W. D. Jolley, refused to move out of range until the guns of the *Cyane* had been trained so as to rake his decks, when he reluctantly dropped astern. At the same time, he entered a protest against this course of conduct on the part of the American commander. He wrote to Hollins as follows:

The inhabitants of this city, as well as the houses and property, are entirely defenceless and quite at your mercy. I do therefore notify you that such an act will be without precedent among civilized nations; and I beg to call your attention to the fact that a large amount of property of British subjects, as well as others, which it is my duty to protect, will be destroyed; but the force under my command is so totally inadequate for this protection against the *Cyane*, I can only enter this my protest.

To which Commander Hollins at once replied:

The people of San Juan del Norte have seen fit to commit outrages upon the property and persons of citizens of the United States after a manner only to be regarded as piratical, and I am directed to enforce that reparation demanded by my government. Be assured I sympathize with yourself in the risk of English subjects and property under the circumstances, and regret exceedingly the force under your command is not doubly equal to that of the *Cyane*.¹¹

This disparity in force, as one chronicler has it, "is to be regretted, in view of the wearisome and vain diplomacy afterwards spent upon a question which force alone, or the show of it, could finally settle."¹²

On the morning of the 12th, as an earnest of his intentions as set forth in the proclamation, Commander Hollins dispatched a guard of marines and seamen, under the command of Lieutenants Pickering and Fauntleroy, to secure the arms and ammunition in the town, as an evident disposition was manifest among the people to make an improper use of them; and also to assist and protect Mr. Fabens and others in the removal of their property. This duty was quickly performed, and the arms and other things deposited on Punta Arenas, in charge of the agent of the Transit Company, to await further disposition. At the same time, foreigners generally, and those favorable to the United States, were notified that a steamer would be in readiness on the morning of

the day of the bombardment, to convey such as were disposed to a place of safety.

Agreeable to promise, a steamer was sent to the town at daylight on the morning of the 13th. Only a few of the inhabitants accepted the proffered assistance, and were conveyed to Punta Arenas. The majority of the inhabitants either from fright or from a wish to set at defiance the threats made against the town, had left, or were willing to remain and risk the consequences. Hollins had hoped that the show of determination on the part of his ship would, at this stage of the proceedings, have brought about a satisfactory adjustment of the differences; but this total disregard for and contempt toward the government of the United States determined him to execute his threats to the letter.

At 9 o'clock, on the morning of the 13th of July, the *Cyane's* batteries were opened on the town with shot and shell for three-quarters of an hour, followed by an intermission of equal duration, after which the batteries were opened again for half an hour, followed by a second intermission of three hours. At the expiration of this time, the firing was recommenced and continued for 20 minutes, when the bombardment ceased. The object of these several intervals in the bombardment was, that an opportunity to treat and satisfactorily arrange matters might be furnished the inhabitants of the town. No advantage was taken of this consideration, and at 4 p. m., a command, under Lieutenants Pickering and Fauntleroy, was sent on shore with orders to complete the destruction of the town by fire. The property of Mr. De Barwell, a Frenchman, was directed to be exempted from destruction, if possible, as Hollins had learned that he had protested against, and had held himself aloof from, any co-operation with the townspeople or pretended authorities of Greytown. The town was thus destroyed, for the greater part, in the short space of two hours. No lives were lost, although an attack was made by an armed party on the command of Lieutenants Pickering and Fauntleroy; but on the volley being returned, the attacking party fled. The shots were returned more for the purpose of frightening than to destroy life, and had the desired effect.

The execution done by shot and shell amounted almost to the total destruction of the buildings. But it was thought best to make the punishment of such a character as to inculcate a lesson never to be forgotten by those who had for so long a time set

¹¹ Senate Exec. Doc. No. 85, and House Exec. Doc. No. 126, 33d Cong., 1st Sess.

¹² Roche, "Story of the Filibusters," 68.

at defiance all warnings, as well as to satisfy the whole world that the United States had the power and determination to enforce that reparation and respect due them as a government, in whatever quarter the outrage might be committed. The property destroyed was valued by the inhabitants at \$1,200,000."

The Royal Mail-Packet *Dee* arrived in the harbor during the conflagration, but left immediately, taking in tow the *Bermuda*, thus leaving the English subjects referred to in Lieutenant Jolley's report without any assistance. No communication from Lieutenant Jolley was made with the *Cyane* prior to his departure. But Hollins learned that Jolley carried with him a number of the principal participators in the outrages that had been committed by the town of San Juan, and among them was the former mayor, Mr. Martin. On the 14th, Mr. Fabens and his effects were removed to the *Cyane* for safe-keeping, and shortly afterwards the vessel departed for Boston."

At the time these events took place, Greytown numbered about 300 inhabitants, of all sorts, consisting of a few Englishmen, Frenchmen, Germans, and men from the United States, but mainly of negroes from Jamaica and some natives of the Mosquito Shore. There were also two or three natives from the interior of Nicaragua. The Jamaica negroes constituted the majority, and exercised the greatest influence. At the last election and corporate organization, no American (except one mulatto man from New Orleans) was included. Of these people, some 75 to 100 could be mustered for military service, and they had in their possession three brass cannons—one 18-pounder and two 12-pounders—and about 200 muskets. With the exception of a few persons, these people owned no property, and had no ostensible means of livelihood. In their anomalous condition, without a government which any civilized nation could recognize, and occupying, indeed, by usurpation, territory which our government recognized as belonging to Nicaragua, and being, moreover, persons almost without exception of notoriously bad character, some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property whenever they

"House Rept. No. 281, 36th Cong., 1st Sess.

"Senate Exec. Doc. No. 85, and House Exec. Doc. No. 126, 33d Cong., 1st Sess.

were not restrained by force, they could hardly be regarded in any other light than as pirates and outlaws, upon whom punishment to the extent of extermination might rightfully be inflicted by any hand that had the power."

In Mr. Borland's opinion, at least, the interests of good government and humanity imposed the duty on any offended party of inflicting such punishment in a manner at once summary and effective." "But it was a pitiable spectacle," says one historian, "to see a great republic wasting its powder on the miserable huts of these outlaws, while the real offenders against its dignity sat quietly by under the protecting folds of the Union Jack. The guns of the *Cyane* might with more justice have been turned upon the instigators of all the trouble."

The foregoing is believed to be the only full and connected account of the bombardment and destruction of Greytown by the naval forces of the United States. Even Commander Parker, who served on board the *Cyane* at the time, and who published his "Recollections of a Naval Officer" in 1883, disposes of the episode in about four lines. He writes: "The *Cyane* returned to Greytown in 1854 and bombarded it. I have really forgotten on what grounds Captain Hollins did this; but it was a nest of pirates, and the pity is he did not destroy the inhabitants and spare the houses."

"W. H. Parker, who was an acting lieutenant on board the *Cyane*, says: "The town at the time of our visit in the spring of 1853 was inhabited by a lawless set of desperadoes, of all nations, who had organized some kind of a city government. The mayor was said to have been an escaped convict from Sing Sing, and I believe it was so, for the others were evidently tarred with the same brush. They resembled the old buccaneers in everything save courage. These people made a living by preying upon the passengers passing to and from California, of whom large numbers were detained at Greytown a day or two at a time on their passage—more by design than by accident. Nearly every house was a hotel."—Parker, "Recollections of a Naval Officer," 164-5.

"Senate Exec. Doc. No. 85, and House Exec. Doc. No. 126, 33d Cong., 1st Sess.

"Scroggs, "Filibusters and Financiers," 77-78.

"Parker, "Recollections," 170. On July 31, 1854, in compliance with a joint resolution of both Houses of Congress, dated July 28, President Pierce transmitted the official documents in regard to the destruction of Greytown. These documents were printed as Senate Executive Document No. 85, and also as House Executive Document No. 126, of the 33d Congress, 1st Session.

Through the British, French, and German ministers at Washington, the citizens of Great Britain, France, and the Hanse Towns who sustained losses in the bombardment of Greytown tried to secure indemnity from the United States, but without success." It remained, however, for certain citizens of the United States, some years later (in 1860), to petition Congress successfully with regard to the injuries suffered by them through the bombardment. These memorialists alleged that the criminal charges made against the community of Greytown were untrue, and had been fabricated by its enemies for the purpose of deceiving and misleading the United States Government; and they charged that the entire course of the naval and civil representatives of the United States then at Greytown was irregular and unwarrantable, and that they were entitled to indemnity for the losses sustained in consequence of said destruction of their property. The House Committee on Foreign Affairs, regarding it as the duty of a powerful nation to do exact justice to a feeble and unprotected people complaining of injury at its hands, and especially to examine whether citizens of the United States had been injured by their own government acting upon false or insufficient information, recommended the adoption of resolutions for their relief.*

* See Senate Exec. Docs. Nos. 9 and 10, 35th Cong., 1st Sess.

* See House Rept. No. 281, 36th Cong., 1st Sess.

[TO BE CONTINUED]

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LETTERS ON NAVAL STRATEGY

BASED ON THE NAVAL CAMPAIGN OF 1805

By LIEUTENANT HOLLOWAY H. FROST, U. S. Navy

FIRST LETTER

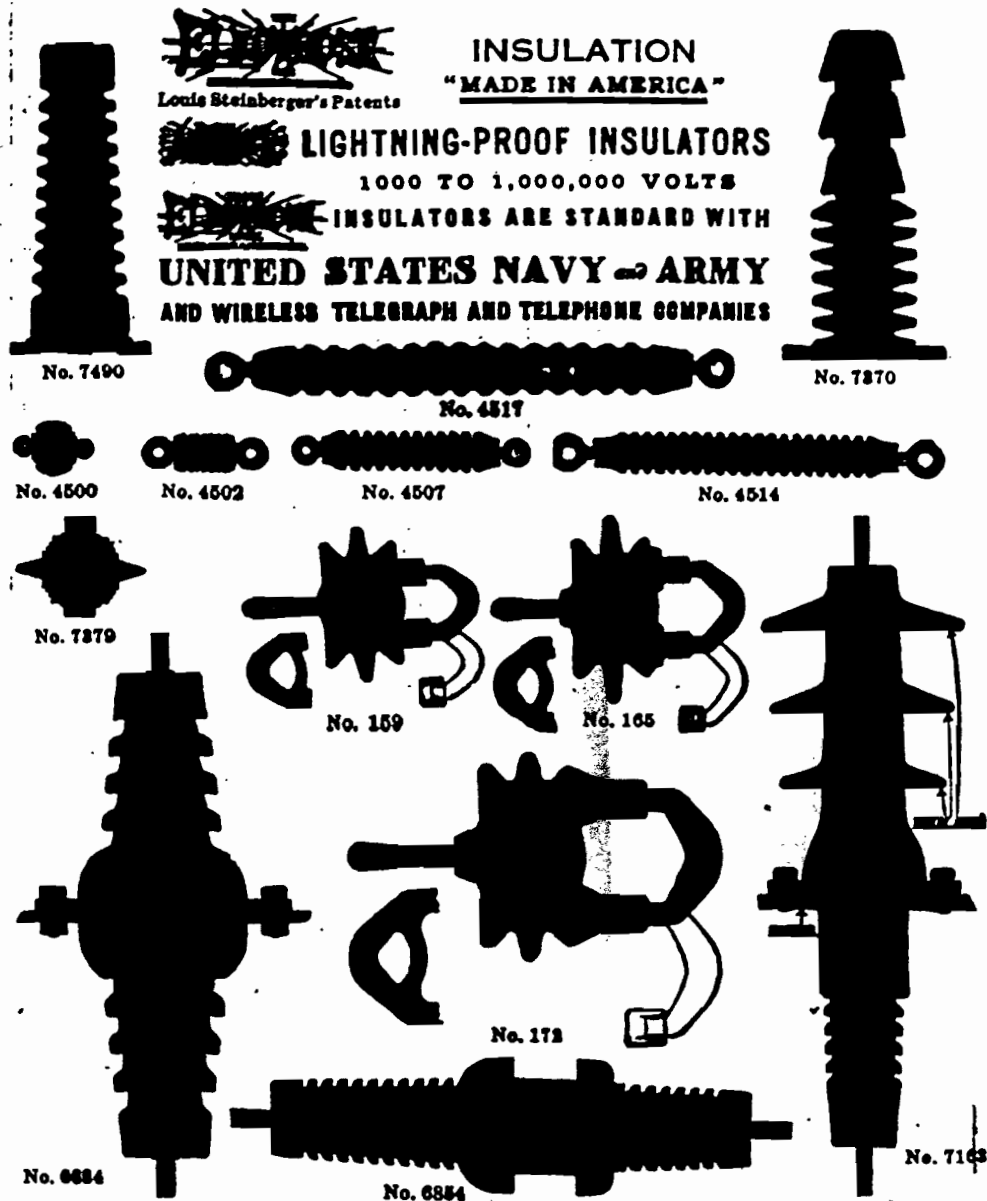
I. INTRODUCTION

The German military writer Prince Kraft zu Hohenlohe-Ingelfingen in his well-known work "Letters on Strategy" describes several military campaigns from the point of view of the commanding generals. By careful and impartial criticism he shows how leaders have in some cases correctly applied the principles upon which the art of strategy is based. In other cases, where leaders have failed to apply correctly these principles, he shows the causes which have been responsible for their failure. Prince Hohenlohe gives us in this way an excellent exposition of the principles of military strategy and the various ways in which they should be applied in land warfare. As yet no one has covered the field of naval strategy in this way. It will be my object to do this.

While there are a great number of campaigns on land which could be used to illustrate the art of military strategy, there have been comparatively few on the sea which can be used for a study of naval strategy.

You must admit that the greatest naval campaign in history from the strategical point of view was that of 1805 between Napoleon and England. This campaign had the whole Atlantic Ocean for its stage, and it might well have spread into the Indian Ocean too had Napoleon wished it. More great leaders played parts in this campaign than in any other on the sea: on the French side was the master, Napoleon; on the English side were Pitt, Barham and Nelson. In addition, and this is most important for our purpose, it has been more carefully studied than any other campaign, and in recent years not only the facts, but even the detailed plans of the opposing leaders have been set forth by careful historians.

FOR ALL THERE IS IN IT—
THIS IS OUR WAR—
WE MUST WIN IT!



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THE NAVY AND FILIBUSTERING IN THE FIFTIES

(CONTINUED)

By LOUIS N. FEIPEL

IV. WALKER'S SURRENDER TO DAVIS IN 1857

While the foregoing events were taking place in and around Greytown, the republic of Nicaragua was being rent by revolution. Two rival parties, the Legitimists and the Democrats, were contending vigorously for the sovereignty. Neither party was strong enough to overcome the other, or permanently to maintain internal tranquillity. But in the midst of this political debility, and at a time when both parties were about exhausted, one of them (the Democrats), late in the year 1854, accepted the proffered assistance of a band of American adventurers, from California, under the leadership of one William Walker.

The resentment that had developed in the minds of the American people as a result of Great Britain's occupation of Central American territory was not without its effect upon the attitude of large numbers of Americans toward the entrance of Walker into Nicaragua. And when he contemplated entering the country, the action of Great Britain was still fresh in men's minds, and any movement tending to check her pretensions on the Isthmus was sure to meet with some favor in all parts of the United States.

From the leader of the Democrats, Walker had obtained a contract to bring to Nicaragua 300 Americans, who were each to receive several hundred acres of land, and who were described as "colonists liable to military duty." This contract Walker submitted to the Federal authorities in San Francisco, who saw nothing in it that would warrant them in interfering. But the "colonists" themselves undoubtedly knew that they were enlisting in an enterprise that was clearly in violation of the neutrality laws of the United States.

In June, 1855, Walker and his band, on board the brig *Vesta*, arrived at Realejo, on the west coast of Nicaragua. There he was met by representatives of the Provisional Director of the Democrats, and warmly welcomed. The upshot of his activities

was, that in June, 1856, he was elected President of Nicaragua. But in this success the neighboring republics saw a menace of their own independence, and soon Costa Rica, Guatemala, Salvador, Honduras, and the malcontents of Nicaragua, declared war against him. Fortune for a while favored Walker, but finally, through the machinations of the financiers who controlled the Accessory Transit Company, and who were inimical to Walker, he was forced to make a last stand in his capital, Rivas.

Shortly after Walker's entrance into Nicaragua, in 1855, orders were issued for some of our warships to visit the Atlantic and Pacific coasts of the republic. They were instructed to look to and protect the persons and property of our citizens, but at the same time, in order that there might be no misapprehensions as to the extent to which they had a right to interfere, their commanders were informed that they had no right, except in very extraordinary cases, to send forces to operate on land, and in no case were they permitted to take any part in the conflicts of the contending parties within the limits of the country. They could and should, however, protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our citizens who wished to escape from scenes of violence and bloodshed, and secure a depository for their property. "Acts of war cannot be committed without the authority of Congress. Repelling threatened outrage upon our citizens, or shielding their property from unjust seizure, or protecting their persons, are not acts of war. They are exertions of power not inconsistent with the relations of peace."¹

Early in November, 1855, the steam frigate *Massachusetts*, Lieutenant Commanding S. Swartwout, arrived at San Juan del Sur, on the Pacific side of Nicaragua. In December, Lieutenant Swartwout visited Granada, the capital of Nicaragua, for the purpose of inquiring after some of his men who had deserted from the *Massachusetts*, as well as for certain deserters from an American merchant ship lying at San Juan del Sur. Some of these deserters had found their way into Walker's army, yet they were all promptly given up on demand. On this occasion, it is said, Lieutenant Swartwout and three of his officers remained three days in Granada, fraternizing with the filibusters. This, together



GENERAL WILLIAM WALKER.

¹ Secretary of State Marcy to John H. Wheeler, Chargé d'Affaires in Nicaragua, November 8, 1855. See Senate Exec. Doc. No. 68, 34th Cong., 1st Sess.

with the unauthorized recognition of the Walker-Rivas government by our minister, Wheeler, only served to increase the impudence and confidence of the filibusters.

The orders to Commodore Hiram Paulding, who had assumed command of the Home Squadron in 1855, were likewise quite explicit. Under date of November 16, 1855, the Secretary of the Navy instructed him as follows:

The course of events occurring for a few years past, and the regular transit of a number of American citizens across the Isthmus to and from the Pacific and Atlantic States, constitute of themselves a sufficient reason for at least an annual visit of a national vessel [to Central American ports]. But recent events seem especially to demand the presence of a part of the Home Squadron, and of an officer whose mature judgment and experience may guide him to proper action under the circumstances which inquiry may develop, and whose commanding position may exert influence and inspire respect. I therefore desire that you, as commander-in-chief of the squadron, should immediately proceed with the flagship, the *Potomac*, to San Juan del Norte [Greytown]. Intelligence has reached your government that citizens of the United States who were passengers on the steamers of the Transit Company have been killed, and others wounded and otherwise maltreated. It is said that they were merely availing themselves of the usual facilities for travelling from one portion of their country to another, and were not engaging in or encouraging the revolutionary movements distracting the people of Nicaragua.²

These orders were supplemented, in December, as follows:

NAVY DEPARTMENT, December 11, 1855.

SIR: The condition of affairs in Nicaragua, instead of assuming the appearance incident to a stable and well-regulated government cheerfully acquiesced in by the people, threatens to become more complicated. Although the instructions already given may be entirely sufficient, it is considered prudent to put you in possession of more recent intelligence, and to advise you distinctly of the relations of your government to the authorities claiming to be in the lawful exercise of the functions of government of that state.

Mr. Wheeler, the U. S. minister to Nicaragua, had been instructed not to recognize or have official intercourse with Mr. Walker, or those who favor his revolutionary proceedings and claim to administer the affairs of that republic. Previous, however, to receiving those instructions, our minister had pursued a different course. I send you a copy of the latest instructions to him, in order that you may distinctly understand the views of your government. The President has called my attention to the following extract from Mr. Wheeler's despatch of the 12th ulto.:

"I hope that soon a ship of war will be at San Juan del Norte. In which event, as I learn from good authority, the present government of Nicaragua will assert its rights to the town and port of San Juan del Norte

² *Ibid.*

by taking possession and hauling down the Mosquito flag and raising their own, it may be proper to give instructions to the commander of any United States ship that may visit that port, since it is said and believed that this occupation by Nicaragua will be opposed by the English naval force, which is always present in that harbor."

It is inferred from this statement that Mr. Wheeler is regulating his movements in regard to San Juan del Norte with the hope of receiving countenance and assistance from the naval force of the United States. It is not, however, inferred that the opinion is entertained that the British naval force will take possession of San Juan for the purpose of occupying or colonizing it, or retaining it at all, but that they may possibly interfere simply to carry out the views of the British Government in the exercise of a protectorate over the Mosquito territory, so far as to prevent any force from "hauling down" the Mosquito flag, and no farther. If that be the case, then I am directed by the President to instruct you to confine any interference on your part exclusively to the protection of American citizens. It is proper that I should add that official correspondence with the British Government confirms the President in the opinion that there is no intention on their part to take possession of San Juan.

You have already been advised that your government differs essentially from the government of Great Britain in its interpretation of the treaty of 1850, and that the President will not recede from or abandon his construction of it. It is proper, however, that I should inform you that the questions arising under the treaty are now the subject of investigation, and that the hope of satisfactory adjustment has not as yet been entirely abandoned.

The instructions from the Secretary of State to Mr. Wheeler will inform you of the views of your government toward Mr. Walker and the present unstable government in Nicaragua, as yet unsanctioned by the people.

I am directed by the President to advise you that it is not expected of you to afford aid or countenance to any force which may attempt to seize San Juan del Norte under the party now assuming to be in power in Nicaragua. You will, however, afford protection to American citizens if there be any in that region who have not abandoned their own country and forfeited claims to protection.

I am not aware of any necessity whatever for detaining the *Fulton*, which bears you these despatches. You will, however, exercise your judgment. I am informed that the machinery is by no means strong, and that it would not be safe to tax her severely.

I am respectfully,

Your obedient servant,"

J. C. DOBBIN.

COMMODORE HIRAM PAULDING,
Commanding Home Squadron,
SAN JUAN DEL NORTE, NICARAGUA.*

* Meade, "Life of Paulding," 180-2. The instructions to Wheeler referred to in the above are dated November 8 and December 7, 1855, and are to be found in Sen. Exec. Doc. No. 68, 34th Cong., 1st Sess. An extract from the earlier one is cited above (p. 1528).

The *Potomac* arrived at Greytown on December 21, 1855. On the following day, Paulding dispatched his fleet surgeon, Thomas Dillard, to visit Minister Wheeler at Granada, with dispatches requesting the facts in connection with the outrages referred to in his instructions. At Paulding's request, also, Wheeler visited Greytown and conferred with Paulding relative to various matters, one of which was the shooting of a sailor of the *Potomac*, at Castillo. While Wheeler was on board the *Potomac*, Commodore Ogle, of the British sloop-of-war *Arab*, called on him, and during the conversation he said that he would be happy to see Wheeler on board his ship "as a private individual, but not as minister of the United States," as he could not extend the salute due to Wheeler, since he [Wheeler] was not then in the country to which he was accredited, namely, Nicaragua. Of course, the invitation was declined. This incident is somewhat significant as to the feelings of the English regarding Greytown at this time.

Paulding's letter to Wheeler, about the shooting of one of the *Potomac's* men at Castillo, is likewise significant of the attitude of Paulding toward Walker at this time, especially so in the light of subsequent developments. Paulding wrote:

The character of General Walker is a sufficient guarantee that such conduct will not escape its merited chastisement, and having brought it to his notice I am quite satisfied to leave the matter in his hands. Be pleased to express to the general my profound acknowledgments, and my best wishes for his success in giving to Central America security and repose.*

On December 28, Captain Hornsby, second in command to General Walker, waited upon Paulding "unofficially" on board the *Potomac*. He said, after Paulding had given him a friendly greeting, that he had come on the part of Walker to invite Paulding to Granada. This, with a civil message to the general, Paulding declined. Hornsby remained on board an hour or more, recounting some of the extraordinary adventures of the filibusters. He also spoke of Greytown, and indicated a purpose of taking it and hauling down the Mosquito flag, making some allusion, at the same time, to the British warships lying in the harbor.[†] Paulding advised Hornsby not to land in Greytown, saying the time had not arrived for them to resist the British protectorate of the Mosquito territory. During the week following, several

* Sen. Exec. Doc. No. 68, 34th Cong., 1st Sess.

[†] The governor of Greytown, it should be remembered, still considered himself under the protectorate of Great Britain.

visitors to the ship gave conflicting accounts of the conditions prevailing, but all of them apparently were anxious to stand well with the commodore. On January 7, 1856, the squadron proceeded to Havana, and there Paulding succeeded in allaying the fears of the authorities in regard to another rumored invasion of the island by filibusters from the United States.⁶

About a month later, namely, on the 18th of February, the Rivas-Walker government issued a decree revoking and annulling the charter and acts of incorporation of the Accessory Transit Company, and directing "all the property of said company to be seized." In obedience to this decree, all the property of the company on the Isthmus was seized. Its value was between \$700,000 and \$1,000,000. The interoceanic communication by way of Nicaragua was thus effectually interrupted, and the persons and property of unoffending private citizens of the United States in that country again became jeopardized. Through its president, Cornelius Vanderbilt, the company, on March 26, requested the interposition of the United States Government, to wrest from the aggressors their plunder, and to restore the company to the enjoyment of its outraged rights.⁷

By the middle of September, 1856, the British had stationed off Greytown a strong fleet, consisting of eight vessels, carrying several hundred guns, and evidently with a view to influencing the result of the war in Nicaragua. No United States vessels, however, were sent thither to watch the movements or to ascertain the intentions of the British fleet.⁸

On the 1st of November, the President of Costa Rica issued a decree, declaring, in its second article: "The navigation of the river San Juan del Norte is prohibited to all kinds of vessels while hostilities against the invaders of the Central American soil con-

⁶ Meade, "Life of Paulding," 146-50.

⁷ On March 24, 1856, the Senate passed a resolution, supplemented on May 8 by a similar measure in the House, calling on the President to transmit to Congress the reports of the Secretary of State, the Secretary of the Navy, the Secretary of the Treasury, and the Attorney General, with reference to the routes of transit between the Atlantic and Pacific oceans through the republics of New Granada and Nicaragua, and to the condition of affairs in Central America. These documents were duly transmitted by the President on May 15, and were printed as Senate Executive Document No. 68, 34th Congress, 1st Session.

⁸ Walker, "The War in Nicaragua," 352-3.

tinue." And the fourth article declared: "The officers and military forces of the republic will carry out this decree, using for that purpose every means within their reach." This was, in fact, a public and explicit declaration to the United States that if they desired to keep the Transit from being closed during the hostilities between Nicaragua and Costa Rica, they must station United States warships at Greytown to resist force with force. But no warships were sent, and the decree was carried out. Moreover, the United States Government does not appear to have taken any steps to re-establish the Transit, or to protect the filibusters who were aiming to re-open it, from interference by the British naval forces.⁹

It was in December that the Costa Ricans, under the command of one Spencer, took possession of the river steamers at Punta Arenas. There being no American war-vessel near, the United States commercial agent at Greytown called on Captain Erskine; of the British warship *Orion*, to protect American interests from the soldiers of Costa Rica. To this request Captain Erskine replied that he had taken steps, by landing a party of marines, to protect the persons and private property of all citizens of the United States; but with regard to the capture of the steamers, he added:

To prevent all misapprehension, I think it, however, right to state that the steamers and other property belonging to the Accessory Transit Company being at this moment the subject of a dispute between two different companies, the representatives of which are on the spot, and one of them authorizing the seizure, I do not feel justified in taking any steps which may affect the interests of either party. With respect to the participation of a force of Costa Ricans in the seizure and transfer of the steamers alluded to, I must observe that these steamers having been for some months past employed in embarking in this port, and conveying to the parties with whom Costa Rica is now carrying on active hostilities, men and munitions of war, it appears that as a non-belligerent I am prohibited by the law of nations from preventing the execution of such operations by a belligerent party.¹⁰

A man named Lockridge was then appointed by the Nicaraguan Transit Company's agent to clear the San Juan River of the Costa Ricans. Lockridge remained for some days at Punta Arenas, engaged in fitting up one of the old disused river steamers for purposes of transportation. But he was not allowed to work without interruption by the British naval officers. On the morn-

⁹ *Ibid.*, 353-4.

¹⁰ *Ibid.*, 345.

ing of the 16th of January, 1857, Captain Cockburn, of the British ship *Cossack*, went ashore at Punta Arenas and inquired for the commander of the armed men occupying the Point. On meeting Lockridge, Captain Cockburn informed him that he had received orders from Captain Erskine, of the *Orion*, to offer protection to any British subjects who might be detained and compelled to bear arms against their will. In accordance with these instructions, Captain Cockburn demanded a list of all the men at Punta Arenas, and required them to be paraded in his presence, that he might read to them the orders of Captain Erskine. The men were accordingly drawn up on the beach, and Cockburn read to them the order of Erskine. The concluding sentences of the order were:

Should any of the party in question claim protection as British subjects, and their claims appear to you to be well founded, you will acquaint the officer commanding, that these men must be permitted to withdraw from their present position; and you will (in the event of his acquiescence) either give these men a passage to Greytown, or take them on board Her Majesty's ship under your command, to await my decision as to their disposal, as they may desire. In the event of the aforesaid officer resisting such a course as I have pointed out, you will inform him that, in the first place, no person whatever under his command will be permitted to leave their present position, to proceed up the river or elsewhere, until my demands shall be complied with; and, secondly, that I will adopt such measures to enforce the rights of British subjects as I may think best adapted to the purpose.

Ten of Lockridge's men claimed and received protection under this order of Erskine, and were taken from the Point in Cockburn's boat.

Walker's comment on this proceeding is as follows:

The instructions of Her Majesty's Government must have been indeed stringent, when they induced honorable officers to degrade themselves to the work of inciting men to desert a cause they had voluntarily embraced; for Cockburn, not satisfied with reading Erskine's orders, had also advised the whole of Lockridge's command of the dangers they ran in attacking the large force the Costa Ricans had concentrated on the river.¹¹

On the 6th of February, the American sloop-of-war *St. Mary's*, Commander Charles H. Davis, arrived at San Juan del Sur, on the Pacific side. Promptly in her wake came the British war-steamer *Esk*, Captain Sir Robert McClure. The day after his arrival, Sir Robert sent a boat's crew on board a small schooner lying near the shore, to ask the meaning of the ensign which she

¹¹ *Ibid.*, 356-7.

was flying at the masthead. It was a handsome flag, composed of three horizontal stripes—blue, white, and blue. In the middle stripe, which was twice the width of either of the outer ones, was a five-pointed red star. The ensign was that of the new filibuster republic of Nicaragua, and the vessel, as her commander—one Fayssoux—politely replied, was no other than the Nicaraguan schooner-of-war *Granada*.¹² Sir Robert then ordered Fayssoux to come on board the *Esk*, and to bring his commission with him; to which the plucky Missourian replied that he would do nothing of the kind. And when the English captain threatened a broadside, the Nicaraguan commander beat to quarters—he had a score of men—loaded his two 6-pound carronades, and awaited destruction as calmly as if he had had the deck of a 74 under his feet. But Sir Robert, either fearing to exceed his authority, or laboring under the delusion that Commander Davis, of the *St. Mary's*, might not relish the idea of seeing his fellow countrymen annihilated before his eyes, softened the demand into a request for a friendly visit, which Fayssoux thereupon paid him.

When Sir Robert went to Rivas, some days afterwards, to demand an explanation of Fayssoux's conduct, he was met by Walker with the stern inquiry: "I presume, sir, you have come to apologize for the outrage offered to my flag and the commander of the Nicaraguan schooner-of-war *Granada*." And the gallant sailor is said actually to have forgotten his wrath in his wonder, and to have made a suitable apology to the wounded dignity of the chief of a thousand men and one schooner. "If they had [had] another schooner," said he, "I believe they would have declared war on Great Britain."¹³

¹² Walker, having confiscated the Nicaraguan schooner *San Jose* for carrying a false register, had had her fitted out with some guns, and had placed her under the command of Fayssoux, renaming her the *Granada*. Fayssoux, the only commander in the navy of Walker's ephemeral republic, was a splendid specimen of the sailor-filibuster. A native of Missouri, he had seen service in the Texan Navy, as well as in Cuba with Lopez and Pickett. The first exploit of the *Granada* was an engagement with the Costa Rican brig *Once de Abril*, carrying three times the armament and six times the crew of the *Granada*. The Costa Rican vessel was blown out of the water after a two-hour fight, and the *Granada* remained mistress of the Pacific Central American waters until the arrival of the *St. Mary's*.—Roche, "Story of the Filibusters," 116, and Walker, "The War in Nicaragua," 233 ff.

¹³ Roche, 138; Walker, 385-6.

On the 19th, the *Esk* left for Punta Arenas. Commander Davis, meanwhile, had paid the *Granada* an official visit, and soon sent word to Walker that he wished to visit Rivas on business. Walker promptly ordered an escort to conduct him to the town, and on the 18th he arrived at headquarters. He spent the afternoon and night in Rivas, and in his conversations with Walker studiously addressed him as President. During his stay, the officers who accompanied Davis passed freely through the camp. Davis stated to Walker that the captain of the *Narragansett*, a coal ship at San Juan, would require her small boats (then in Walker's possession), before going to sea. These boats had been brought from the Transit some weeks previously, with a view to using them to regain possession of the lost river steamers; but as they were now useless for this service, Walker told Davis he did not object to returning them to the *Narragansett*. At the same time, Walker mentioned to Davis that the lake and river steamers, belonging to the American owners of the ocean steamships between Nicaragua and the United States, were precisely analogous to the boats of the *Narragansett*, and having asked for the latter, it was only right that Davis should also demand the former from the Costa Ricans. The Transit Company, he said, could no more carry on their business of transporting passengers between the Atlantic and Pacific ports of the United States without the property then in the hands of the Central American allies, than the *Narragansett* could go to sea without her small boats. Davis appeared to see the analogy between the two cases, and said he would visit San Jorge after leaving Rivas, to speak with the general of the allies on the subject.

From Rivas, Davis went to San Jorge. He demanded to know from the general of the allies if the Americans on the small steamers were held against their will, for such was the current report through the country at the time. Being informed that these men served the allies voluntarily, Davis was fully satisfied. He took no further steps to ascertain the facts in relation to these Americans, and contented himself with the unreliable assurances of a Spanish-American official. This apparent prepossession in favor of the allies was strongly resented by Walker; and so, when a lieutenant from the *St. Mary's* arrived to take possession of the *Narragansett's* boats, Walker told him he could not give them up unless Davis treated both belligerents alike and pressed his de-

mands against the allies with as much vigor as those he might make on the Nicaraguans.¹⁴

Shortly afterwards, the allies asked Davis to prevent the further landing of recruits for Walker at San Juan del Sur, alleging that such an act would be in complete conformity with the policy of the American Government, which on numerous occasions had prevented the departure of expeditions from the United States. Davis replied that while the officers of his government were bound to enforce the neutrality laws within the jurisdiction of the United States, this did not mean that naval officers must enforce such laws within the territory of foreign powers. He stated further that his government recognized a condition of civil war in Nicaragua, and was neutral as between the parties thereto. As a neutral, he would lend his aid to neither party, but would see that the property and lives of American citizens were duly protected.

In protecting American lives, Davis showed commendable zeal. A band of Costa Ricans fired on a party of sailors from the steamer *Orizaba*. They had been sent ashore to obtain water, and one of the sailors was made prisoner. Davis intervened and secured the man's release. Furthermore, on April 24, Davis sent Lieutenant Huston and a corporal of marines into the filibuster capital (Rivas), after securing the consent of the belligerents, in order to remove the women and children to San Juan del Sur under the protection of the American flag. Immediately after Lieutenant Huston entered the Nicaraguan camp, he was told to forbid his corporal to speak with the soldiers about facts or events at San Juan del Sur. In spite of this injunction, however, the corporal told exaggerated stories about the number of men the allies had at San Juan, and about their strength generally.

Lieutenant Huston remained in Rivas during the night of the 23d, and he frequently expressed his surprise at the cheerful and confident aspect of affairs in the place. Before leaving with the women, he informed Walker that Commander Davis had ordered him to say that any communication he had to make to Macdonald, the agent of the Transit contractors at San Juan del Sur, should be faithfully delivered. Walker replied, "he did not desire to write to Macdonald"; but added that Lieutenant Huston might say to Commander Davis, and as a communication for Macdonald, "he considered his position in Rivas impregnable to the force at

¹⁴ Walker, 385-8.

the disposal of the enemy so long as his provisions lasted; if Lockridge did not join him in Rivas by the time his commissary stores were exhausted, he would abandon the place and join the force on the San Juan; and he considered himself wholly able to carry out such a movement." Macdonald afterwards told Walker that he never received this message. From this fact Walker inferred that Davis's offer was a mere effort to entrap Walker into writing something which might seem to justify Davis in the course he subsequently took.¹⁵

On the morning of the 24th, the women and children left Rivas in charge of Lieutenant Huston, and under the protection of the United States flag. Their departure was a great relief to Walker, as it removed one of the most serious obstacles to a movement from Rivas; and it was reasonable to suppose that their absence would inspire new spirit and resolution into the troops thus relieved of an inconvenient burden. Far from this, however, desertions, which had almost ceased since the 11th, recommenced after the 24th.¹⁶

While the situation at Rivas was growing more critical every hour, Captain Fayssoux, at San Juan del Sur, was being approached with bribes to surrender the *Granada*. It has been said that circumstances pointed strongly to the fact that Commander Davis was not in ignorance of this corrupt overture. At the special request of Davis, Captain Fayssoux had gone aboard the *St. Mary's* to meet Colonel Garcia, a representative of the Costa Rican general. Garcia made the proposal to Fayssoux, and the latter indignantly spurned it, turning his back on the corruptionist. Fayssoux being found to be impregnable to such sinister offers, another man was paid \$5000 to betray the *Granada* into the hands of the enemy, but that scheme likewise failed.

The solicitude of Captain Davis for the success of the allies seems to have been shown in other ways also. Colonel Estrada, the allied commandant at San Juan del Sur, and Captain Fayssoux entered into a truce whereby each was to refrain from active hostilities for a certain period. Notwithstanding the fact that the agreement was honorably kept by Fayssoux, the enemy continued their erection of barricades in the town in violation of the truce. Though Commander Davis had suggested this truce, yet afterwards he held Captain Fayssoux strictly to its terms, while he

permitted Colonel Estrada to continue the building of fortifications.¹⁷ But on the 27th of April, Captain Fayssoux sent word to Davis that inasmuch as the enemy were acting in bad faith, he would be compelled to fire upon them from the *Granada*. Davis thereupon sent his first lieutenant, Maury, to Fayssoux to ask if he would not wait until Davis heard from Rivas. Fayssoux replied that he would, if Davis would then go on shore and destroy the barricades. Lieutenant Maury could not answer that question. Fayssoux then told him that if the enemy did not stop, he would fire in half an hour. Lieutenant Maury then went to Colonel Estrada and said that Commander Davis looked on the truce as at an end, and that Fayssoux would fire in half an hour. Colonel Estrada wished to debate the question, and again pleaded ignorance; but Lieutenant Maury reiterated his statement that Fayssoux would fire. Estrada then agreed to let the barricade alone, and that the truce should be observed.

The first note was sent to Colonel C. J. Macdonald, and was shown by him to Commander Davis, who said that he would take Fayssoux if he did fire, as he thought it would be his duty. Macdonald was also requested by Davis to go on board the *Granada* and transmit Davis's threat. Macdonald asked for the threat in writing, and Davis offered to give it, but after further conversation on the subject, he sent the above message to Estrada. Commander Davis acknowledged to Macdonald that it would be Fayssoux's duty to fire if the enemy did not desist. To Fayssoux, this course of reasoning on the part of Davis was incomprehensible, on the supposition of Davis's neutrality. Fayssoux maintains that although he himself was perfectly aware of the treachery of the enemy at all times, and of their violation of the truce in building barricades in reach of his guns, he permitted them to go on to a certain extent, hoping to turn the barricades to his own advantage. And thinking it politic, he did not urge upon Davis his duty to destroy those already begun or completed, though he took occasion to let the officers of the *St. Mary's* know his views on the subject, and that he thought Commander Davis was easily satisfied with promises which were constantly broken; that he (Fayssoux) had had opportunities of gaining advantages, but had scrupulously kept the truce.¹⁸

¹⁵ Jamison, "With Walker in Nicaragua," 1909, 157-8; Walker, 414 ff.

¹⁶ Walker, 418-9.

¹⁷ Walker, 410-1.

¹⁸ Walker, 411.

By the end of April, Davis came to the conclusion that Walker's position in Rivas was no longer tenable; and he therefore visited the allies in the capacity of mediator, proposing to end the conflict by removing Walker and his American associates from the country. This proposition was readily assented to by the allies, as it achieved all that they were contending for, without further fighting or expense. Davis thereupon communicated with Walker. Several messages were exchanged before negotiations were finally undertaken. Early in the evening of April 30, the preliminaries were arranged, and Walker sent two envoys to Davis in the camp of the allies. Davis told them that he had full knowledge of Walker's situation, and that they could hold out only a few days longer. He knew that the Americans lacked food and were deserting in large numbers; and he proposed that the survivors should surrender to him, and that Walker and 16 officers whom he might select should go on board the *St. Mary's* and proceed to Panama, while the other officers and the men were to be taken to Panama by another route, accompanied by a United States officer and protected by the American flag. Such an astonishing demand had doubtless never before been made by a subordinate naval officer upon the President of a friendly government.

Henningsen, one of Walker's envoys, was inclined first to demur, saying that it was not yet certain that reinforcements would not arrive, in which event Walker could easily cut his way out of Rivas and embark in the *Granada* at San Juan del Sur. Davis then announced that he would not allow the *Granada* to leave port, but intended to take possession of her before he left San Juan. The conference lasted until two o'clock in the morning, when the envoys returned to Rivas, promising to give Davis Walker's answer the next morning at ten, if negotiations were not broken off.

Davis's announcement of his determination to seize the *Granada*, which would have cut off all hope of escape for Walker, made his proposition nothing less than an ultimatum, to which Walker found that he must agree or perish. Accordingly, articles of capitulation were drawn up at Walker's headquarters, and were accepted by Davis. The text of the agreement was as follows:

Rivas, May 1, 1857.

An agreement is hereby entered into between General William Walker, on the one part, and Commander C. H. Davis, of the United States Navy, on the other part, and of which the stipulations are as follows:

Firstly: General William Walker, with 16 officers of his staff, shall march out of Rivas with their side-arms, pistols, horses, and personal baggage, under the guarantee of the said Captain Davis, of the United States Navy, that they shall not be molested by the enemy, and shall be allowed to embark on board the United States vessel-of-war, the *St. Mary's*, in the harbor of San Juan del Sur, the said Captain Davis undertaking to transport them safely, on the *St. Mary's*, to Panama.

Secondly: The officers of General Walker's army shall march out of Rivas with their side-arms, under the guarantee and protection of Captain Davis, who undertakes to see them safely transported to Panama, in charge of a United States officer.

Thirdly: The privates and non-commissioned officers, citizens, and employees of departments, wounded or unwounded, shall be surrendered, with their arms, to Captain Davis, or one of his officers, and placed under his protection and control, he pledging himself to have them safely transported to Panama, in charge of a United States officer, in separate vessels from the deserters from the ranks, and without being brought into contact with them.

Fourthly: Captain Davis undertakes to obtain guarantees, and hereby does guarantee, that all natives of Nicaragua, or of Central America, now in Rivas, and surrendered to the protection of Captain Davis, shall be allowed to reside in Nicaragua, and be protected in life and property."

Fifthly: It is agreed that all such officers as have wives and families in San Juan del Sur, shall be allowed to remain there under the protection of the United States consul, till an opportunity offers of embarking for Panama or San Francisco.

General Walker and Captain Davis mutually pledge themselves to each other that this agreement shall be executed in good faith."

At five o'clock in the afternoon of May 1, Davis entered the plaza of Rivas. After the text of the agreement between Walker and Davis was read, Henningsen stepped forward and announced to Walker's men that they were under the control of Commander Davis and under the protection of the American flag, and that they would be expected to yield to the naval officer the same implicit obedience that they had rendered to their former commander-in-chief. Henningsen then formally turned over the garrison to Davis, and the latter also spoke to the men, asking

"The lenity, unheard of before in Central American warfare, which the allies thus offered to the men whom they had vowed to exterminate, shows how highly they valued the services of Commander Davis in removing them from the country. That they did not keep their merciful promises to the native prisoners, but harried them in the good old-fashioned way as soon as the *St. Mary's* had sailed away, does not detract from the merit of their promise. They would doubtless have promised anything in order to be rid of the troublesome filibusters.—Roche, "Story of the Filibusters," 149.

* Walker, 424-5; Jamison, 159-60; Roche, 148-9.

them to assist him in carrying out his arduous task. Davis and Henningsen then repaired to Walker's headquarters, but found them unoccupied. While the proceedings just narrated were taking place, Walker and his chosen officers had procured horses and taken the road to San Juan del Sur, escorted by General Zavala, of the allies.

Walker and his chosen staff of officers, with the exception of Henningsen, took up their quarters on board the *St. Mary's* on the night following the surrender. Davis did not arrive until the following morning, when he proposed that Walker should surrender the *Granada* to him without the necessity of using force. The agreement had made no mention of this, and Walker accordingly declined to surrender the vessel. Davis, however, would not listen to Walker's arguments, and ordered his first lieutenant, Maury, to seize the craft. Maury boarded the *Granada*, and ordered Fayssoux to surrender. The doughty captain replied that he would do so only in the face of a superior force. The guns of the *St. Mary's* were then turned on the schooner, and the boats of the war-ship manned with a hundred armed men and a howitzer. Maury now told Walker that if he desired to avoid bloodshed, he should order Fayssoux to surrender. The fallen filibuster thereupon wrote Fayssoux this note: "Deliver the *Granada* to the United States." Soon afterwards the Nicaraguan flag came down and was replaced by that of the United States. The Nicaraguan navy was no more. Finally, to make the filibuster cup of bitterness full, Davis, on May 4, turned the *Granada* over to the Costa Ricans. The officer who took charge of her was a Jamaica negro.

"This act of Captain Davis," says a participator in the events, "joined to his previous conduct, convinced me then, and time has not changed my opinion, that it was merely the culmination of an agreement made by the English naval officers, the allies, and Captain Davis, that General Walker and the Americans should be expelled from Nicaragua."²¹

The survivors of the expedition, to the number of 364, were sent to Panama, where they were cared for by Commodore Mervine, commander of the Pacific Squadron. The women and children whom Davis had removed from Rivas during the hostilities, had been placed in the house of the American consul at San

²¹ Jamison, 161.

Juan del Sur, and the officers of the *St. Mary's* contributed between \$400 and \$500 for their maintenance. These, with the sick and wounded, and the officers left behind by Walker, were taken to Greytown,²² where surgeons from the British warship *Orion* assisted in caring for the ill. The American sloop-of-war *Cyane* then took the entire party, numbering 142, including 13 women and five children, to Aspinwall, where they arrived on June 16. A letter from an officer on board the *Cyane* thus describes their condition:

Most of them were in a horrible condition. Many of them were at the point of death. Some were covered with wounds, others with disgusting sores, and all were lousy and dirty. . . . We did all we could for them; but as bad weather set in, on the way back to Aspinwall, all had a hard time. However, only two died on board.²³

Commodore Paulding, commanding the Home Squadron, endeavored to obtain passage for them to New York on some regular steamer, but the steamship company would agree only to take the well ones as far as New Orleans. The surgeons of the *Orion* insisted that the sick should be taken to a more northerly climate, and all were accordingly carried to New York and Boston in Paulding's flagship (the *Wabash*) and the *Cyane*. The sloop-of-war *Saratoga* was left on duty at Greytown.²⁴

Meanwhile, Commodore Mervine, at Panama, found himself greatly encumbered with more than 300 of Walker's men. They were in great distress and a constant menace to the health of Mervine's own command. He finally sent them, by rail, from Panama to Aspinwall, whence they also found their way eventually to the United States.²⁵

The only apparent authority which Davis possessed for his intervention was his instructions from Commodore Mervine to protect the persons and property of American citizens. It is true, the Secretary of the Navy had sent directions to Mervine to give Walker and such of his followers as were citizens of the United States an opportunity to retreat from Nicaragua, but Davis acted before these instructions were received. At any rate, the Navy

²² The officer who escorted the 250 privates and non-commissioned officers to Virgin Bay is said to have cursed his job.—Roche, 150.

²³ Midshipman George H. Perkins, U. S. N., quoted in Alden's "George Hamilton Perkins" (1914), 54.

²⁴ Meade, "Life of Paulding," 172 ff.

²⁵ Scroggs, 294-307, *passim*.

Department approved all that Davis had done, except his seizure of the *Granada* and her delivery to one of the belligerents. Some persons have held that Davis's secret orders were no other than that he should aid the allies in forcing Walker and his men out of Nicaragua.²⁸

Walker claims that these orders were given to Secretary of State Marcy by Cornelius Vanderbilt, President of the Accessory Transit Company, and that Marcy gave them to Commodore Mervine, who was an intimate friend of Marcy's. Davis, however, claims that he acted on his own responsibility, and solely in the interests of humanity, in order to save Walker in spite of himself.

Davis's son (and biographer) says: "He knew perfectly well that Walker deserved his fate; but he could not lie still in the *St. Mary's* at San Juan del Sur and see American citizens butchered in cold blood within reach of his arm, no matter how criminal or misguided they might be." . . . The fact is, Davis saved Walker's life, and the lives of his officers and army; for that there would have been a general massacre at Rivas, following capitulation, no person conversant with the situation and the character of the people engaged ever doubted. It was admitted by several of Walker's own officers. Davis himself wrote from Mare Island, in March, 1858, as follows:

Among the things which I put down to mention to you, is my having received numerous calls from officers of the army in San Francisco and here. . . . They all spoke of the affair at Rivas, and adopted the view that I saved Walker and his people from the terrible fate of Colonel Crabbe and his party in Mexico. It was apparently the object of their call to express their approval of my course, and sympathy with me in relation to Walker's attacks. General Sanders sent me a note, of which the inclosed is a copy. [The note was extremely flattering.] He was the third in command at Rivas. General Frey, by far the most respectable American officer Walker had with him in character and talents, and a very pleasant gentleman, called with a party of friends to pay his respects and offer his thanks and congratulations. . . . The right view of my conduct seems to have been taken in San Francisco. . . . I have no feeling now on the subject, but I shall never cease to wonder at the delusion of the South in accepting Walker's assertion that I forced him to leave Rivas. I will dismiss the subject by saying . . . that I have one feeling paramount to all others, and that is gratitude that I was relieved from the horror of witnessing the slaughter of my countrymen, as it occurred in Havana and in Lower California, without the

²⁸ Roche, "Story of the Filibusters."

ability to succor them. This would have been a calamity as enduring as my life. I thank God that He permitted me to escape that."

Posterity, however, is inclined to regard Davis's conduct as reprehensible. To quote the words of one authority:

Never has the government of the United States lent itself to the designs of predatory wealth so disgracefully and so flagrantly as it did when, at the dictation of Cornelius Vanderbilt, and without a shadow of right or excuse, it used the American Navy to oust William Walker from the Presidency to which he had been legally elected by a sovereign people. Its unjustified persecution of Walker, to serve the spite of a money-lord, forms one of the darkest stains on our national history.²⁹

Walker's reception in New York, on his return to the United States, was like that of a conqueror. He went to Washington to lay before the State Department his complaint against Commander Davis, and was received with diplomatic politeness; but the case was referred to the consideration of Congress, where it was effectually buried under a mountain of verbiage. Thence Walker made a journey through the South, being welcomed and fêted with even more enthusiasm than he had received in the North.³⁰ He soon began fitting out an expedition to re-enter Nicaragua and resume the rights and powers of which he so resolutely maintained he had been wrongfully deprived.³⁰

²⁹ Davis, "Life of Davis," 102-4.

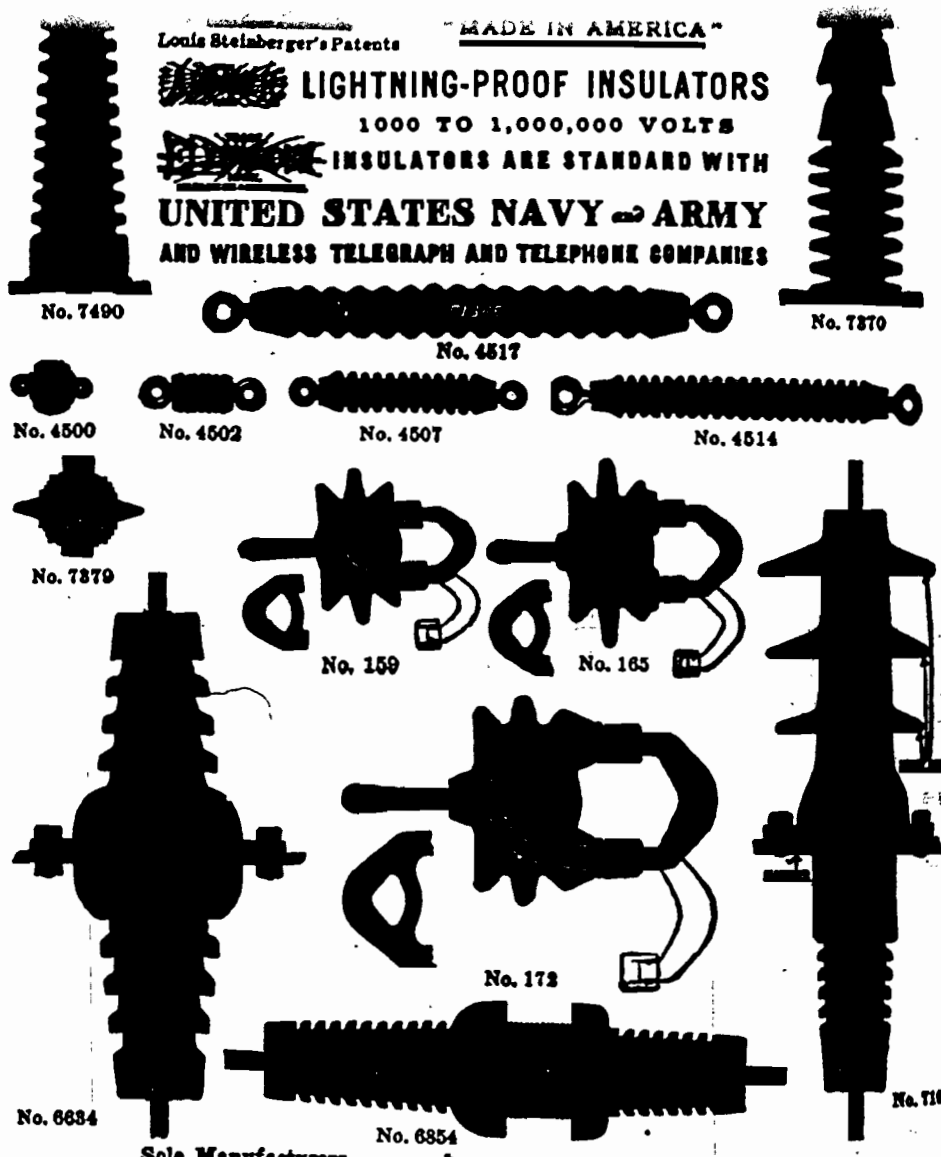
³⁰ Powell, "Gentlemen Rovers" (1913), 207-8.

³¹ Roche, 159.

³² Jamison, 163-4.

[TO BE CONTINUED]

OUR WAR SAVINGS STAMPS
FOR ALL THERE IS IN IT—
THIS IS OUR WAR—
WE MUST WIN IT!



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either transcribing or translating is a little tedious. With shells shrieking about one's quarters, or exploding over one's shoulder, transcribing or translating such messages would no doubt become rather irksome, but doing such things with a clear head and a steady hand even under the most trying circumstances was then and is now the task of a soldier.

The ciphers of the Confederacy herewith described are not likely to be used or be encountered by the American soldiers of today in the course of their tour of duty. It is not improbable however that the information conveyed may be of service to some one of them, somewhere, sometime; that is, the basic idea involved may be of value. This is especially true of the dictionary code employed by the Confederate Naval Department. According to Lincoln's "Revelations of an International Spy" (1916), the dictionary code is still in use on the continent pretty much as Commander Semmes of the C. S. S. *Sumter* proposed to use it—the first number representing the page, the second number the column, and the third the word's place in the column. A more recent writer on the subject of German plots, John R. Rathbone, has by the way had the Kaiser's government substituting for a dictionary the New York World Almanac.

So far as the general reader is concerned, this modest lesson in cipher dispatches may serve to heighten his appreciation of the next story he reads in which a crafty spy is cast as the heavy villain.

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THE NAVY AND FILIBUSTERING IN THE FIFTIES (CONTINUED)

By LOUIS N. FEIPEL

V. WALKER'S SURRENDER TO PAULDING IN 1857

While the foregoing events were taking place, another movement upon Nicaragua was being planned in the United States. Various attempts had been made, from time to time, to found colonies in the lands granted by His Mosquitian Majesty, but they had uniformly failed. Finally, in 1852, the titles were purchased conditionally by one Henry L. Kinney, who, relying on these titles, turned up at Greytown toward the end of 1854. After Walker's entrance into Nicaragua, in 1855, Kinney agreed to recognize him as commander-in-chief of the Nicaraguan Army, if Walker in turn would recognize him as governor of the Mosquito Territory. Walker, however, replied: "Tell Mr. Kenny, or Colonel Kenny, or Governor Kenny, or whatever he likes to call himself, that if he interferes in the affairs of Nicaragua, and I get hold of him, I will most assuredly hang him."

In 1856, Kinney was placed under arrest on a charge of treason, and forced to surrender his governorship. But in 1857, after Walker had been arrested by Commander Davis, he managed to interest some English Mormons in his grant, and one of their agents agreed to buy one-half of the territory. On the strength of this agreement, Kinney borrowed a sum of money from some Panama merchants, and with several companions sailed to Greytown, where he landed on April 19, 1858. They attempted to take possession of the government, but were arrested and placed in the guard-house. Captain C. H. Kennedy, of the United States sloop-of-war *Jamestown*, then intervened in their behalf, and received the prisoners on board his vessel, after they had given their solemn promise in writing not to return to Grey-

* Wraxall, *Remarkable Adventurers* (1863), ii, 271.

town except with peaceful intentions toward the local authorities. Kinney then went to Aspinwall, and from there took passage to the United States.

In the fall of 1857, also, rumors of the new expedition against Nicaragua, under the command of Walker, became current in the United States. The two Central American representatives in Washington—Irisarri and Molina—at once notified Secretary of State Cass of the enterprise, and begged the American Government to prevent the landing of the expedition at any Central American port, in case its departure from the United States could not be prevented. Cass immediately sent a circular letter to all the United States marshals, district attorneys, and collectors of the ports of the Southern and seaboard states, notifying them of the projected expedition, and urging them to be diligent in enforcing the law. This circular read as follows:

DEPARTMENT OF STATE,

WASHINGTON, September 18, 1857.

SIR: From information received at this Department, there is reason to believe that lawless persons are now engaged within the limits of the United States in setting on foot and preparing the means for military expeditions to be carried on against the territories of Mexico, Nicaragua, and Costa Rica, republics with whom the United States are at peace, in direct violation of the sixth section of the act of Congress, approved 20th April, 1818. And, under the eighth section of the said act, it is made lawful for the President, or such person as he shall empower, to employ the land and naval forces of the United States, and the militia thereof, "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States." I am, therefore, directed by the President to call your attention to the subject, and to urge you to use all due diligence to avail yourself of all legitimate means at your command to enforce these and all other provisions of the said act of 20th April, 1818, against those who may be found to be engaged in setting on foot or preparing military expeditions against the territories of Mexico, Costa Rica, and Nicaragua, so manifestly prejudicial to the national character and so injurious to the national interest. And you are also hereby instructed promptly to communicate to this Department the earliest information you may receive relative to such expeditions.

I am, sir, your obedient servant,

LEWIS CASS.

Copies of this circular were sent, at the same time, by Secretary of the Navy Toucey, to the commanders of vessels in Central American waters, as well as to the commandants of the navy-yards at Portsmouth, New York, Boston, Philadelphia, Norfolk,

Pensacola, and San Francisco.' The steamer *Fulton*, under the command of Lieutenant John J. Almy, was ordered to touch at Mobile and New Orleans, on her way to Central America. Almy was instructed to report to the Department what he could learn in those cities concerning the probable departure of the filibusters. He likewise carried the instructions to the other naval officers in the Caribbean with regard to the enforcement of the neutrality law.

To every naval officer these instructions were exceedingly vague, as they were originally intended only for civil officers in American ports. Almy, accordingly, before sailing, wrote for a fuller explanation of his duties in carrying out his instructions. The questions he asked were doubtless uppermost in the minds of all his fellow officers stationed in Central American ports. Since the neutrality law applied only to ports of the United States, or to those under its jurisdiction, were they to seize a suspicious vessel in a foreign port, or merely prevent its passengers from landing? Again, what were they to do if the passengers informed them that they were travellers intending to cross the Isthmus, or were merely peaceable settlers? The Secretary's reply was not very enlightening. "Naval officers," he wrote, "were not to act arbitrarily, or on mere suspicion, and they were to be careful not to interfere with lawful commerce; but where a vessel was manifestly engaged in filibustering, they were to use the force at their command to prevent men and arms from being landed." As a matter of fact, the stationing of American men-of-war in foreign ports to enforce the laws of the United States was such an anomalous proceeding, that no cabinet officer could have given specific directions as to the exact procedure that should be followed.

After reaching Mobile, Almy heard rumors of a filibustering expedition, but could learn nothing sufficiently tangible to justify official action. He found public sentiment very favorable to the movement, and there was a general opinion that the Washington administration was disposed to wink at such enterprises. This impression Almy strove to correct. He also found that the finan-

Our war-vessels in Central American waters at that time were: The steam-frigate *Wabash*, Commodore Hiram Paulding; the sloop-of-war *Saratoga*, Commander Frederick Chatard; and the sloop-of-war *Decatur*, Commander Henry K. Thatcher.

¹Senate Doc. No. 13, 35th Cong., 1st Sess.

cial distress was then so acute that the contemplated movement was seriously hampered by a lack of funds. Similar conditions prevailed at New Orleans, and Almy reported his findings to the Secretary of the Navy, after which the *Fulton* proceeded to her destination.

The visit of the *Fulton* to Mobile and New Orleans evidently had the effect of conveying the idea that the government was in earnest, and was exercising a watchful eye over these reported expeditions; in short, that it would make the filibusters extremely cautious in their proceedings. The leaders of the movement accordingly managed their affairs in such a way as to deceive Captain Almy, and, after his arrival at Chiriqui, about November 10, he informed Commodore Paulding that filibusterism was dead, and that there was not the least possibility of Walker's leaving the United States with his followers.*

The contemplated expedition did, however, manage to sail shortly afterwards, and succeeded in reaching Nicaragua in spite of the vigilance of the steam frigate *Susquehanna*, which had been ordered to proceed from Key West to Honduras, and to cruise along the coast from Cape Gracias to Greytown. On November 25, 1857, the filibusters, on board the steamer *Fashion*, sailed boldly into the harbor of Greytown, and the greater portion of the men (about 150) were landed on Punta Arenas. This landing took place under the very eyes of the officers on the sloop-of-war *Saratoga*, which had been stationed in the harbor to prevent just such an occurrence. It seems that Commander Chatard's suspicions were entirely lulled when the filibuster steamer came in so boldly and passed so near to him, showing only about 15 men on deck. Great was his chagrin, however, when he saw several hundred men, armed with rifles, being landed. He was now confronted with the same problem which had puzzled Almy. He did not wish to open fire on the vessel in a neutral port, and so stop the disembarkation; and he realized also that once the men had landed, he would have no jurisdiction over them.† In great

* Meade, "Life of Paulding," 195.

† It does not clearly appear whether the supplemental instructions of October 12 to Lieutenant Almy were communicated to Commodore Paulding and Commander Chatard or not, but inasmuch as Almy reported to Commodore Paulding as early as the 10th of November, on his way to Chiriqui, it may be presumed they were.—Senate Rept. No. 20, 35th Cong., 1st Sess.

perturbation he wrote to Commodore Paulding, at Aspinwall, urging him to come to Greytown at once. He reported to Paulding, in part, as follows:

"My crew, as I told you, I consider too inefficient to do anything but use the big guns. I might blow steamers and all to pieces, but I do not feel the circular gives me the authority; it is too obscure in its directions to admit of my proceeding to such an extreme—the only way in which I could interfere. The vessels come properly cleared for Greytown, and pronounced all right before sailing from the United States, and I cannot, in my opinion, pronounce them wrong and legally act against them."

Accompanying this official communication, Chatard sent Paulding a private letter bewailing his own stupidity in allowing the filibusters to outwit him. "Somehow or other," he wrote, "I was spellbound, and so my officers seemed to be. . . . I beg you, sir, in the most earnest manner, to come here and advise me. I am in a very cruel state of mind, and look gloomily to the future."

About the same time, General Walker sent a letter to Paulding complaining that Commander Chatard was subjecting him to petty annoyances. On the ground of protecting American property, Chatard had refused to allow the filibusters to occupy the buildings of the Transit Company on the Point. Some of the *Saratoga's* officers, not in uniform, he declared, had entered the filibuster camp without noticing the sentry's challenge. Target practice with howitzers was carried on so close to Walker's camp that a stray shot might have caused serious trouble. And, finally, Chatard had notified Walker that his camp was in the way of any shot the *Saratoga* might have to fire in order to bring to a suspicious vessel, and that the camp must therefore be moved. Walker, it seems, had already moved part of his camp to avoid danger from Chatard's target practice, and so he paid no attention to this last demand. Piqued at being foiled by the filibusters, Chatard vented his spite in these petty ways, in the hope that he would provoke them to commit some act that would justify him in interfering and breaking up the expedition, and thus retrieve to some extent his blunder in allowing the filibusters to land.

On the 30th of November, a brig bearing Sardinian colors, and having the Nicaraguan flag at the fore, entered the harbor of

* House Exec. Doc. No. 24, 35th Cong., 1st Sess.

† MS. Archives, Navy Dept., Home Squadron, ii, 58.

Greytown. Soon after she rounded the Point, a number of armed boats pulled off from the *Saratoga* towards the brig, and an officer boarded her. It was plain, therefore, that Chatard, by treating vessels in the harbor precisely as if they were on the high seas, was attempting to maintain the police of the port in derogation of the territorial rights of Nicaragua. And on December 2, Chatard also notified Walker to the following effect: "I am determined to bring all vessels to, that I may fully inquire into their character."

In the meantime the *Fulton* arrived at Aspinwall, by way of Chiriqui, and Lieutenant Almy reported to Paulding, as instructed. Paulding, resenting the fact that Almy, in the *Fulton*, had been ordered to Chiriqui, instead of being first sent to report to him at Aspinwall, wrote to Secretary Toucey, under date of October 20, as follows:

The Department will not fail to observe that my feelings as commander-in-chief of this squadron must be very much wounded when I say that the service of the government could have been better performed if Commander Almy had been sent to me, and some discretion had been given me by the Department for employing the force nominally under my command, instead of its being assigned to duties at a distance from home by the government, whom [who] it is impossible should so well understand the localities and the most proper measures to be taken for a given purpose. . . . In my judgment, it would be better for the Department to supersede an officer whenever it wants confidence in his capacity for command. . . . It will be apparent to the Department that I must feel that my prerogatives, as commander-in-chief of the squadron, are turned aside with but little consideration, and that my presence here can have but a slight appreciation. . . . Without presuming to intrude discourteously upon the Department, it is proper that I should present my views, and, in doing so, to say that the duties of this command cannot be discharged in a manner due to the good order and efficiency of the naval service unless the Department shall be observant, and exact of the officers a strict conformity to its military character. . . .

To this astounding letter, Secretary Toucey replied:

It was not the intention of the Department to intimate any doubt of your knowledge or capacity, or of your disposition promptly to discharge any duty assigned to you. But the Department will reserve to itself the right, under the immediate direction of the President, to despatch a vessel to any point, upon any emergency, under specific instructions, directing its commanding officer to report to the flag officer of any squadron subject to those instructions.*

* House Exec. Doc. No. 24, 35th Cong., 1st Sess.
* *Ibid.*

As soon as Paulding received the letters of Chatard and Walker, he made ready to go to Greytown, where he arrived on December 6. The *Wabash*, his flagship, anchored just outside the harbor—which was too shallow for her draft—and directly opposite the filibuster camp. On the next day, the *Fulton* arrived, making three American men-of-war off the Point. On the same day, the British steam frigate *Leopard* and the monster ship-of-war *Brunswick* anchored near the American men-of-war. The arrival of so many war-vessels caused the filibusters no little apprehension. But as the hours passed, and nothing untoward happened, Walker believed that the American vessels were there only to watch the British, and to prevent any interference from that quarter. During the day, several boats put out from the *Saratoga* and proceeded up the river; but as these were supposed to be watering parties, they attracted no particular attention, except from the experienced filibusters, who noted that the boats did not come back. Shortly after midnight, Walker quietly sent Fayssoux up the river in a canoe to learn the object of the boat expedition. He found that the boats were maintaining a blockade. This information was kept from the other filibusters, but the next morning Fayssoux and Hornsby were sent to Paulding to protest. Paulding told them that the river had been blockaded to prevent Walker's men from ascending it, and that he intended making all the men prisoners and carrying them back to the United States.

Preparations were at once made for landing a force on the Point. On December 8, 300 marines and sailors were sent on board the *Fulton*, the smallest of the American warships, to which Paulding then transferred his flag, and she was taken into the Transit Company's wharf. There the men were landed, under circumstances of great difficulty, while the ship, in a heavy sea-way, was rolling her scuppers to the water. The work of getting out the boats, and arming, was attended with great labor and almost insuperable difficulty, yet everything was done in so seamanlike and skilful a manner, that it was accomplished in the shortest possible time, without loss or accident. Lieutenant Sinclair superintended the general duty of the ship, and when the marines and seamen were embarked in the *Fulton*, took command and direction of the howitzer barges, and deployed them in their position in the harbor on the left of Walker's camp. The marines

of the squadron, commanded by Lieutenants Lewis and Payne, and three divisions of seamen from the *Wabash*, with small arms, and commanded by Lieutenants Fairfax, Beaumont, and Paulding, landed and deployed in order of battle on the right and rear, all exhibiting the skill and tactics of practiced troops. The force amounted in all to about 350. When these arrangements had been made, and the broadside of the *Saratoga* sprung to bear on the front, there was no chance of successful resistance on the part of the filibusters. The demonstration of superior force was well managed, and Walker, familiar with the events of the preceding night, was not surprised at the movement.

Before Paulding's arrangements were altogether completed, Walker dismissed his guard and disbanded his military organization, telling some of his more impetuous followers, who were spoiling for a fight, that resistance would be the height of folly. Paulding next sent Captain Engle to Walker with a written demand for his surrender. The two met and shook hands, and Engle delivered his communication. The letter read, in part, as follows:

The mistake he [Chatard] made was in not driving you from the Point Arenas when you landed there in defiance of his guns.

In occupying the Point Arenas and assuming it to be the headquarters of the army of Nicaragua, and you its commander-in-chief, you and your associates being lawless adventurers, you deceive no one by the absurdity.

Lieutenant Cilley, of the *Saratoga*, informs me that he was in uniform, and you say he was in plain clothes, when you threatened to shoot him.

Whilst you use such threats, it may be of some importance for you to know that if any person belonging to my command shall receive injury from your lawless violence, the penalty to you shall be a tribute to humanity.

Now, sir, you and your followers are here in violation of the laws of the United States, and greatly to its dishonor, making war upon a people with whom we are at peace; and for the sake of humanity, public and private justice, as well as what is due to the honor and integrity of the government of the United States, I command you, and the people associated here with you, to surrender your arms without delay, and embark in such vessels as I may provide for that purpose. . . ."

"House Exec. Doc. No. 24, 35th Cong., 1st Sess. The effect of this letter upon the people of Washington, when it was first published in the United States, about December 27, 1857, is thus recorded by one of Paulding's friends: "As to your letter to Walker, its stern and terse Anglo-Saxon spirited phrases are in every one's mouth, especially the delicate and new method of stating the hanging alternative." (See Meade, 199.)

Walker read the letter without changing a muscle of his face, and then remarked: "I surrender to the United States." Engle then asked him to lower his flag, and Walker ordered one of his officers to do so. After further conversation, Engle remarked: "General, I am sorry to see an officer of your ability employed in such a service. Nothing would give me greater pleasure than to see you at the head of regular troops." "Engle then ordered the naval forces back to the ships, and returned to the *Fulton*.

Several oral messages now passed between Paulding and Walker, and one of these, misunderstood by the bearer, greatly offended the commodore. It seems he had tried to show Walker some consideration, and had sent him word that the officers and men would have separate quarters. Walker replied that he was asking no special benefits, and Paulding, regarding this as a piece of impudence, ordered Walker's immediate embarkation on the *Fulton*. What followed may best be told in Paulding's own words, as contained in a letter to his wife:

Upon this he came to see me, and this lion-hearted devil, who had so often destroyed the lives of other men, came to me, humbled himself, and wept like a child. You may suppose it made a woman of me, and I have had him in the cabin since as my guest. We laugh and talk as though nothing had happened, and you would think, to see him with the captain and myself, that he was one of us. He is a smart fellow, and requires a sharp fellow to deal with him."

There was something almost dramatic in the meeting of these two men for the first time, and the officers and crew could barely conceal their excitement as the filibuster chieftain stepped on the deck of the *Fulton*. The gigantic frame of the commodore in uniform contrasted strangely with the slight figure of the general in somber civilian garb; and observers noted that Walker's eyes were very red, an indication, as Paulding himself has testified, that his emotions had gotten the better of him.

It was the irony of fate that just as Walker surrendered to Engle, and his red-starred flag was hauled down, a belated river steamer, the *Morgan*, which had gone aground 12 miles up-

"Another version of this dialogue has it that Captain Engle said to Walker: "General, I am sorry to see you here. A man like you is worthy to command better men." To which Walker is said to have grimly replied: "If I had a third the number you have brought against me, I would show you which of us two commands the better men." (Davis, "Real Soldiers of Fortune.")

"Meade, "Life of Paulding," 190.

stream, came in sight, having 12 filibusters and 30 Costa Rican prisoners on board. A detachment of United States marines seized the boat, liberated the prisoners, captured the filibusters, and placed the steamer in the keeping of the United States commercial agent at Greytown. Mr. C. J. McDonald, the agent of Morgan and Garrison, who had accompanied Walker to Nicaragua, claimed the *Morgan* on behalf of his principals, but Paulding recognized him as one of the filibusters, and sent him on board the *Saratoga*.¹²

When Walker surrendered, some 40 of his men took to the chaparral, intending to make their way up the river and join Colonel F. P. Anderson, one of Walker's lieutenants. On the following day, the marines beat around the dense undergrowth, and by night had rounded up 32 of the men. The rest had taken a boat and gone up the river. On the night after the surrender, the denizens of Greytown came over and plundered the camp to their heart's content. A few stores that remained were placed on board the *Wabash* to be turned over to the United States authorities.

The officers and men, with the exception of Walker and one other, were placed on board the *Saratoga*, and on the 12th of December, less than a month after their departure from Mobile, they were on their way back to the United States. Walker was not placed on board the *Saratoga*, on account of the ill-feeling between him and Commander Chatard. The *Saratoga* took the men and officers to Norfolk, while the *Wabash* returned to her station at Aspinwall.

Walker gave his parole to Paulding to return to the United States on the regular mail steamer, and to surrender himself on reaching New York to the United States marshal. His conduct on the *Wabash* was in complete contrast with his attitude toward the officers of the *St. Mary's* after his surrender to Davis. On that vessel he had been morose, insolent, and overbearing, while he was now genial and conciliatory. As Paulding reached Aspinwall five days before the scheduled departure of the New York steamer, he endeavored to persuade Walker to remain on board the *Wabash*, where he would have had better quarters than on shore; but Walker declined to remain even for another meal after the vessel cast anchor, and took a room at one of the town's indifferent hotels.

¹² Meade, p. 197.

When the *Wabash* steamed away from Greytown, Colonel Anderson was still up the river. The *Fulton* was therefore sent to the mouth of the Colorado, and the *Susquehanna*, Captain Joshua R. Sands, which had just arrived, was stationed at the mouth of the San Juan, thereby preventing the escape of Anderson and his men, as well as the landing of any reinforcements for Walker that might be on their way from the United States. On hearing of Walker's capture, Anderson abandoned his stronghold and placed his force on board the steamer *Ogden*. On December 20, he sent a letter to Captain Sands, stating that he wished to disband his command, and inquiring whether they would be permitted to enter Greytown. Most of them, he stated, wished to return to the United States. Sands replied that he would send back to the United States any man who would surrender to him on board his ship. On the 24th, Sands took his boat's crews up the river and captured the remaining filibusters on the *Ogden*. Anderson surrendered under protest. The command, numbering 45, were taken to Aspinwall, in the *Fulton*, and there transferred to the *Wabash*. Paulding set them ashore at Key West, and Walker's third filibustering expedition was likewise a thing of the past.

The intelligence of the capture of Walker and his followers was received by the government of Nicaragua with much satisfaction. In the name of the Republic, Maximo Gerez, General of the Nicaraguan forces, extended his thanks to Paulding on board the *Wabash*, in January, 1858. The Minister Plenipotentiary of Nicaragua in Washington was also expressly directed to make known to the government of the United States that Nicaragua approved with full satisfaction the capture, on its own territory, of the filibusters by the naval forces under Paulding. Directions were further given that its assent to that incursion should be published in all the journals of the United States; and the Central American press republished it with the greatest enthusiasm.¹³

Chatard, as we have seen, had held that it was not "due diligence" or legitimate means to arrest the *Fashion* within a foreign port. In this construction of his orders he was not sustained, but, with marked severity, was suspended from his command and ordered to return to the United States, there to await the action of the Navy Department. The punishment of this officer, for his doubts, was thus communicated to Commodore Paulding by the Secretary of the Navy, under date of December 18, 1857:

¹³ Senate Exec. Doc. No. 10, 35th Cong., 2d Sess.

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" Senate Exec. Doc. No. 10, 35th Cong., 2d Sess.

Should the *Saratoga* not have left before you receive this, you will suspend Commander Chatard from his command, and order him to return to the United States to await the further action of the Department. You will then place Lieutenant George S. Sinclair in command of the *Saratoga*, with directions to carry out the instructions to Commander Chatard, of the 16th ultimo, to proceed to Norfolk."

But Chatard had already left, with the *Saratoga*, about December 12, and arrived at Norfolk on January 1, 1858.

This suspension of Commander Chatard was accompanied by new orders to Commodore Paulding, enjoining "particular vigilance." These orders read, in part, as follows:

The three points which it is most important to guard are Aspinwall, Chiriqui, and San Juan del Norte, and with this [in] view you will dispose of the forces under your command to the best advantage. The President directs me to inform you that he considers it all-important that you should not leave the neighborhood of these points until further instructed by the Department, which you are hereby ordered not to do under any circumstances."

The vessel bearing this despatch arrived at Aspinwall on the 31st of December. But the communication, having been directed to Greytown instead of Aspinwall, had been left at Kingston, Jamaica, thence forwarded to St. Thomas, thence to Greytown and Aspinwall, finally reaching Paulding at his residence in Huntington, Long Island, on March 17, 1858, some time after he had been relieved of command of the Home Squadron. As it was, Paulding arrived at Key West, on board the *Wabash*, on January 17, 1858. There the prisoners taken on the San Juan River by Captain Sands were delivered over to the custody of the marshal of that district, to undergo examination. On February 9, the *Wabash* sailed for New York, and on the 18th, Paulding was detached from command of the Home Squadron."

The first orders detaching Paulding from the command of the Home Squadron read as follows: "You are hereby detached from the command of the Home Squadron, and a leave of absence is granted to you for three months, at the expiration of which you will report to this department [the Navy Department]." This order was subsequently withdrawn, however, lest it might be misunderstood as a reprimand and suspension; and the following order, addressed "Flag Officer Hiram Paulding, Commanding Home Squadron, New York," was substituted: "Having been over two years in command of the Home Squadron, you are hereby detached from that command, and you will regard yourself as on leave of absence for three months."

"House Exec. Doc. No. 24, 35th Cong., 1st Sess.

"Senate Exec. Doc. No. 63, 35th Cong., 1st Sess.; also, Meade, 191.

"Senate Exec. Doc. No. 63, 35th Cong., 1st Sess.

U. S. NAVAL INSTITUTE SECRETARY'S NOTES

Change in Board of Control

Captain W. H. Standley, U. S. Navy, was selected as a member of the Board of Control by the Board to fill the vacancy created by the resignation of Brigadier General John A. Lejeune, U. S. M. C.

Ballots for Election of Officers

Members are requested to return the signed ballots for the election of officers of the U. S. Naval Institute, 1918-1919.

Dues

Regular and associate members of the U. S. Naval Institute are subject to the payment of the annual dues until the date of the receipt of their resignation.

Book Announcements

Routine Book, 1918, by Captain Reginald R. Belknap, U. S. Navy, will be ready for issue about August 1. The *Routine Book* in a concise form comprises the general features of organization, administration and ordinary station bills in the service and is applicable to all classes of vessels. Unbound copies of the *Routine Book* for bulletin board purposes may be obtained if desired. The table of contents may be found in the book list.

Seamanship Department Notes containing new Mooring Board problems and The Landing Force Manual, U. S. Navy, 1918, are now ready for issue.

Prize Essays 1919


The attention of all the members and the subscribers to the U. S. NAVAL INSTITUTE PROCEEDINGS is invited to the new rules governing the Prize Essay contest for 1919 under the heading of Special Notice in this number. It is requested that authors who are writing or who contemplate writing essays submit them at their earliest convenience, as the Institute is in pressing need of articles for publication in the PROCEEDINGS.

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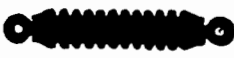
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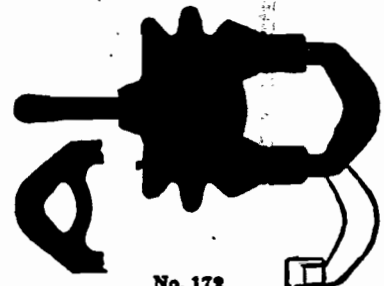
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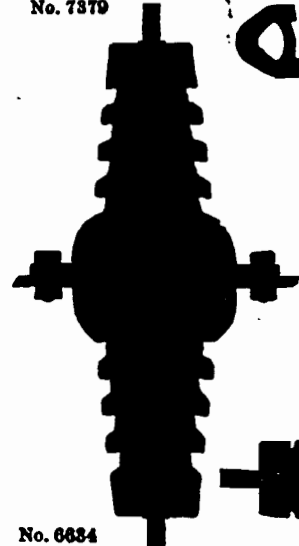
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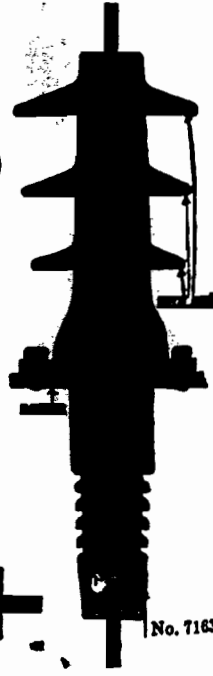
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ANNAPOLIS — MARYLAND

On the 17th Villeneuve reached Cape St. Vincent, where he was observed by two English cruisers. On the 20th he arrived off Cadiz, where Collingwood was lying with his four of the line. Magon's light squadron drove him off and the combined fleet went into port. Collingwood with rare courage resumed the blockade. The fact that he was able with four of the line to hold a position close up to 30 of the enemy shows the very superior seamanship of the English and what a great advantage it gave to the English admirals. If French or Spanish ships tried to do such a thing they would have been overtaken and captured in no time.

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U. S. NAVAL INSTITUTE, ANNAPOLIS, MD.

THE NAVY AND FILIBUSTERING IN THE FIFTIES

(CONCLUDED)

By LOUIS N. FEIPEL

THE WALKER-PAULDING INBROGLIO

Upon his return to the United States, Walker lost no time in laying his case before the administration. It was the duty of the American Government, he said, to return his men to the place from which they had been forcibly removed, and to salute the flag of Nicaragua for the insult it had received.¹

Secretary of State Cass admitted that the government had no right to detain Walker in custody, and he was accordingly released. This act was regarded by Walker as the administration's disavowal of Paulding's act. But the arrest of the filibusters naturally called forth a number of different opinions in the United States. The abolitionists loudly applauded the deed, and were fully satisfied in stating that Paulding had acted in obedience to the "higher law." On the other hand, indignation meetings were held in all the principal cities of the South, at which resolutions were adopted remarkable chiefly for their fervid language. Several Southern Congressmen also gave notice that they would introduce a resolution that Walker be returned to Nicaragua in a national vessel.

On January 4, 1858, the House of Representatives passed a resolution, requesting the President to inform the House, "if not incompatible with the public interest, whether the government of Nicaragua has made any complaint against our government on account of the act of Captain Paulding in arresting William Walker and his followers within the territory of Nicaragua." Secretary of State Cass, to whom this resolution was referred by President Buchanan, replied, on January 7, that no such complaint had up to that time reached his department. Also, on January 4,

¹ *New York Herald*, Dec. 29, 1857, quoted by Scroggs.

the Senate passed a resolution calling for "the correspondence, instructions, and orders to the United States naval forces on the coast of Central America, connected with the arrest of William Walker and his associates."

The transmission of this information the President made the occasion for a special message, in which he declared that Paulding, in landing an armed force on Nicaraguan soil, had committed "a grave error," which should not go unnoticed, lest it be construed as a precedent. It was evident, however, that the commodore, whom the President referred to as "a gallant officer," had acted "from pure and patriotic motives and in the sincere conviction that he was promoting the interest and vindicating the honor of his country." While Paulding's act was a violation of her sovereignty, Nicaragua had sustained no injury therefrom, but rather had been benefited by the removal of a hostile invader. Nicaragua alone had any right to complain. Walker, himself an invader, could not conceivably complain of the invasion by Paulding. If the naval officer had arrested Walker at any time before he entered the port, he would have been wholly justified, and would have performed a praiseworthy act, as the eighth section of the neutrality law empowered the President to use the land and naval forces of the United States to prevent the "carrying on" of such expeditions to their consummation after they had succeeded in leaving the country. It was commonly believed, however, that if the administration had not been so anxious, just at that time,

¹ On May 19, 1858, the Senate passed another resolution, requesting the President "to communicate to the Senate all correspondence, instructions, and orders, not heretofore communicated to either branch of Congress, connected with the arrest of William Walker and his associates by the naval forces under the command of Commodore Paulding, including all the correspondence between him and the Navy Department since the arrest of Walker in relation thereto, or in relation to the property or persons seized by the forces under his command, and including, also, copies of any letters, orders, or instructions, if any, addressed to Commodore Paulding, which may have been subsequently withdrawn from him by the Navy Department, and the reasons for such withdrawal." These documents were printed and published as Senate Executive Document No. 63, 35th Congress, 1st Session. Finally, on December 21, 1858, the Senate called for copies of all the letters and correspondence on file in the Navy Department, between the President of Nicaragua and Commodore Paulding, in relation to the capture of Walker. These documents were printed and published as Senate Executive Document No. 10, 35th Congress, 2d Session.

to please the extreme South wing, Paulding would have been most signally sustained. The Secretary of the Navy is even reported to have said to a naval officer high in rank, that whatever he (the Secretary) might politically think, he entirely approved of Paulding's conduct officially.²

The Walker-Paulding imbroglio was now due to receive a thorough airing in both Houses of Congress. Debates on the subject continued, with brief intervals of suspension, for the next five months. The critics of the administration—in other words, Walker's supporters—argued as follows: (1) Walker was guilty of no violation of the neutrality law, inasmuch as the expedition was not organized on a military basis within the jurisdiction of the United States; (2) even if this were the case, the emigrants could not be lawfully molested, once they had reached the high seas, inasmuch as the laws of a nation are not in effect at a distance exceeding a marine league from its shores; (3) neither Chatard nor Paulding, therefore, had any right to interfere with Walker in the harbor of Greytown, or on the high seas,³ and in removing Chatard for not acting, and censuring Paulding for acting, the administration was guilty of gross inconsistency; (4) the act of landing an armed force could be no greater breach of Nicaraguan sovereignty than the act of forcibly preventing their landing; (5) the fact that Nicaragua did not complain was no justification of Paulding's act, that matter being beside the point; and, finally (6), even Nicaragua's full consent to the arrest, previously obtained, would not *ipso facto* have empowered the President to authorize the seizure, unless he had previously received such authority by an act of Congress.

Critics of Walker were found among both Northern and Southern delegations. The same is true with regard to the defenders of Paulding, though the latter got only occasional commendation from the South. Senator Mallory, of Florida, was one of Paulding's warmest defenders. He knew the Commodore personally, and regarded him as one of the brightest ornaments of the service.

² Meade, pp. 199-200.

³ It will be recalled that Commander Davis refused to prevent the landing of recruits for Walker at San Juan del Sur, when requested to do so by the Central American allies, on the ground that it was not his duty to enforce the laws of the United States within the territorial jurisdiction of a foreign power.

He held that "the instructions were vague, and might be interpreted so as to authorize this action." Mr. Zollicoffer, of Tennessee, also was inclined to blame the author of the instructions, rather than the man who tried to carry them out. If Chatard could lawfully have prevented the landing in a neutral port, Paulding could lawfully have landed a force and broken up the expedition landed. Wright, of Georgia, sought to secure consideration of a set of resolutions, declaring the arrest unlawful but in accordance with the instructions of the Secretary of the Navy. Senator Crittenden, of Kentucky, was also among those who denied that Paulding had committed a grave error. Other defenders of the naval officer were Messrs. Thompson, Pottle, and Palmer, of New York; Curtis, of Iowa; and Ritchie and Montgomery, of Pennsylvania.

In the Senate, moreover, Doolittle, of Wisconsin, introduced a joint resolution directing the presentation of a gold medal to Paulding "as a testimonial of the high sense entertained by Congress of his gallant conduct." Brown, of Mississippi, immediately moved to strike out all but the enacting clause, and substitute a resolution disavowing and condemning the officer's action. "Great God!" he exclaimed, "Commodore Paulding, commanding as many, perhaps, as one hundred guns—I have not made the estimate of it, but there were certainly so many—having disposed of them at his leisure, with five or six hundred men, captures—what? Walker and a handful of filibusters, who laid down their arms at the very first summons, and made no sort of resistance upon paper or anywhere else; and Congress is called upon to vote a falsehood—that in this there was extraordinary gallantry! I know very well that the commodore, writing home to the government, says that all his men behaved with extraordinary gallantry. Why, sir, I suppose the next thing will be, if our army should approach Salt Lake, and all the Mormon men should be away, and they should make a desperate charge and capture all the women, they must all have medals for their extraordinary gallantry. [Laughter.] It would be a very much more gallant act than this act of Paulding, and one much more deserving a medal." In short, whenever this medal resolution came up for discussion,

*Speeches of Albert G. Brown (1859), p. 519.

it precipitated such a flood of debate, that its consideration would be postponed, until finally it was talked to death.

Paulding's defenders based their arguments on the following considerations: (1) Walker was a fugitive from justice, and an American officer had a right to arrest him anywhere, with the consent of the country in which he had sought asylum; (2) this consent had practically been given in the note of Molina and Irisarri, dated September 14, 1857, when they asked that a naval force be stationed off the coast to prevent the filibusters from landing; (3) even if there were no previous consent, the point at which Walker disembarked (Punta Arenas) was an uninhabited barren waste, over which no country had ever effectively extended its jurisdiction, and the landing of an armed force there was no real violation of foreign territory; finally, (4), the United States was responsible to any friendly power for an armed invasion of its territory by American citizens, and because of its responsibility it was justified in taking the measures necessary to break up the expedition.

The debating, in short, showed much conflict of opinion. The friends of neither Paulding nor Walker accepted the viewpoint of the administration, and consequently President Buchanan was subjected to severe criticism. At the same time, many who agreed with the President in condemning both the filibuster and the naval officer, strongly disapproved the government's method of dealing with the case. The severest arraignment of all came from Senator Slidell, of Louisiana. Paulding received some censure from him, but the denunciation of Walker was unsparing. Paulding, he declared, by his high-handed action, had succeeded only in arousing a false sympathy for the filibuster, and had given him a martyr's crown. Slidell defended the administration in its displacing of Chatard for not acting against the filibusters, while censuring Paulding for acting. Chatard, he said, should have arrested Walker and his followers on board their vessel. This was an American ship, flying the American flag, and was therefore a bit of American territory no matter where it might be. The

*Neither of these gentlemen, at that time, was entitled to speak officially for Nicaragua, it is true, but on November 15, three weeks before Walker's arrest, Irisarri had been formally received as the representative of that country.

organization of an armed expedition on the decks of that vessel was therefore a violation of the neutrality law, and her voyage was illicit. As long as the filibusters remained on board, they were subject to arrest; but once they had stepped on foreign soil, they were beyond the jurisdiction of the United States.¹

In the end, the information transmitted to Congress by the President was referred, in the Senate, to the Committee on Foreign Affairs, and in the House to the corresponding committee, except that that part dealing with naval orders and instructions was referred to the House Committee on Naval Affairs. The Committee on Foreign Affairs was thus apparently charged with an inquiry into the international relations of the subject, the duties of our government and people towards those of other friendly nations, the proper construction of our neutrality laws, the just power, and authority, of our government over Walker and his associates, and whether, as a measure of government, their arrest was justifiable and proper in these respects, or otherwise; while the Committee on Naval Affairs was charged with inquiring into the administrative aspects of the subject, or the relations which certain officers of the navy bore towards the government, and more especially whether the arrest of Walker and his associates by Paulding was authorized by the instructions which he had received from the Navy Department.

It appeared to the Committee on Naval Affairs that the instructions contained in the circular of the Secretary of State before mentioned were those under which Paulding acted when he arrested Walker. No others apparently were ever given to him. The question which the committee considered, therefore, was, Did these instructions justify Paulding in arresting Walker and his followers at the time and under the circumstances stated? The committee found no difficulty in reporting that they did not.²

In concluding its majority report, the House Committee on Naval Affairs went on record as follows:

It is because we think the law ought thus to be maintained and enforced that we are for holding our officers to the strict line of their duty. A venial violation of instruction is pardoned to-day, perhaps applauded. "To-morrow the fatal precedent will plead," and another officer, panting

for the same applause given to his predecessor, will violate his instructions in some more important particular, and the country, by its own weak toleration of error, will be brought into trouble. Naval officers are not selected with a view to their skill in diplomacy, or their ability to arrange international systems. They are, or should be, selected with a view to their skill in naval matters, and the first requisite for all executive officers is strict obedience to orders.

Commodore Paulding has gone beyond his instructions in an important particular. He has adjudged General Walker to have been guilty, when the courts had not done so. He has entered upon the soil of Nicaragua to arrest him. He has done an act which is in itself an act of war. He has invaded the privileges of the authority designated by the Constitution as the war-making power.

We have every reason, however, to believe that he was actuated by patriotic motives. In arresting Walker, he did an act which he thought would be advantageous in its results. If he did evil, it was done, most likely, upon the misguided policy of deducing good from it. He believed that Walker had broken our laws; and if the privilege of sanctuary was violated to arrest him, he probably considered himself justified on the ground that the purpose was to bring an offender to justice. He might have thought that if the soil of Nicaragua was invaded, it was a sufficient apology that it was done to relieve her from a pest which she dreaded. These seem to have been his motives, and they may well go far to protect him from any harsh animadversion. His act we consider nevertheless an error, and a grave error. Lest, therefore, it might plead as a precedent for graver errors in future, it should, in our opinion, receive the disapproval of Congress.

A minority of the Committee on Naval Affairs, not being able to agree with the majority, reported that in their opinion Commodore Paulding was not only justified in capturing Walker and his associates, and returning them to the jurisdiction of the United States, but that, under his orders, such was his imperative duty. They said:

It is the duty of an officer strictly to obey orders from his superiors; but it is equally the duty of the superior to make the orders definite and precise. If the orders are general and vague, all that should be required of an officer is that he should, by a fair construction, gather their meaning, and then carry it strictly into execution. It is frequently a matter of complaint by officers of the army and navy that they are required to perform delicate duties under vague orders from a secretary of a department of the general government, an office usually administered by a civilian unaccustomed to the necessary precision of military orders. . . . The necessary and fair construction of this order [contained in the circular of the Secretary of State] was that the naval force was to be used *within* the threatened port, *within* the marine league, and *within* the local jurisdiction of a foreign power. The act required was one of police, to be

¹ Cong. Globe, *passim*, quoted in Scroggs.

² See House Rept. No. 74, 35th Cong., 1st Sess.

exercised at a port; and, therefore, the force must command the landing. . . . It is difficult in principle to distinguish between a seizure by our naval force of an American vessel and its crew within a foreign port and a seizure of the same crew after its landing. Both are a violation of the local jurisdiction, just as much under the local law, as the adjacent shore. Upon this point the authorities upon the law of nations and the municipal law agree. . . . The undersigned cannot reconcile why Commander Chatard should be suspended for failing to arrest Walker within the port of San Juan, and yet Commodore Paulding committed a "grave error" in arresting him on the nearly deserted shore of Punta Arenas, when both localities are within the jurisdiction of Nicaragua, and his arrest at either place had the hearty sanction of that government. . . . Under these circumstances, the undersigned state, as a correct principle of international law, that it was the duty of our government to capture this expedition wherever it could be done without a violation of the rights of a foreign power; and, acting in strict pursuance of his instructions to use "due diligence" and "legitimate means," it was the imperative duty of Commodore Paulding to arrest Walker and his associates, and return them to the jurisdiction of the United States, keeping in view, however, that in doing so he must not violate, without its consent either expressed or conclusively implied, the rights of a foreign power, and commit no unnecessary injury to the person seized. . . . All doubt about the consent of Nicaragua is removed by subsequent events. After this expedition had been arrested, instead of complaining of a violation of local jurisdiction, the minister of Nicaragua returned the thanks of his government for the act of Commodore Paulding, thus adding a subsequent ratification to the previous consent of that government.

It must be admitted that Commodore Paulding effected the arrest in a manner highly creditable to himself and the force under his command. The debarkation of this force was well conducted; it was sufficient to deter opposition, and this lawless foray was broken up without the shedding of human blood, and without a breach of the legal rights of any nation or individual.

The undersigned, therefore, do not concur in the opinion stated by the President, and sanctioned by the committee, that Commodore Paulding committed a grave error; but, on the contrary, are of the opinion that, if there was any error, it was in the vagueness of the orders under which Commodore Paulding was required to act. We regard his conduct as in accordance with the spirit of his orders, and highly creditable to him and his command, and is deserving the approbation of his country.*

While the verdict of posterity may express appreciation of Paulding's motives, the censuring of his act by the President and Congress should nevertheless be approved, and this regardless of any question of the merits or demerits of filibustering. That Paulding had no authority for his action, he himself appears to

*House Rept. No. 74, 35th Cong., 1st Sess.

admit in his correspondence with the Navy Department and with his wife. In his letter of December 11, 1857, to Secretary Toucey, he said: "In the course I have pursued, I have acted from my judgment, and trust it may meet with the approbation of the President." And in his letter of the 15th of December, speaking of the arrest, he says:

I could not regard Walker and his followers in any other light than as outlaws who had escaped from the vigilance of the government and left our shores for the purpose of rapine and murder, and I saw no other way to vindicate the law and redeem the honor of our country than by disarming them and sending them home. In doing so I am fully sensible of the responsibility I have incurred, and confidently look to the government for my justification. . . . Humanity, as well as law and justice and national honor, demanded the dispersion of these lawless men."

To his wife, Paulding had written:

I have taken strong measures in forcing him [Walker] from neutral territory. It may make me President, or cost me my commission."

And, finally, in a communication to Mr. Thomas F. Youngs, he made the following admission:

The circular order from the State Department . . . had been furnished to me. . . . Although its commands did not comprehend my taking these marauders on foreign soil, yet there, on an isolated sandbank, I found a set of lawless men, who, in defiance of the President's proclamation and all the requirements of the laws of our country . . . had disembarked under the American flag with the avowed purpose of making war upon a people with whom we were at peace. . . . What could I do but send them home? The honor of the country, law, justice, and humanity left me no other alternative."

If Paulding thought that his conduct was in strict obedience to instructions, he would surely not have been sensible of having incurred heavy responsibility. It is clear, therefore, that he went beyond his instructions, and that he did so with full knowledge of the facts. Moreover, if he sincerely believed that Walker was an outlaw and pirate, bent on rapine and murder, why did he address him as "General," share with him his mess and cabin, and send him all the way from Aspinwall to New York on his mere parole of honor?

"MS. Arch., Navy Dept., Home Sq., II, 61, quoted by Scroggs.

"Meade, p. 190.

"Meade, pp. 195-96.

A number of journals of the day ascribed Paulding's act merely to pique because his squadron had been outwitted, and the filibusters had dared to "talk back" to a captain of the navy."

Others ascribed it to the influence of the two British commanders on that station, who had dined with the commodore on the day previous to the arrest. The commander of the *Brunswick* had, in fact, offered to co-operate with Paulding in removing the party from Punta Arenas, but Paulding had declined his offer."

It has also been pointed out that Paulding was a warm friend of Davis, and was offended by Walker's criticism of his fellow officer."

It will be recalled, also, that during the previous summer, Paulding had been compelled to carry home from Aspinwall a large number of survivors of the siege of Rivas, and their sufferings and destitution were still vivid pictures in his memory when he resolved on Walker's arrest. It is probable that his conduct was influenced somewhat by all of these considerations, and that his motives were really more complex than he was willing to admit.

In censuring Paulding, it would seem that the administration was only following the precedent established in the case of Commodore David Porter, who in 1825 landed a naval force in Porto Rico and compelled the alcalde of a village to apologize for the insults offered to an American naval officer. For this, as is well known, Commodore Porter was censured and suspended from the naval service."

During all this time, Paulding had not been made acquainted with the pleasure of the Navy Department relative to the disposal of the stores and arms taken on board the *Wabash* and the *Saratoga* at Punta Arenas. Accordingly, under date of February 20, 1858, he wrote as follows to the Secretary of the Navy:

I know not how far it may be considered that I am responsible, personally or otherwise, for the course I pursued in breaking up the camp of William Walker and embarking his stores and munitions of war, and it will be apparent to the department that it is of so much importance to me as to

" See Wheeler Scrapbook No. 4, pp. 275, 278-79, quoted by Scroggs.

" MS. Archives, Navy Dept., Home Sq., II, 61, cited by Scroggs.

" Roche, cited by Scroggs.

" Scroggs, pp. 333-52, *passim*.

excuse my importunity in pressing the subject upon its decision. I would now, sir, respectfully request that the responsibility be assumed by the government, or, if this shall be declined, that I may be permitted to dispose of them in such manner as I may be legally advised.

In the course that I have pursued towards the lawless men at Punta Arenas, I had supposed the department would have conveyed to me whatever views it might have entertained; and, under all the embarrassing circumstances in which I have been placed in the performance of difficult and responsible duties, I cannot refrain from expressing my extreme regret that no sentiment that may have been entertained has reached me.

In connection with this subject it may be considered proper, in justice to myself, that I should observe that my whole proceeding, from the landing of Walker at Punta Arenas to the landing of Anderson in this ship [the *Wabash*] at Key West, was prompted by no other than strictly patriotic and national motives. Whilst it seems to have met the approval of the country, I am made to feel that I have not secured the approbation of the department. I cannot suppose that this was designed, yet all the circumstances connected with my recent service combine to make this impression on my mind.

Whenever it shall be the pleasure of the department, I deem it important to myself officially, and to the government, to be favored with an interview with the Hon. Secretary of the Navy and the President."

The Secretary of the Navy replied that the message of the President to the Senate, of the 17th of January, 1858, reviewed the whole subject of the seizure of Walker and his associates, and that the views of the President, as expressed in that message, were the views entertained by the department, and should have been so understood by Paulding. The requested interview with the authorities at Washington was also refused. As for the stores, arms, etc., taken on board the *Wabash* and *Saratoga* at Punta Arenas, the commandants of the New York and Gosport navy yards were instructed that they had no authority to detain the articles, and would therefore deliver them to the owner or owners who should present a sufficient title to them."

During the remainder of the administration, Paulding was in virtual retirement. As for Walker, acting upon the logical sequence of the President's opinion, as stated in his message to Congress, he demanded that the government of the United States should indemnify him for his losses, and, by granting free transportation to a new expedition, restore the *status quo ante*. Needless to say, the petition was not granted. Walker then instituted

" Senate Exec. Doc. No. 63, 35th Cong., 1st Sess.

" *Ibid*.

civil suits against Paulding, claiming damages for illegal arrest and detention, suits which lingered in the courts and were never adjudicated."

It was some comfort to Paulding, however, to know that he had the gratitude of Nicaragua. The Republic voted him a jewelled sword and 20 *caballerías* (about 670 acres) of land; and Congress, in 1861, gave him permission to receive the sword, but not the land, as the acceptance of the latter gift might prove a dangerous precedent. The sword was a magnificent one, the hilt and scabbard being solid gold chased in the most elaborate style, with the coat of arms of the state of Nicaragua beautifully embossed thereon, around which was the following inscription: "La Republica de Nicaragua al Comodoro H. Paulding." The scabbard and hilt were studded with 13 or more large amethysts, the native stone of Nicaragua, and on the blade was engraved the following: "Per su noble compartimento en Punta de Castilla el 8 December de 1857."

VII. THE END OF FILIBUSTERING, 1858-60

During the following two years (1858-1860), Walker continued his efforts to regain power in Nicaragua, his friends maintaining their unshaken confidence in his ability to succeed, as well as in the "destiny" which had lately played him such sorry tricks. On the 30th of October, 1858, President Buchanan found it necessary to issue a proclamation calling attention to certain plans of emigration companies intending to colonize Nicaragua, the leading promoter of this enterprise being Walker. The President warned the intending emigrants that they would not be allowed to carry out their project. The American naval forces in the Caribbean were again urged to vigilance. At the same time, Lord Napier notified Secretary of State Cass that any attempt of the filibusters to land at Greytown, or upon the Mosquito Coast, would be repelled by the British naval forces, and any attempt to land in Nicaragua proper, or Costa Rica, would be repelled if the governments of those countries so requested. Malmesbury, in London, also notified the American minister, George M. Dallas, that two British ships had been ordered to Greytown to intercept the fili-

¹ Roche, p. 167.

² Meade, p. 285.

busters, and asked that the American vessels in Central American waters be ordered to co-operate. A similar request was made of the French Government, which consented, and likewise ordered a naval force to Central American points. Cass, however, with his well-known European antipathies, naturally did not relish these measures of England and France, and notified Lord Napier and M. de Sartiges that such acts by their governments would arouse ill-feeling in the United States, and further complicate the existing Central American problems.

Commodore James M. McIntosh, who had succeeded Paulding in command of the Home Squadron, was cautioned, on November 17, by Secretary of the Navy Toucey, to be vigilant and intercept any unlawful expedition headed for Nicaragua. To avoid a repetition of the Paulding affair, McIntosh was ordered to interfere only at sea. "You will not do this within any harbor, nor land any part of your forces for the purpose."

But this stationing of warships in Central American ports to prevent the landing of filibusters, and then ordering their commanders to act only on the high seas, was again the occasion of much bewilderment to the naval officers concerned. They addressed frequent letters to the Department, asking further enlightenment as to their duties, and even setting forth hypothetical cases on which they desired the Department to prescribe a definite course of conduct. Needless to say, Toucey was never able to explain just how a warship lying at anchor, say, in Greytown harbor, should intercept a filibuster craft before it came within a marine league of the shore. At the same time, the officers were warned that they must not act on mere suspicion, and must not interfere with lawful commerce, injunctions which served still further to muddle the issue."

It was at this time, also, that Sir William Gore Ouseley was instructed by the British Government to negotiate with Nicaragua a treaty, one of the objects of which was to terminate the Mosquito Protectorate. Lord Napier, at Washington, imparted verbally to Secretary of State Cass the general sense of this projected treaty, and no objection was expressed by the United States Government to its negotiation. The British Government,

¹ House Exec. Doc. No. 24, 35th Cong., 2d Sess., cited by Scroggs.

² Scroggs, pp. 370-72.

however, deemed it indispensable that Sir William should be protected in the course of his negotiations by the presence of a naval force from any violence meditated by filibusters, and accordingly he took passage on board the British steam frigate *Valorous*.

The orders issued for Sir William's protection were considered by Cass to be incompatible with the Clayton-Bulwer treaty. The orders were to the effect that if the government of Nicaragua required, for their defense against filibusters, the active intervention of military power, a suitable armed force was to land, seize the offenders, and hand them over (if American) to the nearest authority of the United States, and having done this, to retire immediately. Lord Malmesbury held that these orders were justified, and declared that any attempt by filibusters to defeat the operations of Sir William would certainly be put down.

At the time of the arrival of the *Valorous* and the *Leopard*, there were two American warships at Greytown, the *Savannah* and the *Jamestown*. On the 18th of November, a town meeting was held in Greytown, and resolutions passed, requesting Sir William to assist the citizens and residents in maintaining their position as a free and independent government. This petition was presented to Sir William on the 19th, and a non-committal answer was returned to the Greytowners. Meantime, the arrival of the filibustering expedition was daily expected. On the afternoon of November 18, the steamer *Washington* arrived at Greytown, from New York, with 330 passengers, bound to California. She was duly inspected and passed by Captain Joseph R. Jarvis, of the *Savannah*. At 5.30 p. m., Colonel Childs proceeded up the San Juan River in the *Catharine Maria*, bound to Nicaragua, to try to obtain permission to carry the passengers over the transit to San Juan del Sur. At midnight, the *Catharine Maria*, not finding water enough, returned and went outside to the Colorado River.

Less than an hour after the arrival of the *Washington*, two officers from the British warship *Valorous* boarded her and asked her commander, Captain Churchill, the following questions: "Where from?" "How many passengers have you?" "How many days out from New York?" "Did you stop at any port on your way out?" These questions were duly answered. The officers then wished to look at the *Washington's* passenger list. Captain Churchill referred them to his purser. On

looking over the list, the British officers asked, "How many passengers have you?" The purser answered by, stating the number. "Are they all Americans?" "No; they are of various nations." "Are they armed?" "Not any to my knowledge." "Did the American officers who boarded you examine your hold?" "No." Mr. King, the first mate, who was present at the interview, remarked that if they (the British officers) wished any information on the subject, they might obtain it by applying to one of the American ships-of-war in the harbor. The officers replied that their instructions were to obtain their information direct.

About the same time, Captain Aldham, commanding the *Valorous*, having received a notification from the authorities of the Nicaraguan and Costa Rican governments that a hostile force had landed, or was about to land, in the Colorado River, and being requested to aid in preventing such landing, immediately despatched Captain Wainwright, in the *Leopard*, to ascertain if such was the case. In proceeding up the river, Captain Wainwright observed the *Catharine Maria* at anchor, and as he neared her perceived some persons on board with whom he was acquainted. He immediately went alongside, and going on board requested to be informed if they had heard or seen anything resembling filibusters in the neighborhood; and being answered in the negative, he left the *Catharine Maria* and returned to Greytown.

At about 9 p. m., the same day, Captain Aldham went on board the *Savannah* and asked Captain Jarvis what he thought of the steamer *Washington*. Jarvis replied he had no doubt of her being engaged in a lawful pursuit, and that her papers were all correct. Captain Aldham said he thought so too; but that he had heard a report that she had landed at the Colorado River over 200 men, under the command of General Henderson. Jarvis thereupon told him he did not believe a word of it, that it was all humbug; and Aldham promptly agreed with him.

On the evening of the 25th, Commodore McIntosh arrived at Greytown in his flagship, the *Roanoke*. The *Savannah* was still lying in the river, but the *Jamestown* had left a few days before. Upon learning the facts from Captain Jarvis, Commodore McIntosh, thinking that this might be a case of unlawful visit and search of American vessels on the part of the British naval forces,

took immediate steps toward demanding an explanation. He was determined to protect the honor of our flag, in case it should become necessary. The following correspondence was the result:

FLAG-SHIP "ROANOKE."

OFF SAN JUAN DEL NORTE, November 26, 1858.

SIR: I enclose to you the copy of a report made to me to-day by Captain Joseph R. Jarvis, commanding the United States ship *Savannah*. It relates, as you will perceive, to the visit to the American steamer *Washington* by two of the officers of Her Britannic Majesty's Navy, attached to the ship under your command. I have also a verbal [?] oral report relative to the boarding by Captain Wainwright, of her Britannic Majesty's ship *Leopard*, of the American steamer *Catharine Maria*, in the Colorado River, in search, it is said, of filibusters.

Of the last act I am as yet but imperfectly informed. In both cases, however, quite enough has been ascertained to cause me deep regret at the course pursued, and much anxiety, if persevered in, or again repeated, of maintaining the peaceful relations at present existing between our two governments.

My instructions are most rigid in relation to the boarding, delaying, or examining of American merchant vessels by the vessels-of-war of any other nation, and I see no difference between the doing so, whether in search of filibusters or Africans."

They look to no such difference, and it cannot for a moment be admitted. These instructions must be executed to the extent of the power intrusted to my command, and I assure you that it will be most agreeable to me if it can be done without the slightest misunderstanding in relation to our respective duties, and still preserve the peaceful relations which now, and I hope may continue to, exist between our two nations. To secure this most desirable end, vessels under the American flag calling at the ports of Central America must be exempted from visit or search on any account.

A part of my duty here, with a portion of the squadron under my command, is to prevent the landing in Nicaragua, Costa Rica, and the other republics of Central America, of all filibustering or other illegal expeditions, should any attempt it, from the United States, under the American flag; and the officers in command of the ships of my squadron are strictly instructed upon this point. There can, therefore, be no possible excuse for the interference by the ships-of-war of Her Britannic Majesty's Navy with vessels under the American flag, and it is to be hoped that the officers commanding them will desist from creating all unnecessary excitement and the danger of an interruption to the good understanding which at present exists, particularly as I received, under date of the 7th July last, the assurance of Commodore Kellett that he had issued instructions to the respective

"Similar acts, involving visit and search of American ships by the British naval forces, had taken place shortly before around the Island of Cuba, and had been promptly resented by the United States.

captains and commanders of the ships and vessels under his orders "to cease visiting or interfering with American vessels in these waters."

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES MC. MCINTOSH,

Flag Officer, Commander-in-Chief Home Squadron.

SIR W. C. ALDHAM, K. C. B.,

Commanding Her Majesty's Steam Frigate *Valorous*.

HER MAJESTY'S SHIP "VALOROUS,"

Greytown, November 28, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, enclosing a copy of a report made to you by Captain Jarvis, of the United States ship *Savannah*, relating to the visit, on the 17th instant, of two officers of Her Majesty's ship under my command to the American steamer *Washington*, which had just anchored at this port.

In reply, I must express my regret that you should consider the act of visiting an American merchant vessel within this port, which is under the protection of Great Britain, for the purpose of obtaining the information which is usually required by all civilized nations from vessels entering their harbors, or those under their protection, or in any friendly port, in the same light as the delaying, boarding, and examining of an American vessel on the high seas in search of slaves or pirates; and I still more deeply regret that my acting in accordance with established usages in this respect should cause you to apprehend any such grave dangers as that to which you allude.

I trust to remove from your mind any misunderstanding as to my acts and intentions, and beg to assure you that in carrying out my instructions, which are of a similar nature to those which you have received from your government, and which you have been kind enough to communicate to me, it will be my earnest endeavor and my most pleasing duty to act in a spirit of perfect frankness and cordiality with the flag officer, or any other officers of the United States forces on the station.

There are some circumstances which appear to have escaped your attention, and which I beg to bring to your notice.

The *Washington* had been boarded by the United States ship *Savannah* previous to my sending a boat to her, and as she had been permitted to enter the harbor, it was evident, judging from the declarations of the United States Government against all illegal invaders, that she was not employed by the filibusters, for in that case she would have been forbidden to enter the port.

After the *Washington* had anchored in this port, the usual and natural course of sending to make inquiries and obtain news was followed. No prohibition of all friendly intercourse between American merchant or passenger vessels and Her Majesty's ships had been made known to me; such intercourse is customary in times of peace among all civilized nations, and is never objected to by Her Majesty's officers when practiced by United States men-of-war to English merchantmen.

I beg to point out that such a hostile prohibition would have been in the present case highly inconvenient to some of the passengers on board who

are English subjects, one of them, indeed, a British functionary proceeding with his family to one of Her Majesty's possessions on the Pacific coast, and unless in case of actual warfare, such prohibition of intercourse appears quite unusual. None such now exists on board Her Majesty's packets with respect to foreign men-of-war, either in this harbor or elsewhere.

I have to thank you, sir, for imparting to me the gratifying nature of your instructions respecting the filibusters, or others illegally attacking nations with whom our respective governments are in peaceful relation; such an honorable course was to be expected from the well-known disposition and declaration of the United States Government; and it is highly satisfactory to me to acquaint you that my instructions are to a similar purport, and are actuated by the same spirit.

In order to convince you of the perfect frankness and cordiality with which I am desirous to act towards you, I will, if you will allow me to trespass still further on your time, lay before you at once, and without waiting till you communicate to me formally the reports on the subject which, as yet, have only reached you verbally [*? orally*], a clear statement of the circumstances under which I directed Captain Wainwright, of Her Majesty's ship *Leopard*, to proceed to the Colorado River.

Having received a notification from the authorities of the Nicaraguan and Costa Rican governments that a hostile force had landed, or were about to land, in the River Colorado, with a request that I would aid in preventing it, I immediately despatched Captain Wainwright, in the *Leopard*, to ascertain if such was the case.

Captain Wainwright left this port late in the afternoon of the 18th instant, and, it being dark, mistook the entrance of the river, and anchored two or three miles to the southward of it. At daylight he weighed and anchored off the river, and in his own boat, accompanied by two others, pulled into the river, examining the banks on either side to see if there were any traces of a landing having taken place. In proceeding up the river, he observed the *Catharine Maria* at anchor, and as he neared her perceived some persons on board with whom he was acquainted. He immediately went alongside, in his own boat only, and going on board requested to be informed if they had heard or had seen anything resembling marauders or filibusters in the neighborhood; and being answered in the negative, Captain Wainwright left the *Catharine Maria* and returned to his own ship, weighed, and was at anchor again in this port by noon of the nineteenth.

I trust, sir, that this frank explanation of the circumstances to which your letter alludes, will convince you that I have acted in no spirit of interference with American merchant vessels, and have not arrogated to myself any right which is not conceded by universal custom to the commanding officer of the naval forces in a port belonging to, or placed under the protection of, his own nation.

I have the honor to be, sir, with great respect, your most obedient servant.

W. CORNWALLIS ALDHAM, *Captain*.

FLAG OFFICER JAMES MC. MCINTOSH,
Commander-in-Chief Home Squadron, U. S. Ships.

FLAG-SHIP "ROANOKE," OFF SAN JUAN DEL NORTE,
November 29, 1858.

SIR: I have the honor to acknowledge the receipt of your communication under data of the 28th instant.

As a justification of your act in sending officers from your ship to visit and examine American merchant vessels entering the port of San Juan del Norte, you inform me that "this port is under the protection of Great Britain." I am not, however, aware that my government has ever acknowledged such protection. On the contrary, my government has always repudiated it. The first article of the Clayton-Bulwer convention distinctly disavows it. I quote therefrom: "Agreeing, that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

If Her Majesty's vessels board our merchant vessels for the purpose of examining the papers and cargo of those which enter the port of San Juan del Norte, as the officers from the *Valorous* did, then you "assume" to "exercise dominion," which the Clayton-Bulwer convention distinctly disclaims. Such construction I cannot for one moment recognize until further advised by my government; and, consequently, I must act under my present instructions, the tenor of which were [was] communicated to you in my letter of the 26th instant.

I beg to express to you my entire satisfaction with your explanation in respect to the visit of Captain Wainwright, of Her Majesty's frigate *Leopard*, to the American steamer *Catharine Maria*, in the Colorado River, and of which visit I stated to you that I was but imperfectly informed, but which I find, from your frank and clear representation, and for which I thank you, was very much exaggerated.

I regret, however, to find that I am misunderstood by you as objecting to a friendly visit from one of Her Majesty's ships-of-war to an American vessel in this or any other port. Such was not my objection, for I am aware that it is customary to make such visits by the vessels-of-war of all nations, and they are constantly made to Her Majesty's mail-packets by the ships of my squadron; but they are simply acts of courtesy, with offer of services, etc. The *Washington* had been boarded by an officer from the United States ship *Savannah*, in obedience to my instructions to Captain Jarvis in relation to all American vessels bound into the river, or that should appear off this port, and she was strictly examined, particularly as to improper persons who might be forcing themselves into Nicaragua and Costa Rica.

She was found to be in all respects regularly cleared, her passengers unexceptionable, and she was therefore permitted to enter the river. Under other circumstances, the *Washington* would have been, as you justly infer, prevented from going in. A friendly visit from a boat from your ship after the *Washington* had anchored would never have been made by me the

*The italics are in the original.

subject of complaint. But the inquiries which were propounded by the boarding officers from your ship looked at once into a thorough investigation and examination of the ship, and to the manner in which the United States officers had performed their duties. This I considered as exceeding what would be characterized as a friendly visit, to which I called your attention, and which I am constrained still to consider as unnecessary on the part of the officers under your command.

I trust, however, from the frank and friendly tenor of your letter, and which I assure you in no one point exceeds my own, that we shall have no interruption to our friendly relations in the execution of our respective duties.

I have the honor to be, sir, with great respect, your obedient servant,
JAS. MC. MCINTOSH,

Flag Officer, Commander-in-Chief, Home Squadron.
SIR W. C. ALDHAM, K. C. B.,
Commanding Her Majesty's Steam Frigate *Valorous*."

Shortly afterwards, Captain Aldham, together with Mr. Synge, Sir William Gore Quseley's secretary of legation, visited Commodore McIntosh on board the *Roanoke*. Captain Aldham and the commodore conversed most frankly upon the subject of the *Washington*. Aldham declared his having no intention of interfering with American vessels; also his great desire to act in concert with McIntosh in endeavoring to prevent the landing of filibusters; that he could not possibly see the slightest cause for the apprehension of any difficulty; and that so far as he was concerned there should be none. With Mr. Synge the conversation was equally frank. He, however, distinctly maintained that England had never abandoned the protectorate over the harbor of Greytown, but declared that he believed before the following first of January the whole matter would be finally settled. He declared, moreover, that as to boarding and searching American vessels, they had already abandoned it, not from fear or pusillanimity, but because England felt she could do so honorably, and ought to do it, and it was not probable it was going to be revived; that there was certainly nothing secret or mysterious in Sir William's mission, as it was well understood in Washington;" and that no officer in Her Britannic Majesty's service would be less likely to do any act

" House Exec. Doc. No. 11, 35th Cong., 2d Sess.

" Shortly after his arrival at Greytown, McIntosh received a private note of a most friendly character from Sir William, in which he stated that he had had interviews with both the President and the Secretary of the Navy just previously to his leaving the United States.

which could be construed as offensive, or as an interference with us, than Captain Aldham. In this conversation, the commodore had little to say, for his position had been taken in his correspondence, and he desired there to leave it.

In view of all these considerations, Commodore McIntosh had not the slightest reason to believe that another case such as had occurred on board the *Washington* would be repeated. He did believe, however, that had Captain Aldham been left entirely to his own judgment, such a proceeding would not have occurred at all.

The *Washington* left Greytown for Aspinwall on the 26th of November, and from there returned to the United States with a large portion of her deceived passengers, verifying the fact that the transit route across the Isthmus was effectively closed."

On December 1, 1858, Walker's new filibustering expedition sailed from Mobile, in spite of the President's proclamation. But it was brought to a sudden and wholly unlooked-for termination by the vessel being wrecked in a gale off the coast of Honduras. Walker and his party were rescued by a British warship which happened to be in the vicinity, and brought back to the United States.

No further attempt at filibustering was made by Walker until September, 1859, when the guns of a United States frigate were brought to bear on the steamer *Philadelphia*, at New Orleans, forcibly compelling her passengers to disembark. About the same time, Lord Lyons, the British minister at Washington, notified the administration that his government had resolved to interfere in repelling forcibly any future attempts of Walker against Nicaragua. A fleet of British vessels of war was permanently stationed at Greytown, while a similarly strong force guarded the Pacific approaches. The United States also kept a strong force in the Caribbean, to watch the movements of the exiled president of Nicaragua. "Napoleon was hardly more of

" In compliance with a resolution of the House of Representatives of December 13, 1858, the President communicated the documents "respecting the reported recent acts of visitation, by officers of the British Navy, of American vessels in the waters of the Gulf of Mexico." These documents were printed as House Executive Document No. 11, 35th Congress, 2d Session.

a nightmare to the Holy Alliance than was Walker to the two powerful countries which did him the honor of this surveillance."

The evident impossibility of running the gauntlet of the British and American warships in the Caribbean, determined Walker to seek a new pathway to his cherished goal. That way, he decided, lay through the exposed part of the enemy's territory, namely, the eastern coast of Honduras.

It seems that at this time the Island of Ruatan was not under the usual British man-of-war captain's sovereignty, but owed a nominal allegiance to the Republic of Honduras. Upon the ever-ready invitation of some of its inhabitants, Walker prepared to use it as a base of operations against his former enemy, President Alvarez, and as a stepping-stone to the real point of attack. In the early part of August, 1860, having made arrangements for a strong body of reinforcements to follow and join him at Truxillo, he sailed in the schooner *Clifton* from Mobile, with a force of about 100 men, and landed at Ruatan on the 15th of that month.

The capture of the town of Truxillo, on the mainland, was but the work of half an hour. But scarcely had the town been occupied, when a British war-steamer, the *Icarus*, appeared on the scene. Captain Norvell Salmon, her commander, at once demanded the surrender of the town, promising, in case of compliance, to carry the filibusters back to the United States, and threatening to open fire on the town if it were not surrendered. Walker determined to evacuate Truxillo, which he did the following night, retreating down the coast with only 70 men. The *Icarus* lost no time in starting in pursuit. At the mouth of the Rio Negro, Captain Salmon learned that Walker lay encamped at the Indian village of Lemas, whither the boats of the *Icarus* were immediately sent. To Captain Salmon's demand for unconditional surrender, Walker replied with the inquiry, whether he was surrendering to the British or to the Hondurans. Captain Salmon twice assured him that it was to Her Majesty's forces, whereupon the filibusters laid down their arms and were conveyed on board the *Icarus*.

But on arriving at Truxillo, Salmon turned his prisoners over to the Honduran authorities, despite the prisoners' protest and demand for trial before a British tribunal. Salmon disdained to

²⁰ Roche, p. 172.

argue the case, although he so far interested himself as to secure the pardon of all except the leader and one faithful follower, Colonel Rudler. Salmon also offered to plead for Walker, if the latter would ask his intercession as an American citizen. But Walker, with the bitter remembrance of all the injuries which his nativity had brought upon him, thanked his captor, and refused to demean himself by denying the country which had adopted and honored him. He was arraigned before a court-martial on the 11th of September, 1860, and after a brief examination was condemned to die by a fusillade next morning. Thus perished the last of the filibusters.²¹ Walker's followers, all except one, were kept in the custody of the British. Eleven were sent home by way of Havana, and 57 of them were taken direct to New Orleans in Her Majesty's ship *Gladiator*.²²

The action of Commander Salmon, in receiving Walker's surrender and then delivering him over to the tender mercies of the Hondurans, was nothing less than treachery of the basest sort, and entirely inconsistent with the high sense of honor that has usually characterized the officers of the British naval service. Had Walker known the real intentions of Salmon, he would undoubtedly have fought to the end, and have died like a soldier, rather than like a felon. Granting even that Walker was no better than a pirate, Salmon had given him an officer's word, and he tarnished his epaulets when that word was broken.²³

Aside from the imbroglios in which the United States Navy was thus involved, these various filibustering enterprises, by reason of their failure, were productive only of evil consequences to all concerned. They were injurious to private capital in the United States; they caused enormous destruction of life and property; they created a suspicion in Central America against the American people which persists to this day; they came near causing war between Spain and the United States, as well as between Great Britain and the United States; and, lastly, they prevented inter-oceanic communication by way of the San Juan River, and delayed indefinitely the regeneration of Nicaragua.

²¹ Roche, pp. 173-78.

²² Scroggs, p. 393.

²³ Scroggs, p. 392.